



CITY OF CARTERVILLE PLANNING & ZONING LAND USE REGULATIONS

ZONING REGULATIONS

AREA REQUIREMENTS

UTILITY CONNECTIONS

SUBDIVISION REGULATIONS

MOBILE HOME REGULATIONS

INFRASTRUCTURE MAPS

SUPPORTING DOCUMENTS

COMPREHENSIVE PLAN

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LAND USE REGULATIONS

1. ZONING

Section 1-1. Title and Intent.

1. Contained herein is the city's zoning ordinance. These regulations shall be known as the Zoning Ordinance of the City of Carterville, Missouri, may be cited as these regulations.

Intent: These regulations, adopted pursuant to the provisions of RS MO 89.010, et. seq., are intended to serve the following purposes:

- a) To promote the health, safety, quality of life, comfort and general welfare of the City.
- b) To preserve and protect property values throughout the City.
- c) To restrict and regulate the height, number of stories, and size of structures; the percentage of lot coverage; the size of yards, courts, and other open spaces; and the density of population.
- d) To divide the City into zones and districts.
- e) To regulate and restrict the location and use of structures and land within each district or zone.

Section 1-2. Rules and definitions

A. Rules of construction and interpretation:

(1) In the construction of these regulations, the provisions and rules of this chapter shall be preserved and applied, except when the context clearly requires otherwise:

- a) Words used in the present tense shall include the future.
- b) Words in the singular number include the plural number, and words in the plural number include the singular number.
- c) The phrase "used for" shall include the phrases "arranged for,=" "designed for,=" "intended for,=" "maintained for,=" and "occupied for"
- d) The word "shall" is mandatory.
- e) The word "may" is permissive.
- f) The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
- g) The word "Committee" means the planning and zoning committee.

- h) Unless otherwise specified, all distances shall be measured horizontally.
- (I) The word "City" means City of Carterville, Missouri.
- (j) The words "governing body" shall mean the City Council of The City of Carterville, Missouri.
- (k) The abbreviation N/A means not applicable.

B. Interpretation

1. **Minimum Requirements:** In their interpretation and application, the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, quality of life and welfare.
2. **Overlapping or Contradictory Regulations:** Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by other provision of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.
3. **Private Agreement:** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
4. **Unlawful Uses:** No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

(C) Definitions

For the purpose of these regulations, certain terms and words are hereby defined as follows:

Accessory building. A subordinate building having a use customarily incident to and located on the same lot as the main building. A building housing an accessory use is considered part of the main building when it has any part of a wall in common with the main building or is under an extension of the main roof.

Accessory use. A use incidental to the principal use of a building. In buildings restricted for residential use, an office used for family occupations and workshops not conducted for compensation shall be deemed accessory uses.

Agricultural use. The growing of crops in the open and the raising of permissible stock and poultry as are incidental to the acreage farmed provided, however, that such land shall consist of at least two (2) acres in one parcel or in contiguous parcels under common ownership or operation. The raising of furbearing animals, riding academies, livery or boarding stables or dog kennels shall not be deemed an

agricultural use.

Alley. A minor permanent public service-way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Alteration. Any addition, removal, extension or change in the structural parts of a building, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Apartment house. A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

Basement. A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half (1/2) of its height is above the average level of the adjoining ground.

Billboard, sign board. Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from said display.

Building. The word "building" shall be construed to include any structure.

Building, front line of. The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or not, but does not include steps.

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

Building area. The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Building line. A line across a lot establishing the minimum open space to be provided between the buildings and structures and the street property line.

Building, principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Child care facility. A house or other place conducted or maintained by any person who advertises or holds himself out as providing care for more than four (4) children under the age of seventeen (17) during the daytime, for compensation or otherwise, except those operated by a school system or in connection with a business establishment as a convenience for its customers or employees, provided, however, that this determination shall not apply to any person, firm, or institution not required to be licensed under Missouri law.

Day care home. A family home, occupied as a permanent residence by the day care provider, in which family-like care is given to no more than ten (10) children, not related to the day care provider, for any part of the twenty-four (24) hour day.

Day care center. A facility other than the provider's permanent residence, or separate from the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children for any part of the twenty-four (24) hour day

City clerk. The Carterville City Clerk or designated representative.

Comprehensive plan. A plan for the development of all or part of the territorial jurisdiction of the city, as adopted in accordance with this regulation and the laws of the state, including studies pertaining to land use, schools, parks, subdivisions, streets, and public buildings.

Coverage. That percentage of the plot or lot area covered by the building area.

Cul-de-sac. A short street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Dog kennel. The keeping of more than three (3) dogs that are more than six months old.

Dump. A parcel of land used primarily for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Dwelling, residence. A building or portion thereof designed exclusively for residential occupancy, including one or more family residences, but not including hotels, boarding, and rooming houses.

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

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

Dwelling, multiple family. A building or portion of a building designed for or occupied by three or more families living independently of each other.

Easement. A grant by the property owner of a right to use some, part, or all of the subject property for some specified purpose, said grant being to and for the use of the public, a corporation, or persons.

Family. One or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons (excluding servants) not all related by blood or marriage, occupying premises and living as a single non-profit house-keeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use.

Filling station. Any area of land, including any structure or structures thereon used or designed to be used for the supply of gasoline or oil or other fuel (not including liquid petroleum gases) for the propulsion of vehicles.

Frontage. All the property fronting one side of street between the two nearest intersecting streets, or

other natural barrier.

Garage, private. An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein for more than one car is leased to a non-resident of the premises.

Habitable floor. Any floor used for living, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

Highest adjacent grade. The highest natural elevation of the ground surface prior to the construction next to the proposed walls of a structure.

Home occupation. Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings, provided, that incidental trading in merchandise is carried on and in connection with which there is no display of merchandise or sign other than one non-illuminated nameplate not more than two square feet in area, which said sign is attached to the main or accessory building; and further provided that no mechanical equipment is used, nor any activity conducted that creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted.

Junkyard. A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition.

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

Lot. A unit of land defined as such for the purpose of development or the transfer of ownership, occupied or to be occupied by a building, or unit group of buildings, and accessory buildings, together with such yard or other area required by this regulation, and having its principal frontage upon a street or as approved by the city.

Lot, corner. A lot, or portion thereof, not greater than one hundred feet in width and situated at the intersection of two or more streets, having an angle of intersection of not more than 135 degrees.

Lot, interior. A lot whose side lines do not abut upon any street.

Lot, through. A lot other than a corner lot abutting upon two or more streets.

Lot depth. The horizontal distance between the front and rear lot line, measured along the median between the two side lot lines.

Lot line. The line bounding a lot as defined herein.

Lot width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at the building line.

Mobile home. A vehicle, trailer, or other structure transportable in one or more constructed sections, which when erected on a site measures ten (10) feet or more in width and forty (40) feet or more in length and is designed to be used as a dwelling, with or without a permanent foundation, and includes the plumbing and electrical systems contained therein. The term mobile home shall not include the term recreational vehicle as hereinafter defined. So-called modular homes, constructed in an off-site location and then erected on-site, are not considered mobile homes.

Mobile home park. A parcel, or contiguous parcel, of land which has been divided in two or more lots for rent or sale and the placement of mobile homes.

Mobile home space. A plot of ground within a mobile home community or park which is designed for and designed as the location for only one mobile home and not used for any other purposes whatsoever other than the customary accessory uses thereof.

Permit. A written authorization of the city to allow location, establishment, and/or maintenance of a mobile home within the city limits.

Recreational vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another motorized vehicle. The basic entities contained within this term are travel trailer, camping trailer, truck camper, and motor home.

Motor vehicle repair shop. A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

Nonconforming use. A building, structure or use of land which does not conform to the regulations of the district or zone in which it is situated.

Overlay district. A district in which additional requirements act in conjunction with the underlying zoning district or districts. The original zoning district designation and requirements do not change.

Person. Any individual, firm, trust, entity, partnership, public or private association, or corporation

Plat. A map, plan or chart of the city, indicating the subdivision or re-subdivision of land, intended to be filed for record, and showing the location and boundaries of individual properties.

Plat, final. A finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording, including the bill of assurance.

Plat, preliminary. A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all aspects, but is not in final form for recording and the details are not completely computed.

Sign. Any words, numerals, figures, devices, designs, or trademarks by which anything is made known, such as are used to designate an individual, a firm, profession, business or commodity and which are visible from any public street or air.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and ceiling next above it. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half story when between fifty (50) and seventy-five (75) percent of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air.

Street. Any public or private right-of-way which affords the primary means of access to abutting property.

Street easement. All paved, unpaved, and utility casements.

Street line. The legal line between street right-of-way and abutting property.

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

Subdivider. Any person, individual, firm, partnership, association, corporation, estate, or trust, or any other group, entity or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and including any agent of the subdivider.

Subdivision. Any division of a lot, tract, or parcel of land either by platting or other means into two or more lots or parcels for purpose of transfer of ownership or development, including the combination or recombination of two or more previously platted lots.

Territorial jurisdiction. All land lying within the corporate limits of the City of Carterville.

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

Variance. A variation from a specific zoning requirement applied to a specific piece of property, as distinct from rezoning.

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width or depth of yard, the least distance between the lot line and the building shall be used.

Section 1-3. Violations and penalties.

- (A) In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building structure or land is used in violation of the zoning ordinance or other regulation made under authority conferred thereby, the city, through its designated representative(s), in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by the city which is empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the zoning ordinance.
- (B) The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten (10) dollars and not more than one hundred (100) dollars, for each and every day that such violation shall continue, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred (100) dollars, and not more than two hundred and fifty (250) dollars, for each and every day that such violation shall continue.
- (C) Any such person who, having been served with an order to remove or to ease any such violation, shall fail to comply with said order within ten (10) days, or a time limit commensurate with the violation as determined by the city, after such service and shall continue to violate any provision of the zoning ordinance in the respect named in such order shall be subject to a civil penalty of two hundred and fifty (250) dollars, and each day that such failure to obey said order continues shall be a separate offense.

Section 1-4. Jurisdiction over request involving land use regulations.

- (A) ***Variances.*** In the event that a request for a building permit has been denied by the city through its designated representative, appeal of such denial may be made by application for a variance to the City Council under the procedures set forth in Section 1-8. Variances are permitted only as to certain site requirements in areas zoned residential and commercial.
- (B) ***Special use permits.*** Applications for special use permits shall be made to the Planning and Zoning Commission under the procedures set forth in Section 1-10. Only those uses listed in Section 1-9 may be subject of any application for special use permit.
- (C) ***Amendments to zoning district map.*** Application for amendments to the zoning district map, or so-called "rezoning*" requests, shall be made to the Planning and Zoning Commission under the procedures set forth in Section 1-10.
- (D) ***Amendments to zoning ordinance.*** Application for amendments to rules, regulations, and requirements contained in the text of the zoning ordinance, other than requests for specific site variance, shall be made to the Planning and Zoning Commission under the procedures set forth in
- (E) ***Use upon review.*** In certain zoning districts, specifically listed uses are permitted upon review.

Requests for review shall be made to the Planning and Zoning Commission under the procedures set forth in Section 1-9.

- (F) ***Appeals of building official actions.*** Application for appeal of building official actions shall be made to the City Council under the procedures set forth in Section 1-8.

Section 1-5. authority to zone.

- (A) The legislative body of all cities, towns, and villages is empowered to zone "for the purpose of promoting health, safety, morals, or the general welfare of the community..." (RSMo 89.020)
- (B) "Such regulations shall be...designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with... a view to conserving the values of buildings and encouraging the most appropriate use of land throughout such municipality." (RSMo 89.040)

Section 1-6. Planning and Zoning Commission, constituted.

The Planning Commission membership shall consist of seven (7) property owners within the city; one (1) council member, the Mayor, one (1) city official (building official), and four (4) citizens at large. The terms for the citizens are four (4) year staggered terms, with the following such appointment shall be made by the Mayor. All members shall be removable for cause by the City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired terms of any members whose terms become vacant. The Commission shall elect its own chair who shall serve for one year. The Commission shall adopt rules and regulations to regulate its proceedings. Meetings of the Commission shall be held at the call of the chair and at such other times as the Commission may determine. Such chair, or in his absence, the acting chair, may administer oath and compel the attendance of witnesses. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon question, or, if absent or failing to vote, an indication of actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. All testimony, objections thereto, and rulings thereon, shall be taken down by a secretary elected by the Commission for that purpose.

Section 1-7. Planning and Zoning Commission, powers and duties.

- (A) The Commission shall not have the power to change the classifications of the property as shown on the official zoning map or make any changes in the regulations of these regulations but shall interpret the regulations and authorize variations thereof pursuant to the following powers and duties.
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision of determination made by a building official in the enforcement of these regulations.
 2. To interpret and vary the application of site requirements imposed by the zoning ordinance where variances are permitted. Variances are currently permitted only in areas zoned residential and commercial.
 3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the zoning ordinance, to vary or modify the application of any of the regulations or provisions of the zoning ordinance relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the zoning ordinance shall be observed, public safety and welfare secured and substantial justice done.
- (B) In exercising the above mentioned powers, the Commission may in conformity with provisions of RSMo 89.010-140, as amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the building official from whom the appeal is taken. The concurring vote of four members of the Commission shall be necessary to reverse any order, requirement, decision, or determination of the building inspector or official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

Section 1-8. Planning and Zoning Commission, appeals and procedures.

- (A) Appeals to the Commission may be taken by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of the building official. Such appeal shall be taken within ten days by filing with the official from whom the appeal is taken and with the Planning and Zoning Commission a notice of appeal specifying the grounds thereof. A fee of five (5) dollars, plus the cost of publication required herein, shall accompany such notice of appeal. The official from whom the appeal is taken shall forthwith transmit to the Commission all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the actions appealed from, unless the official from whom at the appeal is taken certifies to the Commission after the notice of appeal shall have been filed with him that by reason of facts stated in the certification a stay would, in his opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Commission or by a court of record on application or notice to the official from whom the appeal is taken and on due cause shown. The Commission shall fix a time for the hearing of the appeal within thirty (30) days following receipt of same, give public notice thereof, by publication, in a local newspaper of general circulation in the city not less than five (5) nor more than fifteen (15) days prior to the date of said hearing. In addition, the building official shall post notice of said hearing and the reasons therefor by placing a sign on the subject premises. Upon the hearing, any party may appear in person or by agent or by attorney.
- (B) The Planning and Zoning Commission shall render decisions under this section only on appeals from an action of the building official. The Commission shall take action only when it has determined that a permit has been incorrectly issued or denied, or when it has determined that the regulations have been incorrectly interpreted, or when the appellant proves undue and unnecessary hardship due to a provision or provisions herein contained as applied by the building official to a specific lot or tract. In case an unnecessary or undue hardship, due to peculiar characteristics of a specific lot or tract, is proven, the Commission may issue a variance signed by the chair, and setting out any conditions to be met. A copy of the variance shall be sent to the building official who shall issue a building permit setting out the terms of the variance. In no case shall the Commission issue a variance or an order permitting a use to be placed in a district in which it is not permitted in these regulations, except on appeal of a decision by the building official or as permitted by Section 1-7 (A)(2). In no case shall the Commission decide an appeal from an action of the Planning and Zoning Commission. The concurring vote of four of the Commission shall be necessary to effect a decision. In all cases, the spirit and intent of these regulations shall be observed, public safety and welfare secured and substantial justice done.
- (C) Any person or persons jointly or severally aggrieved by any decision of the Commission or any officer, department, board, or bureau of the city may present to the Circuit Court a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the ground of the illegality. Such petition must be presented to the Court within thirty (30) days after the filing of the decision of the Commission in the office of the City Clerk, and thereafter proceedings shall be had thereon as provided by RSMO 89.010-140, as amended.

Section 1-9. Special uses and uses upon review.

- (A) ***Special use permit.*** Any of the uses listed in Appendix 1 may be located in any district by special use permit of the City Council after public hearing, and after recommendation of the Planning and Zoning Commission, under such conditions as to operation, site development, signs, and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of the neighboring property, and will conform to the general intent and purpose of these regulations and shall comply with the height and area regulations of the district in which they may be located, unless otherwise granted, provided that any building or structure constructed thereon which is not otherwise permitted in the district in which such land is situated shall reconform to the district upon the date of expiration of the special use permit. Any such permit shall be valid for the length of time determined by the Planning and Zoning Commission.
- (B) ***Uses upon review.*** In zoning districts where specifically listed uses are permitted upon review, requests for such shall be made to the Planning and Zoning Commission by written application filed with the City Clerk. Such request shall be forwarded by the City Clerk to the Planning and Zoning Commission and shall be heard by the Commission at the next practicable regularly scheduled meeting. In determining whether to permit such use, the Commission shall be governed by the following:
1. No public hearing is necessary but one may be granted upon request by the applicant, in which case the request shall be treated as an application for amendment of the zoning ordinance and governed by the applicable procedures outlined in Section 1-10 (B).
 2. Upon motion by the Commission or upon request by the applicant, the request for a use permitted upon review may be redesignated as an application for an amendment, and in any event, any request denied under this procedure may re-apply under the procedures governing amendments.
 3. The request shall be accompanied by a fee of five (5) dollars, plus the cost of publication in the event a public hearing is to be held.
 4. Approval by the Commission shall be given where it is evident that requested use upon review will conform in all respects to the requirements and governing intent of the zoning district in which such land is situated.

Section 1-10. Procedure for special use permits or amendments to the zoning district map.

- (A) Application for amendment, revision or change of the zoning district map of the city may be made by any person, or his agent, who owns the land sought to be rezoned, or who is purchasing said land under written contract with the owner. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner. Such application shall be made in letter form describing the amendment, revision or change requested, along with map exhibits identifying the property, to the City Clerk.

- (B) Applications for amendment, revision or change of any of the rules, regulations or provisions of the text of the zoning ordinance of the city, other than the zoning district map, or application for a special use permit, may be made by any interested person, in letter form describing the amendment, revision or change, to the City Clerk.
- (C) A fee of five (5) dollars shall accompany each application, and in addition to the filing fee, the applicant shall pay the cost of publication and certified mail, if any.
- (D) All such applications shall be set down for hearing before the Planning and Zoning Commission not later than the second regularly scheduled meeting of the Commission from the date of filing the same. Any such hearing, for good cause, at the request of the applicant or in the discretion of the Commission, may be continued. At least five (5) and not more than fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation within the city. All owners within one hundred eighty-five (185) feet of the subject land shall be notified by certified mail, stating the purpose of and date of the public hearing. In addition, the building official shall post notice of said hearing and the reasons therefor by placing a sign on the subject premises.
- (E) Upon the final hearing of such application, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council.
- (F) The Planning and Zoning Commission shall not recommend approval of any request unless it shall in each case make specific written findings of fact based directly upon the particular evidence presented to it supporting the conclusion that the amendment or special use:
 - (1) complies with all applicable provisions of these regulations;
 - (2) at the specific location will contribute to and promote the community welfare or convenience;
 - (3) will not cause substantial injury to the value of neighboring property;
 - (4) complies with the overall subdivision plan and the intent of the existing zoning district provisions;
 - (5) will provide, if applicable, off-street parking and loading areas in accordance with the standards contained in these regulations;
 - (6) will not substantially increase traffic hazards;
 - (7) will not substantially increase fire hazards; and,
 - (8) will not overtax public utilities.
- (G) In determining whether the evidence presented supports the conclusion, the Planning and Zoning Commission shall consider the extent to which the evidence demonstrates the following.
 - (1) The proposed use or amendment complies with the standards of these regulations in regard to:
 - (a) Yard and setback
 - (b) Parking and loading areas
 - (c) Screening and buffering
 - (d) Refuse, storage, and service areas
 - (e) Signs.

- (2) The impact of the projected vehicular ingress and egress of the use is determined with regard to the surrounding traffic flow, pedestrian safety and accessibility of fire fighting equipment.
 - (3) The proposed use complies with the performance standards of these regulations.
 - (4) The proposed use is compatible with the surrounding area and its impact upon community facilities and services.
- (H) The Planning and Zoning Commission shall render a written decision containing specific findings of fact without unreasonable delay and in all cases within forty days after the close of the public hearing.
- (I) In approving such application, the Commission may recommend such conditions and restrictions which are in conformity with these regulations and may be necessary to assure that the general intent of these regulations is carried out.
- (J) The City Council, in approving an application for amendment or special use permit:
- (1) Shall impose such conditions and restrictions as were recommended by the Planning and zoning Commission;
 - (2) Shall impose amendments or deletions to the conditions and restrictions as were recommended by the Commission, only upon another public hearing conducted either by the City Council or, upon direction by the Council, by the Commission, and any such public hearing shall be conducted according to the same procedure and with the same notice as public hearings originally before the Commission;
 - (3) May specify that any use other than as specifically granted by the Council shall null and void the grant, and property in question shall revert to its designation before such grant;
 - (4) Shall specify that any enlargement or alteration in the use of the structure or site must be approved by the Planning and Zoning Commission before a building permit may be issued; and
 - (5) Shall specify that failure to comply with any of these conditions or restrictions constitutes a violation of these regulations punishable as provided in Section 3.
- (K) No amendment or use permit granted by the City Council shall be valid for more than one hundred eighty (180) days, unless within such period a building permit is obtained and the erection or alteration of the structure is commenced, or, where no building permit is necessary, the amendment or use is otherwise utilized by the entity originally requesting it.
- (L) Recommendations for revision, or amendments of the zoning ordinance, including addition to or change in classification of uses, and including the zoning district map, may also be made by the Commission upon its own motion for final determination by the Council, likewise, the Council may revise, modify or amend the zoning ordinance, including the zoning a district map, upon its own motion, provided, however, that such proposed changes shall first be submitted to the Commission for recommendations and report. In that case, final action thereon shall be taken only upon notice and hearing, as provided herein.
- (M) In the event an applicant and/or his representative fails to appear before the Planning and Zoning Commission or the City Council for hearings as provided in this section at the time advertised for said hearing, said request will be stricken from the agenda. Before the Council or the Commission

shall further hear the application, the applicant shall be required to pay an additional fee to the city in the amount of five (5) dollars, plus the cost of publication. Upon payment, the request shall be republished as prescribed in this section for a new public hearing time and place. In the event that the applicant does not pay the additional fee within sixty (60) days from the date of the previous scheduled hearing, such request shall be considered as rejected and not further hearings may be had thereon without reapplication as a new request.

- (N) Denials by the Planning and Zoning Commission under this section may be appealed only to the City Council by written request filed with the City Clerk within thirty (30) days of the Commission's decision. The Council shall hear such appeal at the next practicable regularly scheduled Council meeting or in any case no later than sixty (60) days after such request. The Council may overrule the denial by the Planning and Zoning Commission.

Section 1-11. General provisions.

- (A) **Zones.** The following zones and regulations are imposed within the incorporated limits of the city.
- (1) Residential District, designated as R-1 and R-2;
 - (2) Mixed-use District, designated as M
 - (3) Open Space District, designated as O
 - (4) Commercial District, designated as C-1, C-2, and C-3
 - (5) Industrial District, designated as I.
- (B) **Zoning map.** Said districts are bounded and defined as shown on a map entitled, "Current Land Use Map," adopted by the City Council and certified by the City Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of the zoning law and regulations of the city. The zoning map shall be kept and maintained by the City Clerk and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.(see appendix 2)
- (C) **Rules for interpretation of district boundaries.** Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, the following rules shall apply;
- (1) Where district boundaries on the zoning map are indicated as approximately following the centerlines of streets, streams, highways, or railroads, such boundaries shall be deemed to be located at such midpoints;
 - (2) Where district boundaries are so indicated that they approximately follow lot lines or section lines, such lines shall be construed to be said boundaries; and,
 - (3) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the city unless otherwise indicated.
- (D) A structure or the use of a structure or premises which was lawful before the passage or amendment of the zoning ordinance but which is not in conformity with the provisions of these regulations may be continued subject to the following conditions:
- (1) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to the zoning ordinance
 - (2) Uses or adjuncts thereof, which are or become nuisances shall not be entitled to continue as nonconforming uses.

- (E) In interpreting and applying the provisions of this zoning ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not the intent of this zoning ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, or any statute, local ordinance or regulation, except that, if this zoning ordinance imposes a greater restriction, or higher standard, this zoning ordinance shall control.
- (F) If any section, subsection, sentence, clause or phrase of this zoning ordinance is for any reason held to be invalid by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this zoning ordinance.

Section 1-12. Application of regulations.

Except as hereinafter provided, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

Section 1-13. Residential District (R-1 and R-2).

- (A) *Uses permitted.* In the R District, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses;
 - (1) For R-1, a dwelling for a single family including transformed mobile homes and manufactured housing; for R-2, a dwelling with two or more housing units, but not including trailer houses or mobile homes;
 - (2) Public schools and institutions of higher learning, public libraries;
 - (3) Public parks and public playgrounds;
 - (4) Municipal buildings and philanthropic or eleemosynary institutions other than camp, hospital, sanitarium, correctional institution or institutions for the insane, subject to review and permit by the Planning and Zoning Commission to insure conformity to the intent of this section;
 - (5) Customary home occupations, provided that there shall be no external evidence of such occupations except a small announcement of profession not over two (2) square feet in area, attached to the main or accessory building.
 - (6) Churches or similar places of worship, with accessory structures;
 - (7) Temporary building for uses incidental to construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work.
 - (8) Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business.
- (B) Required lot area for R-1 designation:
 - (1) Dwelling **not** served by sanitary sewer system, one acre, unless a County and/or State health officer approves a sanitary system that can be installed on a less-sized lot; in addition, soil tests must be performed and approved by the county

- (2) Dwelling served by sanitary sewer system must meet required minimal setbacks and structure size as indicated below.
- (C) Required lot area for R-2 designation:
 - (1) Dwelling not served by sanitary sewer system, one (1) acre, per family unit unless a County and/or State health officer approves a sanitary system that can be installed on a less-sized lot; in addition, soil tests must be performed and approved by the county
 - (2) Dwelling served by sanitary sewer system must meet required minimal setbacks and structure size as indicated below.
- (D) Yard required for R District. Each lot shall have front, side, and rear yards not less than the depth and width following;
 - (2) Front yard depth fifteen (15) feet.
 - (3) Each side yard width shall be no less than eight (8) feet
 - (4) Rear yard 'depth fifteen (15) feet
- (E) *Variance*. In the event that a request for a building permit has been denied by the building official, variances to the requirements of this section may be granted by the City Council to insure conformity to the intent of this section.
- (F) *Minimal living area*: Homes and/or individual living units (R-2) must have an overall floor plan of not less than nine hundred (900) square feet dedicated as the primary living structure.

Section 1-14. Mixed-Use District

- (A) ***General description***. This district is intended to provide a zoning area within the jurisdictional limits of the city that is used for furthering the existing harmony between residential homes and commercial businesses in zones where they have already co-existed successfully. Additionally, this area aids our potential business owners who may by need or desire have reason to live on business property. It is not intended that this district provide a location for a lower standard of residential or commercial than is authorized in these districts individually.
- (B) ***Uses permitted***. In District M, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the uses listed in the R1,R2,C1,C2, or C3 regulations or a combination of the two (residential and commercial).All R and C regulations must be observed

Section 1-15. Open Spaces (O)

- (C) ***General description***. This district is intended to provide a zoning area within the jurisdictional limits of the city that is used for nature preservation, community gathering, community betterment, or aesthetic agriculture/landscaping purposes. The property may or may not be undergoing urbanization in the foreseeable future. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts.
- (D) ***Uses permitted***. In District O, no building, structure, land or premises shall be used

and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses.

1. Public parks, public playgrounds, and recreational areas
2. Athletic fields
3. Fish hatcheries, apiaries, aviaries;
4. Fishing lakes and picnic groves, provided not concession or retail sales shall be permitted;
5. Forests and wildlife reservations, or similar conservation projects
6. Temporary uses for community welfare, which may include concession or retail such as organized festivals and events may be permitted by prior council approval

Section 1-16. Commercial Districts (C1,C2,C3)

C-1: NEIGHBORHOOD COMMERCIAL DISTRICTS

A. General Description. The C-1 Neighborhood Commercial District is for conducting **retail trade and personal services** to meet the regular needs and convenience of people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and education elements, more restrictive requirements for air, light, open space and off street parking are made than are provided in other commercial districts. Commercial areas shall be separated from residential areas by a privacy fence of six (6) ft. in height in addition to required setbacks. Exceptions may be approved by the Planning and Zoning Committee.

B. Uses permitted. In the C-1 Neighborhood Commercial District, approved building structures, land or premises are to be used for the following. No structure shall be hereafter erected, constructed, reconstructed, moved or altered, without approval. Review by the Planning and Zoning Committee is to insure conformity to the intent of this ordinance.

1. Automobile parking lots
2. Food, retail, or drug stores
3. Banks
4. Churches
5. Beauty parlors or barber shops
6. Laundromat and dry cleaning
7. Restaurants and lunchrooms
8. Schools
9. Medical facilities.
10. Hardware or household appliance sales
11. Repair stores
12. Clothing and Accessory goods stores.
13. Furniture and home furnishing stores.
14. Gift and bookstores
15. Jewelry and watch repair stores.
16. City government offices
17. Variety stores
18. Professional office clinics.

C. Area Regulations.

1. No residential use by owner or operator of commercial buildings shall be allowed.
2. Required lot area.
 - a. If served by a sanitary system, the required lot area must be seven thousand five hundred (7,500) square feet.
 - b. If not served by a sanitary system the required lot area must be approved in writing by a county and /or State Health Officer, which approval shall be filed with the City Clerk before a building permit shall be issued.
3. Yard required. Each lot shall have front, side and rear yards not less than the depth or width following:
 - a. Front yard depth of twenty-five (25) feet; however a fifteen (15) foot yard may be permitted if no off street parking is to be located within the yard.
 - b. Side yard depth of eight(8) feet, except that where the property abuts a residential district, a side yard shall be required the same as required in the district it abuts. A side yard, the same as a front yard, shall be required on the side street of a corner lot.
 - c. Rear yard depth of eight (8), except that where the property abuts a residential district, a rear yard shall be required the same as required in the district it abuts. The rear yard must be kept free and clear of obstruction for fire access unless it abuts an alleyway that can be used for this purpose.

D.Height Regulations. No building shall exceed one (1) story or twenty (20) feet in height: however, greater height may be permitted upon plan review, provided the height is not detrimental to surrounding land uses.

E. Parking and Loading Regulations. It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land with the City. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

1. In all districts, in connection with every use, sufficient off-street parking spaces shall be provided to meet the parking demands generated by residents, employees, company officials, company vehicles and customers. Required parking spaces shall be located on the lot on which the principal use is located.
2. Each application for a building permit or variance shall include plans for at least the minimum number of parking spaces herein required. Plans shall include information as to location and dimensions of off-street parking spaces and the means to access to the spaces.
3. Each parking space shall contain not less than two hundred (200) square feet in area, exclusive of access and circulation aisles. Areas normally used for drive-in customers service such as drive-

in windows and gas pump service areas shall not be counted as required parking spaces.

4. Loading and unloading facilities shall be provided so as not to interfere with other businesses and/or the traffic for those businesses. Loading facilities for a business shall be provided for on the property of the business it services. No loading or unloading facility shall be built so as to take place on City streets or interfere with the traffic flow of those streets.

- F. **Sign Regulations.** Name plates and signs relating only to the use of the store and products sold on the premises are permitted. Lighted signs of flashing of intermittent type shall be prohibited, provided however, that this shall not prevent the use of animated signs located entirely within the building which can be seen only from the street side of the building.
- G. **Variances.** Variances to the requirement of Subsection (B), (C), (D), (E), and (F) of this Section may be granted by the Planning and Zoning Committee to insure conformity to intent of this Section.

C2: GENERAL COMMERCIAL DISTRICTS

- A. **General Description.** The C-2 General Commercial District is intended for the conduct of **personal business services and the general retail business of the community**. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery. These commercial areas shall be separated from residential areas with privacy fences of 8 ft. in height. Exceptions must be approved by the Planning and Zoning Committee.
- B. **Uses Permitted.** Neighborhood Commercial District approves building structure, land or premises to be used for the following. No structure shall be hereafter erected, constructed, reconstructed, moved or altered, without approval.
 1. All uses permitted in "C-1" Neighborhood Commercial District.
 2. Sporting goods.
 3. Photo supply stores.
 4. Financial institutions.
 5. Public recreation.
 6. Assembly halls, lodges.
 7. Bowling alleys.
 8. Theaters.
 9. Hotels, motels and tourist homes.
 10. Newspaper plants and printing shops.
 11. Automobile service stations with underground fuel tanks
 12. Accessory wholesale and service uses necessary for convenience of the general public subject to conditions deemed appropriate by the Planning and Zoning Committee to insure conformity to the intent of this Chapter.
 13. Any other store or shop for retail trade for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, or traffic than those set forth in Paragraph "A" of this section. Sections (C), (D), (E), (F) & (G) of "C-1" will also apply to this General Commercial District ("C-2")

Note: No residential use by owner or operator of commercial buildings shall be allowed.

C. Uses Permitted on Review.

1. Those activities that require outdoor display of goods or items for the purpose of sale or purchase including, but not limited to..

- a. Boat sales
- b. Farm implement and machinery
- c. House trailer sales
- d. Metal and wood fencing, ornamental grillwork and decorative wrought iron work, and play equipment sales
- e. Monument sales
- f. New and used car and truck sales
- g. Prefabricated house sales
- h. Trailers for hauling, rental and sales
- i. Nursery and garden sales
- j. Car wash
- k. Amusement enterprises
- l. Garages
- m. Drive-in restaurants or theaters

2. The foregoing uses described in Subsection (1) shall comply with the following provisions:

- a. All open storage and display of merchandise, material and equipment shall be screened by ornamental fencing or evergreen planting located to the side or rear of the lot on which said open storage or display occurs, provided however, that screening shall not be required in excess of seven feet (7) in height. All planting shall be kept neatly trimmed and maintained in good condition at all times. Merchandise and materials not completely assembled or not immediately and actively being offered for sale shall be housed in a permanent building so as not to be seen from a public street.
- b. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
- c. Driveways used in ingress and egress shall not exceed twenty five (25) feet in width, exclusive of curb returns.
- d. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent streets and shall not be of a flashing or intermittent type.
- e. In the event that a request for a building permit has been denied by the Planning and Zoning Committee and appeal may be made to the City Council.

D. Area Regulations. Same as "C-1" compliances.

E. Height Regulations. No building shall exceed one (1) story or twenty (20) feet in height: however, greater height may be permitted upon plan review, provided the height is not detrimental to surrounding land uses.

F. Parking and Loading Regulations. **Same as "C-1" compliances.**

G. **Sign Regulations.** Same as "C-1" compliances.

H. **Variances.** Variances to the requirements of Subsections (B), (C), (D), (E), (F), and (G) may be reviewed by the Planning and Zoning Committee.

C-3: PLANNED SHOPPING CENTER DISTRICT

A. **General Description.** The "C-3" Planned **Shopping Center District** is intended for a unified grouping, in one or more buildings, of retail shops and stores. It is intended that the planned shopping center be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials.

B. **Uses Permitted.** In the "C-3" Planned Shopping Center District, provides that these uses shall be located in a unified shopping center which shall have not less than five (5) shops and stores, at least one (1) of which shall be a major outlet of not less than 10,000 square feet of gross floor area, with the shops and stores of the shopping center having a combined square feet of gross floor area of not less than twenty thousand (20,000) square feet. No building, structure, land or premises shall be used or any building or structure shall be hereafter erected, constructed, reconstructed moved or altered, without the approval of the Planning and Zoning Committee.

1. Stores or shops of the shopping center shall be independently approved by Planning and Zoning. Uses will be of the same general character as those listed in "C-1" part B and "C-2" part B.
2. Other uses of the same general character as those listed above, subject to restrictions and conditions deemed appropriate.
3. Gasoline service of filling station which shall be planned as an integral part of the center but may be constructed in advance.
4. All advertising signs and structures shall be designed as an integral part of the shopping center development and shall be harmonious with the other design features of the center.
5. No residential use by owner or operator of commercial buildings shall be allowed.

C. **Administrative Procedure.**

1. The developer shall first make an application to the City for a planned shopping center permit for construction of a shopping center under this Section. The application shall include the following in addition to the administrative requirements set forth in this Chapter.
 - a. The developer shall submit site plans of the proposed development which shall be drawn to a scale and shall show the arrangement of the buildings, design and circulation pattern of the off-street parking area, landscaped yards, ornamental screening, service courts and utility and drainage easements and facilities, and the relationship of the shopping center development to adjacent areas which it may affect.

- b. Evidence that indicates to the satisfaction of the Planning and Zoning Committee the ability and intent of the developer to carry out the development of the shopping center in accordance with the plans submitted through bonding of financial disclosure.
- c. Development procedure. The developer shall obtain a building permit in accordance with the requirements of the procedures of this Chapter and all other applicable provisions of this Code and shall begin construction within one (1) year after the effective date of approval and shall make reasonable and continuous progress toward completion. If the shopping center is not under construction within one (1) year of the effective date of the shopping center rezoning, the Planning and Zoning Committee shall review the status of the development. If it finds that the development is not in conformity with the requirements of this Section, it shall report such fact to the City Council.

2. Review of plan change. Any substantial deviation from the plat or building plans approved shall constitute a violation of the building permit authorizing construction of the shopping center. Substantial changes in the plans shall be resubmitted to the Planning and Zoning Committee to insure compliance with the requirements and purpose and intent of this Section and no building permit shall be issued for any construction which is not in substantial conformity with the approved plan.

D. Area Regulations.

- 1. Required lot area. The parcel of land on which a planned shopping center is located shall not be less than four (4) acres in area.
- 2. Yards required. It is intended that the grouping of the buildings and parking areas be designed to protect in so far as possible, adjacent residential areas and that ornamental screening from noise and light be provided where necessary; however, in no case shall the design of the shopping center provide less than the following standards:
 - a. All buildings set back from all street right-of-way lines not less than twenty-five (25) feet.
 - b. On the side of a lot adjoining a dwelling district, there shall be a side yard of not less than twenty-five (25) feet.
 - c. There shall be a rear yard, alley, service court or combination thereof of not less than thirty (30) feet in width, and all of the service area of all buildings shall be completely screened from public view with permanent ornamental screening materials. The rear yard, alley, service court of combination thereof must be kept free and clear of obstruction of fire access unless it abuts an alleyway that can be used for this purpose.

E. **Height Regulations.** No building shall exceed one (1) story or twenty (20) feet in height: however, greater height may be permitted up plan review, provided the height is not detrimental to surrounding land uses.

F. **Parking Regulations.** Same as "C-1" compliances.

Variances. Variances to the requirements of Subsections (B), (C), (D), and (E) of this Section may be granted by the Planning and Zoning Committee to insure conformity to the intent of this Section. Section 1-16.

Section 1-17 Industrial District (I)

- (A) **General description.** The Industrial District is intended primarily for the conduct of manufacturing, assembling, and fabrication, and for warehousing, wholesale, and service uses. These uses do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air, or street transportation routes.
- (B) **Uses prohibited.** Those uses are prohibited which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, glare, noise or disposal of waste materials.
- (C) **Uses permitted upon review.** All uses within this district shall be upon written application filed with the Planning and Zoning Commission for approval of a contemplated use within said district, said application shall be accompanied by the following information:
- (1) A plat plan indicating the location of present and proposed buildings, driveways, parking lots and other necessary uses;
 - (2) Preliminary architectural plans for the proposed building or buildings;
 - (3) An estimate of the maximum number of employees for the proposed development and the number of shifts during which they would work; and,
 - (4) Any other information the Planning and Zoning Commission may need adequately to consider the effect that the proposed uses may have upon their environment and on the cost of providing municipal services to the area.
- (D) **Area requirements.** Front yard depth of twenty-five (25) feet; however a fifteen (15) foot yard may be permitted if no off street parking is to be located within the yard.

Side yard depth of eight(8) feet, except that where the property abuts a residential district, a side yard shall be required the same as required in the district it abuts. A side yard, the same as a front yard, shall be required on the side street of a corner lot.

Rear yard depth of eight (8), except that where the property abuts a residential district, a rear yard shall be required the same as required in the district it abuts. The rear yard must be kept free and clear of obstruction for fire access unless it abuts an alleyway that can be used for this purpose.

Section 1-18. Advertising billboards or signs.

- (A) In addition to the billboards and signs permitted by the zoning ordinance, when utilized to advertise the business conducted on the premises upon which such sign is located, other billboards and signs may be permitted in the agricultural, commercial, and industrial districts subject to the following requirements:
- (1) Size: not more than twenty (20) feet high and thirty feet long.
 - (2) Setback: at least ten (10) feet from street right-of-way.
 - (3) Maintenance: kept properly painted, supported, and cleaned.
- (B) Nothing contained in the zoning ordinance or this section prohibiting the placement of advertising billboards and signs shall be construed to apply to any political party placing an advertising billboard or sign within the city limits in conjunction with an election, provided, however, that the placement of any such billboard or sign shall not create a threat to the public health, safety, and welfare.
- (C) Any advertising billboard or sign placed within the city limits under the exemption created in paragraph (B) of this section shall be removed within ten (10) days following the election.

Section 1-19. Accessory buildings.

If not otherwise regulated by the zoning ordinance, accessory buildings shall be subject to the following requirements: (1) shall not be located nearer the front lot line than the main building, (2) minimum distance from any property line shall be five (5) feet except within utility easements.

Section 1-20. Public buildings and utilities.

Public buildings and utility uses may be permitted in any district subject to such protective restrictions deemed necessary by the Planning and Zoning Commission.

Section 1-21. General Area Regulations for Traffic Safety

Unless otherwise regulated in the zoning ordinance, on corner lots, no fence, wall, hedge, or other structure or planting more than three (3) feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are sufficiently distant from the point of intersection to provide adequate sight distance for vehicles traveling at the design approach speed of the street.

Section 1-22. Annexed territory.

All territory which may hereafter be annexed to the city shall be classified as Open Space (District O) until, within a period not to exceed ninety (90) days following the date of annexation, the Planning and Zoning Commission shall appropriately reclassify such territory. There shall be no cost to the property owner for initial zoning upon annexation.

Section 1-23. Vacation of public easements.

Whenever any street, alley or other public easement is vacated, the district classifications or property to which the vacated portions of land accrue shall become the classification of the vacated land.

Section 1-24. Child care facility.

Child care facilities authorized under the zoning ordinance or upon review by the Planning and Zoning Commission shall meet the licensing requirements imposed by Section 210.201 et seq. RSMo, as amended; the rules and regulations propounded by the Division of Family Services under Section 210.221 RSMo; and the other requirements of the zoning ordinance.

Section 1-25. Public officials to provide information

All public officials shall, upon request, furnish to the Planning and Zoning Commission within a reasonable time, all available information it requires for its work. In general, the Planning and Zoning Commission shall have the necessary power granted to enable it to perform its functions and promote municipal planning and zoning.

Section 1-26. Nuisance abatement. Ordinance 2031A

Purpose. No person shall cause, maintain, or permit a nuisance as defined by the laws of the State of Missouri by this ordinance.

Definition of Nuisance.

For the purpose of this Ordinance, the term "Nuisance" is defined to mean any condition or use of premises or of buildings within the City of Carterville, which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes but is not limited to, the keeping or the depositing on, or the scattering over the premises of any junk, trash, or debris; abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

Duty of Maintenance of Private Property.

No person owning, leasing, occupying or having charge of any premises shall maintain, keep or allow any dilapidated buildings, parts, foundations, or excavations therefore, or buildings in such condition to be unfit for habitation, or that may be dangerous to the public, or that may be injurious to the public health, located upon either residence or commercial property.

Industrial Nuisance prohibited Generally.

It shall be unlawful for any person, whether in the performance of business or private acts, or otherwise, to operate any business or industry within the city in such a manner as to permit or allow the waste, sewage, smoke, soot, dust, sawdust, trash, dirt, paint, overspray, grease, oil or

any other byproduct or foreign material, to be thrown, blown, carried by the wind, hauled by vehicle or by other means, to go on to the property of others so as to cause discomfort or annoyance, or to in any manner restrict the normal use of the property of others had not such violation been allowed to go on to such other person's property. The above provision shall be valid unless the activity in question has been approved by all appropriate governmental regulatory agencies prior to the date of the enactment of this planning and zoning plan.

Enforcement of Ordinance.

Enforcement of this Ordinance may be accomplished by the city in any manner authorized by law, and in addition, any person who by reason of another's violation of any provision of the Ordinance, suffers special damage to himself different from that suffered by other property owners throughout the city generally, may bring an action to enjoin or otherwise abate an existing violation.

2. SUBDIVISION REGULATIONS

Section 2-1. Purpose of regulations

- (A) The rules and regulations set out herein are intended to serve the following purposes:
 - (1) to assist orderly, efficient, and integrated development within the territorial jurisdiction of the city;
 - (2) to promote the health, safety, morals, and general welfare of the residents of the city and its environs;
 - (3) to ensure conformance of subdivision plans with the public improvement plans of the city and its environs; and,
 - (4) to assure equitable handling of all subdivision plans by providing uniform procedures and standards for observance both by subdivider and the Planning and Zoning commission.
- (B) For the purposes of these regulations, refer to Zoning, Section 1-2 for definitions.

Section 2-2. Conformity with zoning.

The rules and regulations set out in this article pertain to development of subdivision within the city and may impose greater or different restrictions than are currently imposed in the corresponding zoning regulations.

Section 2-3. Duty of subdivider and Planning and Zoning Commission generally.

Any subdivider of land within the territorial jurisdiction shall submit to the planning and Zoning Commission plats of the subdivision and plans for indicated improvements according to the regulations of these regulations. In considering the approval of a plat, the Planning and Zoning Commission shall observe the requirements and procedures set forth herein. In the case of a plat constituting a replat of land into two or more lots, all of which will be served by an existing street or streets, the Planning and Zoning Commission shall have the power to vary the requirements so that substantial justice may be done and the public interest served.

Section 2-4. Administration.

The provisions of these regulations shall be administered by the Planning and Zoning Commission. The Commission may from time to time suggest instructions and operating procedures to be followed in the administration of these regulations, to the end that the public may be informed and that approval of plats be expedited.

Section 2-5. Fees payable by subdivider.

(A) Each subdivider shall pay fees to the City Clerk in accordance with the following schedule:

- (1) At the time of filing an application for preliminary plat approval, fifty(50) dollars, plus any publication costs; and,
- (2) On application for an extension of a certificate of preliminary plat approval, fifty (50) dollars, plus any publication costs, for each one (1) year period for which the extension is requested.

(B) No fee shall be charged for land to be dedicated to the public.

(C) The fee shall be payable in advance of processing the plat.

Section 2-6. Building prior to issuance of certificate prohibited.

No subdivider proposing to make or having made a subdivision within the territorial jurisdiction of the city shall proceed with any construction work on the proposed subdivision, including grading, before-obtaining from the Planning and Zoning Commission a certificate of final preliminary approval.

Section 2-7. Fraudulent sales, etc., based on unapproved and unrecorded plats; recourse of city.

No owner or agent of the owner of any land located within the planning 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 Planning and Zoning Commission and/or City Council, and recorded in the office of the Jasper County Recorder. Any person violating the provisions of this section shall forfeit and pay to the municipality a penalty not to exceed three hundred (300) dollars for each lot transferred or sold or agreed to be or negotiated to be sold; and the description in the instrument of transfer or the document used in the process of selling or transferring shall not exempt the transaction from this penalty. The city may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

Section 2-8. Procedural requirements: submittal of sketch plans prior to application for certificate.

(A) Whenever any subdivision of a tract of land is proposed to be made, the owner or his agent may submit to the Planning and Zoning Commission sketch plans and data concerning existing conditions within the site and in the vicinity, and which shall convey the intention of the subdivider as to the proposed layout and type of development.

(B) No fees shall be collected for such pre-application consideration, the purpose being to acquaint the subdivider with plans and policies in effect that would be significant to the proposed subdivision.

Section 2-9. Procedural requirements: preliminary plats, contents, filing fee.

Whenever any subdivision of a tract of land is proposed to be made, the subdivider shall first submit to the Planning and Zoning Commission an application for a certificate of preliminary plat approval, which shall consist of:

- A. A letter of request; plats, plans, and data as specified herein, concerning existing conditions within the site and its vicinity and which shall convey the intentions of the subdivider as to the proposed layout and type of development; and,
- B. A filing fee as specified in Section 2-5.

Section 2-10. Procedural requirements: preliminary plats, consideration by Planning and Zoning Commission.

- A. Upon receipt of an application or a certificate of preliminary approval, the Planning and Zoning Commission shall check the application for conformance to the provisions of these regulations and shall also consider letters or certificates of approval or disapproval from city, county, and state agencies, as well as from utility companies.
- B. In considering a submittal, the Planning and Zoning Commission may require such changes as necessary to meet the intent of the rules and regulations contained herein and to serve the best interests of the needs of the community.

Section 2-11. Procedural requirements: preliminary plats, approving or disapproving action by Planning and Zoning Commission.

- A. The Planning and Zoning Commission shall initiate action on an application within thirty (30) days of submittal of the preliminary plat, and approval thereof shall be given by the Commission by the issuance of a certificate of preliminary plat approval within sixty (60) days after submittal, or if the application is disapproved, the applicant shall be so notified in writing and the reasons therefor shall be enumerated within sixty (60) days after submittal.
- B. One copy of the approved preliminary plat shall be retained in the Planning and Zoning Commission's files and one copy, endorsed with the certificate of preliminary plat approval, shall be returned to the subdivider.

Section 2-12. Procedural requirements: preliminary plats, options of subdivider upon disapproval.

A disapproved preliminary plat may be resubmitted to the Planning and Zoning Commission after changes have been made as suggested, or it may be carried to the Commission for its direct action at its next regular meeting.

Section 2-13. Procedural requirements: preliminary plats, approved plats are subject to certain qualifications.

An approved preliminary plat shall be subject to the following qualifications:

- (1) Approval of the preliminary plat is only tentative pending submission of the final plat;
- (2) Approval of the preliminary plat shall be effective and binding upon the Planning and Zoning Commission for a period not to exceed eighteen (18) months, and there-after such approval shall expire and be null and void except to the extent that work on the subdivision has progressed, as set forth elsewhere herein, unless a petition for an extension of time has been submitted to and is subsequently approved by the Commission.

Section 2-14. Procedural requirements: preliminary plats, actions authorized by approval.

Receipt by the subdivider of the executed certificate of preliminary plat approval is authorization to proceed with:

- (1) the preparation of any necessary plans and specifications and the installation of any improvements required, subject to the approval of agencies having authority;
- (2) the preparation of the final plat or part thereof as specified elsewhere herein.

Section 2-15. Final plats: when timely, contents.

Whenever the foregoing provisions of this article have been complied with and while the certificate of preliminary plat approval is in effect, the subdivider may submit to the Planning and Zoning Commission an application for review and approval of the final plat, which shall consist of the final plat and other documents as specified elsewhere therein, together with a letter of application requesting final approval of the plat.

Section 2-16. Final plats: action by Planning and Zoning Commission; effect of no action within sixty (60) days.

- (A) Whenever a final plat has been submitted to the Planning and Zoning Commission which is in conformance with an approved preliminary plat and the provisions elsewhere herein, the Commission shall consider and take action on the plat.
- (B) The Planning and Zoning Commission need not take action on any application received less than ten (10) days before its meeting; but failure of the Commission to act within sixty (60) days of receipt of the application shall be deemed approval of the final plat and waives all further plat requirements of these regulations. Such failure to act shall be so noted by the Commission on the plat to be filed for record.
- (C) If the final plat is disapproved, the applicant shall be so notified in writing within five (5) days and the reasons therefore shall be enumerated.

Section 2-17. Final plats: conditional approval.

- (A) The Planning and Zoning Commission, upon the request of a subdivider, shall grant

conditional approval to the final plat when all requirements of the rules and regulations have been met with the exception of the actual installation of required improvements or the posting of guarantees for such required improvements.

- (B) Conditional approval of the final plat shall be indicated by the issuance, by the Planning and Zoning Commission, of a notice of conditional final approval.

Section 2-18. Final plats: approval.

- (A) No plat of a subdivision of land lying within the city shall be filed or recorded until it has been submitted to and a report and recommendation thereon shall have been made by the Planning and Zoning Commission and the City Council has approved the plat as provided by state law, these regulations, and all other applicable ordinances of the city.
- (B) No county recorder shall receive for filing or recording any subdivision plat required to be approved by the City Council and Planning and Zoning Commission unless the plat has endorsed upon it the approval of the Council under the hand of the City Clerk and the seal of the city.
- (C) Final approval of the final plat shall be indicated by the execution of a certificate of final plat approval on the plat, and the Planning and Zoning Commission shall execute such certificate when the City Clerk certifies to the Commission that the city has received one of the following:
 - (1) A certificate submitted by the subdivider stating that all improvements and installations to the subdivision required for its approval under the terms of these regulations have been made in accordance with these specifications; or,
 - (2) A performance bond which shall:
 - (a) Run to the city;
 - (b) Be in an amount sufficient to complete the improvements and installations for the subdivision in compliance with these regulations;
 - (c) Be in surety by a licensed company
 - (d) Specify the time for the completion of the improvements and installations; or,
 - (3) a cash deposit or a cash escrow deposited with an agent approved by the Planning and zoning Commission in the full amount as determined necessary to complete the improvements and installations for the subdivision in compliance with these regulations. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the Commission.

Section 2-19. Final plats: approval not deemed acceptance of dedications.

Approval of a final plat by the Planning and Zoning Commission shall not be deemed acceptance of any of the dedications shown on the plat.

Section 2-20. Final plats: to be filed with Commission following recording.

Upon recording of the approved final plat, the reproducible print of the final plat with all

certifications endorsed shall be returned to the Planning and Zoning Commission for its files.

Section 2-21. Plans, etc., to be submitted upon completion.

- (A) Upon completion of the installations and improvements required by these regulations, the subdivider shall present to the City Clerk one complete set of "as-built" construction plans and drawings showing the subdivision and its improvements. The "as-built" plans and drawings shall include:
 - (1) plans of all streets and alleys as construction and showing the final location of all utility lines;
 - (2) center line profiles of all streets;
 - (3) profiles of all storm and sanitary sewage lines as such improvements shall have actually been installed by the subdivider; and,
 - (4) a letter submitted by a registered professional engineer to the city and the Planning and Zoning Commission, certifying that all improvements and installations have been made in accordance with the submitted "as-built" construction plans and drawings and the standards established by the city, and are functioning properly.
- (B) Upon receipt and verification of the information required by this section, the City Council may accept the dedications shown on the plat.

Section 2-22. Plat specifications: for preliminary plats, generally.

- (A) The submission to the Planning and Zoning Commission shall consist of three (3) black and blue line prints on white background, and such other documents in three (3) copies as are necessary to meet the requirements of these regulations.
- (B) The preliminary plat shall be clearly and legibly drawn. The size of the plat shall not be smaller than eight and one-half (8 1/2) inches by eleven inches. The plat of a subdivision containing six (6) acres or more shall be drawn at a scale of one (1) inch equals fifty (50) feet, unless otherwise determined by the Planning and Zoning Commission.
- (C) The preliminary plat shall contain the following information:
 - (1) proposed name of subdivision;
 - (2) name and address of owner or record;
 - (3) name and address of subdivider;
 - (4) preliminary engineering certificate;
 - (5) location and legal description, giving acreage;
 - (6) contour intervals to sea level datum, of not more than two (2) feet when the slope is less than four (four) percent and not more than five (5) feet when the slope is greater than four (4) percent.
 - (7) cultural features within and surrounding the proposed subdivision, including existing and platted streets, bridges, culverts, utility lines, pipe lines, power transmission lines, all easements, park areas, structures, city and county lines, section lines, and other significant information;
 - (8) natural features within and surrounding the proposed subdivision including drainage channels, bodies of water, wooded areas, and other significant features;

- (9) name of streets within the immediate areas of the proposed subdivision; and,
- (10) proposed layout, including lot lines with rough dimensions, lot numbers, block numbers, street and alley lines with proposed street names, right of way widths, site reserved for parks, playgrounds, schools, etc., sites for nonpublic uses, and building lines with dimensions.

(D) The preliminary plat shall be accompanied by the following information:

- (1) a summary of the proposal, giving information as to the overall development plan with type of structure, number of dwelling units, types of business and industry, so that the effects of the development can be determined by the Planning and Zoning Commission;
- (2) existing and proposed covenants and restrictions;
- (3) source of water supply as approved by county/state health officials;
- (4) provisions for sewage disposal, drainage, flood control, as approved by county/state officials;
- (5) letters or certificates of approval or disapproval from city, county or state agencies, as well as provisions for utility services, as applicable;
- (6) typical cross sections of all streets and street construction plans; and,
- (7) such other information as the subdivider wishes to bring to the attention of the Planning and Zoning Commission.

Section 2-23. Plat specifications: final plats.

(A) The submission of final plats shall consist of the original drawing plus two prints, plus other documents in three (3) copies. The subdivider shall also furnish the Planning and Zoning Commission with one reproducible print of the final drawing showing the executed certificates, as specified in Section 2-22 above.

(B) The final plat shall be clearly and legibly drawn in black on tracing cloth or paper vellum, or improved variations thereof. The plat should include the following:

- (1) building lines and dimensions;
- (2) when lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the lot width at the building line shall be shown when required by the Planning and Zoning Commission;
- (3) lot and block numbers;
- (4) easements and public service or utility right of way lines giving dimensions, location, and purpose;
- (5) accurate outlines and description of any areas to be dedicated or reserved for public use or acquisition with the purpose indicated thereon, and of any areas to be reserved by deed covenant for common uses of all property owners;
- (6) accurate location and description of all monuments;
- (7) certificate of engineering accuracy;
- (8) certificate of owner;
- (9) certificate of final plat approval
- (10) certificate of recording.

(C) The final plat shall be accompanied by the following information and documents unless shown on the plat itself:

- (1) Bill of assurance, including but not limited to the following provisions:
 - (a) offering dedications of streets and alleys;
 - (b) parks and other public lands;
 - (c) establishing easement, setting forth privileges and conditions pertaining

- thereto;
 - (d) setting forth the restrictions and covenants of the subdivision; and,
 - (e) setting forth procedures by which amendments to the bill of assurance can be made
- (2) Certification of approval of water supply and sanitary sewage disposal and utility services by the appropriate agencies.

Section 2-24. Required certificates, for preliminary plats.

- (A) Preliminary Engineering Certificate: See Appendix 5(A)
- (B) Certificate of preliminary plat approval: See Appendix 5(B)

Section 2-25. Required certificates: for final plats.

Each final plat submitted to the Planning and Zoning Commission for approval shall carry the following certificates printed thereon substantially as follows:

- (A) Certificate of owner(s): See Appendix 6(A)
- (B) Certificate of recording: See Appendix 6(B)
- (C) Certificate of engineering accuracy: See Appendix 6(C)
- (D) The certificate of final plat approval shall be printed on both the final plat and bill of assurance substantially as follows:
 - Certificate of final plat approval: See Appendix 6(D)

Section 2-26. General requirements: suitability of land.

(A) Land subject to flooding, improper drainage or erosion, and any land deemed to be topographically unsuitable for residential use shall not be platted for residential occupancy, nor shall such land be platted for any other uses as may continue such conditions or increase danger to health, safety, life or property unless steps are taken to diminish the above-mentioned hazards.

(B) Such land within a proposed subdivision not detrimental to the development of the subdivision shall be set aside for use and shall not be endangered by the conditions set forth in subsection (A) of this section.

Section 2-27. General requirements: access.

Every subdivision shall be served by a publicly dedicated street.

Section 2-28. General requirements: modifications.

- (A) Modifications of the provisions set forth in these regulations may be authorized by the Planning and Zoning Commission in specific cases when, in its opinion, undue hardships may result from strict compliance. Any determination shall be based fundamentally on the fact that unusual topographical and other exceptional conditions require such modification, and that the granting of the modifications will not adversely affect the general public and nullify the intent of these regulations.
- (B) Application for any modifications shall be filed in writing, with necessary supporting documents, with the Planning and Zoning Commission by the subdivider simultaneously with the

preliminary plat of the subdivision, and shall explain in detail the reasons and facts supporting the application.

Section 2-29. Design: streets and alleys.

- (A) Street and right of way widths shall be as follows:
 - (1) collector streets, 80 feet;
 - (2) minor streets, 50 feet;
 - (3) cul-de-sac, 50 feet radius
 - (4) alleys, 20 feet.
- (B) Street paving widths and types shall be as follows:
 - (1) collector streets, 42 feet back-to-curb;
 - (2) minor streets, 27 feet back-to-curb;
 - (3) cul-de-sac, 27 feet back-to-curb;
 - (4) cull-de-sac turnarounds, 40 feet radius
 - (5) alleys, 20 feet.

Section 2-30. Improvements: required, responsibility of subdivider.

Every subdivider shall be required to install, at his own expense, or to have installed by the appropriate public utility, the improvements set out in these regulations.

Section 2-31. Improvements: specifically.

(A) *Street Paving.* All streets shall be paved to the industry standard and to the satisfaction of the city.

Curbs and gutters. Curbs and gutters shall be installed on all streets, to the standard established by the City Council.

- (B) *Sidewalks.* Sidewalks shall be constructed to the following standards:
 - (1) On one side of minor streets, with the width approved by the Planning and zoning Commission;
 - (2) On both sides of collector streets, with the width approved by the Planning and Zoning Commission; and,
 - (3) The Planning and Zoning Commission may require additional sidewalks at its discretion and dependent upon the type of subdivision.
- (C) *Water supply.*
 - (1) Where a public water supply is within a reasonable distance, the subdivider shall install or have installed a system of water mains and connect to such supply. A connection to each lot shall be installed prior to the paving of the street, if possible.
 - (2) Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system approved by the state department of health.
- (D) *Sanitary sewer system.*
 - (1) Where a public sanitary sewer is within one hundred (100) feet of any point of a subdivision, the subdivider shall connect with such sewer and provide a connection to each lot.
 - (2) Such sanitary sewerage system shall be installed prior to the installation of the

street pavement.

(3) Where a public sanitary sewer is not accessible, an alternate method of sewage disposal system may be used as approved by the state department of natural resources.

(E) *Fire hydrants.* Fire hydrants shall be placed so that no lot in a residential subdivision is more than six hundred (600) feet from a fire hydrant, the distance to be measured along street lines, when water mains are available. The Planning and Zoning Commission may consult with and use the standards of the Missouri Inspection and Rating Bureau on the location of fire hydrants. The Commission may require special spacing in commercial and industrial subdivision.

Section 2-32. Exceptions.

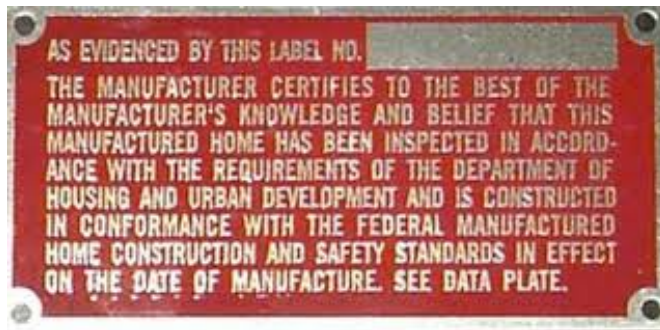
The Planning and Zoning Commission, upon request of the subdivider, may permit special exceptions to be made to the improvements required by these regulations when, in the opinion of the Commission, such exceptions are in keeping with the intent of these regulations, and when exceptions will provide for a development, the character of which will be in conformance with existing platting and development in the general neighborhood of the proposed subdivision. The subdivider may be required to furnish special information in order to aid the Commission in its determinations.

3. MOBILE HOME REGULATIONS

ORDINANCE 2620: An Ordinance amending Ordinance 2454 providing for rules, regulations and permit requirements for the location, establishment and maintenance of mobile homes, transformed mobile homes, manufactured homes and/or structures within the City of Carterville, Missouri and providing enforcement procedures and penalties for the violation hereof

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTERVILLE,
MISSOURI AS FOLLOWS:

General requirements provide that an eligible home must bear the seal signifying compliance with the Federal Manufactured Home Construction and Safety Standards. All homes manufactured after June 15, 1976 will bear that seal. Homes produced prior to that date are ineligible, unless they too have that seal. If no seal is present or cannot be located, the homeowner shall furnish all pertinent information to the board as to determine the likelihood of compliance.



Section 1. That the following definitions of the terms indicated shall apply when used in the Ordinances.

- A. *Mobile Home* means a structure transportable in one or more constructed sections, which when erected on a site measures ten (10) feet wider or more and forty (40) feet long or more and is designed to be used as a dwelling with or without a permanent foundation, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term MOBILE HOME shall not include the term recreational vehicle as hereinafter defined.
- B. *Recreational Vehicle* means a vehicular type unit with less than 400 square feet, primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motor power or is mounted on or drawn by another motorized vehicle. The basic entities contained within this term are travel trailer, camping trailer, truck camper, and motor home.
- C. *Transformed Mobile Home* shall mean a mobile home which has been assessed as a mobile home to a permanent foundation.
 - 1. Attaching the mobile home to a permanent foundation;
 - 2. Destruction or modification of the vehicular frame rendering it impractical to reconvert the newly created real estate back into a mobile home.
- D. *Manufactured Home* shall mean a structure transportable in one or more constructed sections, which when erected on a site measures twenty-four (24) feet wide or more and sixty (60) feet long or more and is designed to be used as a dwelling with a permanent foundation, and includes the plumbing, heating, air conditioning and electrical systems contained therein.
- E. *Building* shall mean any permanent structure having a roof supported by columns or walls for the structure, housing or enclosure of persons, animals, chattels or property of any kind.

- F. *Unfit for Human Habitation* shall mean any mobile home or structure which is dangerous to human life or detrimental to health through either lack of maintenance or repair generally, or because of unsafe or improper construction or installation, and includes but is not limited to mobile homes or structures in which any one or more of the following conditions exist: absence of sanitary facilities, exterior walls, supporting structure, doors windows, floor, roof, appliances, or equipment are so deteriorated, broken or damaged as to be hazardous to the occupants; or the walls, roof, doors, windows are in such condition as not to adequately protect the occupants from the elements.
- G. *Persons* shall mean any individual, firm, trust, partnership, public or private association or corporation.
- H. *Legal Newspaper* means any newspaper printed and published in accordance with the requirements of Chapter 493, RSMo, 1978, as amended.
- I. *Permit* means a written authorization of the City of Carterville, Missouri, to allow location, establishment, and/or maintenance of a mobile home within the City limits of the City of Carterville, Missouri.
- J. *Building Permit* means written authorization for a manufactured home on a permanent foundation.
- K. *Skirting* shall mean metal, masonite, or other materials compatible with the outside material of the mobile home, being securely attached to the undercarriage thereof, and all the connections thereunder to such mobile home or transformed mobile home are completely screened from public view, and the same shall be installed within sixty (60) days of the location, establishment or maintenance of said mobile home or transformed mobile home upon the permitted lot of ground.
- L. *Tie Downs* means anchoring devices adequate to resist all loads identified as and includes resistance to ground movements, seismic shaking, potential shearing, overturning and uplift loads caused by wind and etc.
 - 1. Ground anchors shall consist of steel auger anchors, cast in place concrete "deadman" eyelets embedded in concrete, or arrowhead augers. Screw augers shall be sunk to a depth of at least four (4) feet.

Section 2. It shall be unlawful for any person to locate, establish, or maintain a mobile home within the City limits of the City of Carterville, Missouri, without first and continuously thereafter complying with the terms of the Ordinance.

All mobile homes or transformed mobile homes which fail to conform to the provision of this Ordinance are hereby declared to be public nuisances and shall be abated.

Section 3. Each person desiring to locate, establish, or maintain a mobile home within the City of Carterville, Missouri, shall first obtain a permit herefore prior to location, establishment, or maintenance thereof, and except as hereinafter provided, shall annually renew the same upon continued maintenance of said mobile home subsequent to its location and establishment.

Section 4. Each person desiring to locate and establish a mobile home within the City limits of the City of Carterville, Missouri, shall take the following action prior to the location or establishment thereof:

A. Such person shall make application therefore to the City Collector with such application to include the following information;

- 1. The name and address of the applicant.

2. The street address and legal description of the real estate upon which the mobile home is to be located and established.
3. A description in detail of the mobile home to be located and established, including the dimensions thereof and category and number of rooms therein.
4. Furnish four (4) photographs, one each of the front, rear and both sides of the proposed mobile home to be located and established.
5. Furnish a plot or plan of the real estate showing the exact location contemplated for the mobile home upon the real estate applied for.
- 6.. Such application for a mobile home permit will be obtained from the City Collector and returned to same within seven (7) days prior to the date of the next scheduled planning and zoning meeting whereas their recommendations shall be forwarded to city council.

- B. In the event a mobile home or transformed mobile home is to be located, established, or maintained within the City limits of the City of Carterville, Missouri, upon real estate not then owned by the person applying for a permit hereunder, then the permit applicant and the owner or owners of the real estate upon which the same is to located, established, or maintained for compliance with the provisions of this Ordinance and hereof.

In the event of the application for location, establishment, or maintenance of a mobile home, or transformed mobile home within the City limits of the City of Carterville, Missouri, upon real estate not then owned by the permit applicant then each application shall require signature of the owner or owners of the real estate upon which such mobile home or transformed mobile home is to be located, established, or maintained and the specific agreement of the owner or owners of said real estate to be bound of the provision of applicable law prior to the action upon the issuance of said permit by the city Council of the City of Carterville, Missouri

In the event that a manufactured home is placed on a permanent foundation the owner or owners must purchase a building permit and have the inspections that are required with the permit. This placement will be exempt from the following procedures in section 4c,4d,& section 5

- C. Public Notice of Application for Permit to locate and establish a mobile home in a legal newspaper published within Jasper County, Missouri, with said publication being at least ten (10) days in advance of the hearing date established by the provisions of said Notice to the City Council on or before the date that such hearing is held. In addition to publication of said Notice in a local qualified weekly advertiser, or such other weekly advertiser as may be hereafter designated by resolution of the City Council, with said weekly advertiser Notice to be published at least ten (10) days in advance of the hearing date set forth by the provisions of Section 5 below, and proof of said publication shall be provided and furnished to the City Council by the permit applicant on or before such hearing date by providing a complete copy of said weekly advertiser.
- D. At least ten (10) days prior to the hearing date specified in Section 5 below, two (2) signs notifying the public of the application upon the real estate applied for. In placing such signs, they must be clearly visible from the nearest adjacent public street or right-of-way, and shall be not closer than thirty (30) feet to each other; and shall be located within a least ten (10) feet of each side lot line of such proposed site. The signs to be placed shall be returned to the City Collector within five (5) days of the approval date or the permit will not be issued

Section 5. As soon as is practically possible, within sixty (60) days after receipt of an Application for Permit to locate and establish a mobile home, a public hearing upon said application shall occur before the City Council of the City of Carterville, Missouri, concerning the granting or denial thereof . No such application shall be granted nor shall any permit be issued, prior to compliance with the provision of Section 43 above, nor which would thereafter result in violation of any of the provisions of Section 6 below, nor prior to payment of the fee required by Section 7 below.

No such application shall be granted nor shall any permit be issued, unless the City Council shall so authorize by affirmative vote of majority present council members. The application, if approved and not used, shall become null and void after ninety (90) days from date of approval.

Section 6. Except as provided by Section 11 below, the following site regulations shall apply to the location, establishment or maintenance of a mobile home within the City limits of the City of Carterville.

- A. Each mobile home shall have skirting such that the undercarriage thereof, and all connections thereunder to such mobile home are completely screened from public view, and same shall be installed within sixty (60) days of placement of the mobile home.
- B. Tie down must be in place either at the time of the placement of the mobile or prior to the mobile home being occupied.
- C. Each mobile home shall be located and established upon a lot of ground that is not less than five thousand (5,000) square feet in area.
- D. Each mobile home shall be located and established upon real estate such that it is not closer to the lot boundaries as the same for real estate thereof than as follows, to wit;
 - 1. Eight (8) feet from each of the two (2) side lot lines
 - 2. Fifteen (15) feet from the rear lot line
 - 3. Fifteen (15) feet from the front lot line.
- E. Each and every mobile home and/or structure and transformed mobile home shall be immediately connected to individual City sewer and water services at the cost and expense of the permit applicant, where and when the same are available within three hundred (300) feet of the real estate upon which such mobile home or transformed home shall be located, established or maintained.
 - 1. The City Electrical Inspector will inspect all electrical hook ups prior to Empire connecting service.
 - 2. Water and Sewer connections will be inspected by the Water/Sewer Inspector, prior to connection.
- F. The requirements of Section 6 above shall likewise apply for any accessory building, awning, carport, patio deck, porch, or other structure actually attached to any mobile home or transformed mobile home.

Section 7. There is hereby imposed an annual permit fee for the location, establishment, and maintenance of a mobile home in the amount of Thirty five dollars (\$35) for the initial application fee and a yearly fee of Twenty dollars (\$20) per annum. Transformed mobile homes and manufactured homes which have been permanently affixed and subject to taxing are exempt from these fees.

Section 8. Notwithstanding the other provisions of this Ordinance to the contrary, for the year immediately after and continuously thereafter that a mobile home is transformed into a

transformed mobile home, no further permit or permit fee shall be required of or imposed upon a person other than the taxes validity assessed thereon; provided however, that this section shall not otherwise relieve any such person from compliance with all other provisions of this ordinance other than the said permit and permit fee requirements.

Section 9. No additional permit fee shall be imposed in any year for a change of occupant or occupants of a permitted mobile home.

Section 10. Prior to location and establishment of a replacement mobile home upon any tract of land previously having had a permitted mobile home or transformed mobile home located thereon within ninety (90) days immediately proceeding such proposed siting of said replacement mobile home shall comply with all provisions of this Ordinance, except that no permit fee, if any, as required hereby shall be charged for such siting for the remainder of that year for which the permit fee had previously permitted mobile home or transformed mobile home. After a siting of a replacement mobile home, then the anniversary date of the renewal of the permit therefore and the payment of the annual permit fee thereupon shall be the same date as the date which had previously been established for the prior permitted mobile home.

Section 11. Mobile homes or transformed mobile homes currently permitted and now located, established or maintained within the City limits of the City of Carterville, Missouri, shall be exempt for retroactive compliance with the provisions of section 4 and 6 hereof, provided however, that said mobile homes and transformed mobile homes shall not be changed, altered, or modified after the passage hereof, to create, increase or expand any noncompliance with the terms hereof. Nothing in Section 11 herein shall be construed to exempt a permitted and now located, established and maintained mobile home from the permit and permit fee requirements of Section 3 and 7 above.

Section 12. Any person violating this Ordinance shall be penalized as follows for each such violation:

- A. Each violation is a separate offense; every person, firm or corporation violating or contributing in any way to the violation of any provision of this ordinance shall upon conviction, be deemed guilty of a separate offense for each day during which such violation continues, and shall be punished as hereinafter provided and by fine of not less than Twenty-five dollars (\$25) per day nor more than One Hundred Fifty dollars (\$150) per day.
- B. An order of court mandating compliance with the terms and provision hereof; or alternatively, requiring removal of the non complying mobile home or transformed mobile home from the real estate upon which it is located, established and maintained, together with the actual costs and expenses of compliance.

Section 13. Invalidation: Should any section, clause, or provision of this Ordinance be declared by any Court of competent jurisdiction, to be invalid, then the same shall not effect the validity of the Ordinance as a whole or any part thereof, other than the part declared invalid.

Section 14. All ordinances hereof: or alternatively, requiring removal of the noncomplying mobile home or transformed mobile home from the real estate upon which it is located, established and maintained, together with the actual costs and expenses of compliance or removal thereof

Section 15. This Ordinance shall be and become a part of the Carterville City Code.

Appendix 1

Special Uses and Uses Upon Review

Any of the following uses may be located in any district pursuant to the procedure outlined in Section 1-9.

- (1) Privately owned amusement parks, baseball or athletic fields, race tracks, carnivals;
- (2) Private clubs, including fraternal orders;
- (3) Drive-in theaters;
- (4) Golf driving ranges, commercial and illuminated;
- (5) Camping areas, picnic groves, and fishing lakes, including minor and incidental concession facilities for patrons only;
- (6) Kennels;
- (7) Nursery sales office, building, greenhouse, or area;
- (8) Nursing and convalescent homes;
- (9) Radio, television, and microwave towers;
- (10) Reservoirs, towers, filter beds, or water treatment plants or well;
- (11) Philanthropic or eleemosynary institutions
- (12) Hotels, motels, or inns;
- (13) Buildings, structures, and premises for public utility services, or public service corporations;
- (14) Assembly halls;
- (15) Day nursery or pre-school;
- (16) Mortuaries; and,
- (17) Temporary use of land for commercial or industrial purposes, provided that any building or structure constructed thereon which is not otherwise permitted in the district in which such land is situated shall reconform to the district upon the date of expiration of the special use permit. Any such permit shall be valid for the length of time determined by the Planning and Zoning Commission.

Appendix 5

(A) Preliminary Engineering Certificate

I hereby certify that this proposed preliminary plat correctly represents a survey completed by me on _____ (Date), of property shown and described hereon; and described monuments placed on the property are correctly described and located in accordance with the established and accepted monuments in the vicinity.

Date of execution

Signed _____
Name
Registered Professional Engineer
No. Missouri

(B) Certificate of Preliminary Plat Approval

All requirements of the Carterville Subdivision Rules and Regulations relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of the said Rules and Regulations.

Date of execution

Signed _____
Name
Chair, Planning and Zoning Commission

Appendix 6

(A) Certificate of Owner(s)

We, the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do here by layoff, plat, and subdivide, said real estate in accordance with the plat.

Date of execution

Signed _____
Name
Address

(B) Certificate of Recording

This document, Number _____ filed for record __ _____. (Date), at _____ (Time), recorded _____ (Date), in Plat Book _____, at Page _____. for Bill of Assurance, see Deed Record Book _____, Page _____.

Signed _____
Jasper County Recorder

(C) Certificate of Engineering Accuracy

I hereby certify that this plat represents a survey and a plan made by me; that all monuments shown hereon actually exist and their location, size, type and material are correctly shown, and that all engineering requirements of the city subdivision rules and regulations have been fully complied with.

Date of Execution

Signed _____
Name
Registered Professional Engineer
No. Missouri

Appendix 6 (Continued)

(D) Certificate of Final Plat Approval

Pursuant to the Carterville Subdivision Rules and Regulations, this document was given final approval by the Carterville Planning and Zoning Commission at the meeting held _____ (Date). All of the conditions of approval having been completed, this document is hereby accepted and this certificate executed under the authority of said Rules and Regulations.

Date of execution

Signed _____
Name
Chair, Planning and Zoning Commission

Approved by the City Council of the City of Carterville, Missouri, pursuant to Section 89.400 RSMo, as amended, on _____ (Date).

(SEAL)

Signed _____
Name
City Clerk