

Kearney, Missouri

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SECTION 405.010: Title.

This document shall be known and cited as the City of Kearney Unified Development Code (UDC), and may be referred to as "this UDC" or "this ordinance."

SECTION 405.015: Authority.

Except as otherwise provided for herein, this Unified Development Code is adopted by the Board of Aldermen of Kearney under powers conferred by Section 89.010, et. seq., R. S. Mo.

SECTION 405.020: Purpose.

This Unified Development Code and the zoning districts as herein established have been made in accordance with a land use study to promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity and general welfare of the citizens of Kearney, Missouri, and to:

- A. Promote a high quality living environment for the residents of Kearney;
- B. Lessen or avoid congestion on the public streets and highways;
- C. Secure the safety of persons and property from fire, flood, and other dangers, and to secure adequate open space for light, air, and amenity;
- D. Conserve and stabilize property values through appropriate land uses;
- E. Facilitate the efficient provision of adequate public facilities such as water, sewage disposal, drainage, electricity, public schools, parks, and other public services;
- F. Conserve and enhance the architecture, history, pedestrian orientation, mixed use, and character of the historic downtown core;
- G. Encourage innovative and quality residential development so that a variety of type, design, and layout of dwellings may be achieved;

- H. Encourage pedestrian and vehicular connections between residential neighborhoods and surrounding employment and shopping centers and community facilities such as parks and schools;
- I. Encourage a balance of residential and non-residential uses and development in the community so that future growth occurs in a fiscally prudent manner;
- J. Improve the aesthetics and design of all primary entranceways and corridors within the community.

SECTION 405.025: Relationship to the Comprehensive Plan.

- A. This Unified Development Code is intended to implement the goals, principles, and objectives contained in the Kearney Comprehensive Plan and other planning documents, design guidelines and polices of the Planning and Zoning Commission.
- B. It is hereby acknowledged that the Kearney comprehensive plan and amendments thereto, are the controlling instruments for changes, amendments, and revisions of this Unified Development Code.

SECTION 405.030: Jurisdiction.

This Unified Development Code shall apply to the land located within the boundaries of Kearney, Missouri.

SECTION 405.035: Application of District Regulations.

- A. Minimum Requirements. The provisions of this Unified Development Code may be regarded as the minimum requirements for the protection of public health, safety, comfort, convenience, prosperity, and welfare. These provisions are not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the full force and effective date of this ordinance. Any use or occupation of land previously approved as a permitted use shall be permitted to continue as a lawful use or occupation. This Unified Development Code shall not extend the life or scope of any non-conforming use.
- B. Plat or Certificate of Survey Required. Each application for a construction or building permit shall be accompanied by a plat or certificate of survey in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of these UDC regulations. A record of applications and plats or certificate of survey shall be kept in the Community Development Department.
- C. Uses of Open Land. If any use of open land is established or if any use of open land is changed to another use, such new use shall comply with all the provisions of these UDC regulations, unless permitted under the provisions of Article 7 Non-Conforming Uses and Structures.
- D. Overlapping Regulations. Where the conditions imposed by any provision of this ordinance on the use of land, buildings, or structures are more restrictive than

comparable conditions imposed by any other laws, ordinances, resolutions, rules or regulations of any kind, the restrictions of this ordinance shall govern.

- E. Private Agreements. The provisions of this ordinance are not intended to annul or otherwise interfere with any easement, covenant or private legal agreement, except that when the regulations of this ordinance are more restrictive, or impose higher standards than private agreements, the regulations of this ordinance shall govern.
- F. Prohibited Uses. All uses and activities not provided for or addressed by the terms of this ordinance shall be considered to be prohibited uses and activities, unless the City Administrator and/or Community Development Director or his/her authorized representative shall find that the use or activity is consistent and compatible with the provisions of this ordinance.
- G. Exemptions. The following structures and uses are exempt from the provisions of this ordinance.
 - 1. Railroad tracks, signals, bridges and similar facilities located on a railroad right-of-way.
 - 2. Public signs.
 - 3. Poles, wires, cables, conduits, vaults, lift stations, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephones or other communications, electricity, gas or water, or the collection of sewage or surface water, but not including major utility substations located on or above the surface of the ground. (See Section 405.045H for lot size and bulk regulations for utility facilities.)

SECTION 405.040: Activities Governed by UDC Regulations.

- A. New Structures. All structures built shall comply with all of the provisions of this Unified Development Code. Any structure rebuilt or restored after damage or destruction by fire or other casualty of seventy-five percent (75%) or more of its reasonable value shall be considered to be a structure built , unless these UDC regulations otherwise permit such structures to be rebuilt or restored.
- B. New Uses of Old Structures. If a substantial change in use or tenants of any premises or lot results in non-compliance with the provisions of these UDC regulations, then the new use or tenant must comply with the regulations of this Unified Development Code unless otherwise permitted by these provisions. The mere establishment of the new use does not require the existing structure to conform to the lot size requirements or the bulk regulations.
- C. Structural Alterations. If any structure is structurally altered as defined in these UDC regulations:
 - 1. The entire structure as altered shall comply with the use regulations of these UDC regulations.
 - 2. Any alterations of, enlargements of or additions to the structure shall comply with the bulk regulations of these UDC regulations, except as permitted by these UDC regulations for non-conforming structures.

3. The off-street parking facilities shall not be reduced below or, if already less than, shall not be further reduced below the requirements applicable to a similar new structure or use.
- D. Moving Structures. No permanent structure shall be moved into the City, or from one (1) location to another location within the City unless such structure shall, when relocated, be made to conform fully to these UDC regulations and other codes of the City including any Building Code. No permit shall be issued unless, in the opinion of the Community Development Director or his/her authorized representative, the height, age, architectural style and texture of the materials pertaining to the outward appearance of such structure reasonably conform to other buildings in the block to which it is to be moved and in the block opposite to such an extent that its relocation shall not be detrimental to the appearance or have no substantial adverse effect on property values to the adjacent properties.

SECTION 405.045: Miscellaneous Requirements.

- A. Number of Structures and Uses on a Zoning Lot.
1. Whenever a zoning lot is used for a single-family detached or attached dwelling, two-family dwelling or any type of manufactured or mobile home, only one principal structure and use may be located on the lot, but only when the structure and use conform to all requirements of the district in which the lot is located
 2. Whenever a zoning lot is used for other than a residential unit as described in Section 405.045 A1 above, more than one principal structure and use may be located on the lot in common ownership, but only when the structures and uses conform to all requirements of the district in which the lot is located.
 3. Whenever any structures are developed as condominiums, more than one principal structure may be located on the lot; provided, the definition of a condominium is met.
- B. Annexed Land. All territory which may be annexed into the City of Kearney shall retain the county zoning it had prior to the annexation until lawfully changed by municipal ordinance.
- C. Dedication of Rights-of-Way and Easements. The Board of Aldermen, after receiving a recommendation from the Planning and Zoning Commission, may require the dedication of additional street rights-of-way and/or easements for utilities as a condition related to a change in zoning by either requiring that the land be platted or replatted according to any subdivision regulations of the City or, in lieu of platting, by a legal document making such required dedications.
- D. Electric, Sewer and Water Connections. All principal structures built within the City shall be served by and connected to public electric, sewer and water systems, if such facilities can feasibly be connected as may be determined by the Board of Aldermen.
- E. Dwellings on Small Lots.
1. A dwelling and customary accessory structures may be erected on any single lot of record or on any lot located in a subdivision which has a preliminary plat approved by the Board of Aldermen at the effective date of these

zoning regulations, notwithstanding the limitations imposed by other provisions of these UDC regulations. For lots of record, such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

2. For this provision only, the minimum lot area may be reduced up to thirty percent (30%).
 3. For this provision only, the minimum width of the lot of record may be reduced up to twenty percent (20%).
 4. For this provision only, the minimum depth of the lot of record may be reduced up to ten percent (10%).
 5. All front, rear and side yard requirements shall be met unless varied by the Board of Adjustment.
 6. All other requirements of these UDC regulations shall be met.
 7. If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are lots of record at the effective date of the adoption of these UDC regulations and if all or part of the lots with no dwellings do not meet the requirements established in the district for lot area and width, the lands involved shall be considered to be a lot of record. No portion of the parcel shall be used or sold in a manner which diminishes compliance with the lot width and area requirements in these UDC regulations.
- F. Platted Building and Setback Lines. If a recorded subdivision plat imposes a building or setback line in the front yard for a lot which is different from the minimum setback or front yard required by the applicable section of these UDC regulations, then, notwithstanding any other provision of this Unified Development Code, the minimum setback or minimum front yard shall be the same as that shown on such subdivision plat provided that it has been recorded prior to the effective date of this ordinance and not otherwise been officially vacated.
- G. Average Setback in Existing Residential Districts.
1. On streets where a front yard is more than that required by these UDC regulations and has been maintained for existing structures on lots having a frontage of fifty percent (50%) or more of the total frontage on one (1) side of that portion of the street line between two (2) intersecting streets, there shall be maintained a front yard setback of not less than the average setback of the existing structures; provided that these UDC regulations shall not be interpreted to require a front yard setback of more than fifty (50) feet.
 2. On streets where a front yard is less than that required by these UDC regulations and has been maintained for existing structures on lots having a frontage of fifty percent (50%) or more of the total frontage on one (1) side of that portion of the street line between two (2) intersecting streets, the front yard setback need not be greater than the average setback of the existing structures; provided that these UDC regulations shall not be interpreted to permit a front yard setback of less than twenty (20) feet.
- H. Lot Size Requirements and Bulk Regulations for Public Utility Facilities. Notwithstanding any other provision of these UDC regulations, none of the following public utility or public service uses shall be required to comply fully with the lot size

requirements and bulk regulations of the zoning district in which they are located, except as may be determined by the Planning and Zoning Commission where a conditional use permit is required in certain districts:

1. Electric and telephone substations.
 2. Gas regulator stations.
 3. Pumping stations.
 4. Water towers and standpipes.
- I. Basements Counted As A Story. A basement is counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

SECTION 405.050: Enforcement and Violations.

- A. Misdemeanor. A violation of any regulation adopted in this Unified Development Code shall be a misdemeanor and shall be punishable as provided in Section 100.200 General Penalty of the Kearney City Code. Any violation of any provision of these zoning regulations shall be deemed to be an ordinance violation and punishable by a fine of not to exceed one hundred dollars (\$100.00) for each ordinance violation and each day's violation shall constitute a separate ordinance violation. If the ordinance violation be deemed willful in nature by a court, the violation shall be deemed to be an ordinance violation punishable by imprisonment for ten (10) days for each ordinance violation and a fine not to exceed two hundred fifty dollars (\$250.00). Each day's willful violation shall constitute a separate ordinance violation. Any such person who, having been served with an order to remove any such violation, shall fail to comply with said order within ten (10) days after such service or shall continue to violate any provisions of the regulations made under authority of this Section in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).
- B. Civil and other Remedies. The Board of Aldermen, or any person, the value or use of whose property is or may be affected by such violation, shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of these zoning regulations and to prevent unlawful erection, construction or alteration of structures, use of land, occupation of buildings, construction or alteration of structures, abatement of nuisances, failure to obtain permits, sale of land for development purposes without reference to a valid plat, or refusal to obey and adhere to a lawful order of the City Administrator and/or Community Development Director or his/her authorized representative. In addition to the enforcement powers and remedies specified in these zoning regulations, the city may institute injunction, mandamus or other appropriate action or proceeding, and exercise any and all enforcement powers and remedies granted to it by the State of Missouri.
- C. Administrative Actions. The City Administrator and/or Community Development Director or his/her authorized representative, upon finding a violation of these UDC regulations (or if a proposed action would constitute a violation), shall have the power to:

1. Issue a Notice of Violation that shall specify the offense, the name of the property owner or agent and/or occupant, the legal description of the property, and the remedy. A reasonable time, not less than 30 days, shall be set to correct the violation, or to file an appeal.
 2. Issue a Stop Work Order that commands any person to immediately cease and desist from any unlawful construction, use or alteration of any building or land.
- D. Filing of Complaint. Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a complaint with the City Administrator and/or Community Development Director or his/her authorized representative stating fully the facts or grounds upon which the complaint is based. The City Administrator and/or Community Development Director or his/her authorized representative shall promptly record and investigate such complaint and take appropriate action as provided in this ordinance.
- E. Notification of Violation. Whenever any provision of this ordinance is violated, the City Administrator and/or Community Development Director or his/her authorized representative shall promptly notify in writing the person(s) responsible for the violations. The notification shall contain the nature of the violation and any corrective orders.
- F. Administrative Remedies. The City Administrator and/or Community Development Director or his/her authorized representative shall have the following remedies without limitations:
1. No Action. Following any complaint, and after careful consideration, the City may issue a "No Conflict" opinion.
 2. Informal Contact. The City shall have the authority to abate the violation through informal meetings or conversations.
 3. Agreement to Abate. The City may enter into an agreement with a violator to abate or remedy a violation within a period not to exceed six (6) months, unless extended by the Planning and Zoning Commission.
 4. Permits. The City may refuse to issue any required permits on tracts, parcels, or lots cited for active violations of this ordinance.

SECTION 405.055: Establishment of Fees.

For purposes of wholly or partially defraying the costs of the administrative and enforcement provisions described in these UDC regulations, including publication costs, the applicant upon filing an application for an zoning map amendment, appeal, conditional use, concept plan, site plan, variance or appeal, or any other permit required by these UDC regulations, shall pay the City a fee according to the fee schedule approved by the Board of Aldermen.

SECTION 405.060: Severability.

If any provisions of these UDC regulations are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such provisions shall be considered separately and apart from the remaining provisions of these UDC regulations, so as to be

completely severable and the remaining provisions of these UDC regulations shall remain in full force and effect.

SECTION 405.065: Repeal of Previous Regulations.

The 1997 City of Kearney Zoning Regulations and all amendments are hereby repealed effective from and after the date of the approval and adoption by the Board of Aldermen.

SECTION 405.070: Effective Date.

This Unified Development Code shall be in full force and effect from and after their adoption by the Planning and Zoning Commission, approval by the Board of Aldermen and adoption of an ordinance incorporating these UDC regulations by reference.

ARTICLE 2

ADMINISTRATION, REVIEW AUTHORITY AND PERMITS

Section 405.075	Community Development Department
Section 405.080	Planning and Zoning Commission
Section 405.085	Board of Adjustment
Section 405.090	Permits

SECTION 405.075: Community Development Department.

- A. Community Development Director. The Community Development Director is designated as head of the City of Kearney Community Development Department and shall be responsible for administering the provisions of this Unified Development Code.
- B. Delegation of Authority. The Community Development Director may designate any staff member to represent the Director in any function assigned by this Unified Development Code. The Director shall remain responsible for any final action.
- C. Powers and Duties. The Community Development Director or his/her authorized representative shall have the following powers and duties:
1. Make studies of the area within the planning jurisdiction and surrounding areas.
 2. Determine objectives to be sought in the development of the study area.
 3. Prepare plans for achieving these objectives.
 4. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 5. Advise the Planning and Zoning Commission and Board of Aldermen concerning means for carrying out plans or amending plans.
 6. Administer the zoning and subdivisions regulations contained in the Unified Development Code.
 7. Exercise any functions in the administration and enforcement of various means as directed by the Board of Aldermen or City Administrator.
 8. Develop, approve, and implement the design guidelines and standards as contained in the Comprehensive Plan and the Unified Development Code.
 9. Develop, approve, and implement administrative procedures to implement the provisions of this Unified Development Code.
 10. Maintain records of all official actions to administer and implement the Unified Development Code, including but not limited to rezonings, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, and appeals.
 11. Maintain the official zoning map.
 12. Review and make recommendations regarding the following:
 - a. Concept plan and site plan (minor and major) review.

- b. Zoning map amendment; and conditional use.
 - c. Zoning text amendments.
 - d. Zoning variances and appeals.
13. Investigate all complaints made relating to the location of structures and the use of structures and lands, give notice of all violations of this UDC to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the City Attorney.

SECTION 405.080: Planning and Zoning Commission.

- A. Membership and Compensation. The membership shall include the Mayor, if the Mayor chooses to be a member, a member of the Board of Aldermen selected by the Board, if the Board chooses to have a member serve on the Commission. The Mayor shall select six (6) members from the public at large with the approval of the Board of Aldermen. All members of the Commission shall serve without compensation.
- B. Term. The term of each of the members appointed by the Mayor shall be four (4) years except the first (1st) five (5) appointed by the Mayor shall serve for varying periods so that succeeding terms will be staggered. At the first (1st) meeting of the Commission, the five (5) members shall draw straws to determine the terms of each. The first (1st) term shall be for one (1) year, one (1) for two (2) years, one (1) for three (3) years and two (2) for four (4) years.
- C. Vacancy. Any vacancy in the membership of the Commission of those appointed by the Mayor shall be filled by the Mayor with the approval of the Board of Aldermen for the unexpired term of the member vacating his/her post.
- D. Officers. At the first (1st) meeting of the Commission and in the month of June of subsequent years, it shall elect from the members appointed by the Mayor one (1) as a Chairperson and one (1) as the Secretary. Such officers shall serve for one (1) year and shall be eligible for re-election.
- E. Meetings Rules and Record. The Commission shall hold regular meetings and special meetings as provided by rules to be adopted by the Commission. The Commission shall keep a record of its proceedings which shall be public records of the City of Kearney.
- F. Quorum. A majority of the membership of the Commission shall constitute a quorum for the transaction of business.
- G. Removal for Cause. The Board of Aldermen may remove any citizen member for cause stated in writing and after a public hearing.
- H. Powers. The Planning and Zoning Commission shall have and perform all the functions of the Zoning Commission described in Article 89, R.S. Mo.

SECTION 405.085: Board of Adjustment.

A. Organization.

1. Membership. The Board of Adjustment is created and established in accordance with the provisions of Section 89.080, R.S. Mo., and amendments thereof. The Board of Adjustment shall consist of five (5) residents of the municipality appointed by the Mayor and approved by the Board of Aldermen.
2. Term. Of the members first appointed, one (1) shall serve for one (1) year, one (1) shall serve for two (2) years, one (1) shall serve for three (3) years, one (1) shall serve for four (4) years and one (1) shall serve for five (5) years. Thereafter, members shall serve for terms of five (5) years each. Vacancies shall be filled by appointment for the unexpired term. Members shall be removed for cause by the Mayor and Board of Aldermen upon written charges and after public hearing. Three (3) alternate members may be appointed to serve in the absence of or disqualification of the regular members.
3. Compensation. All members of the Board of Adjustment shall serve without compensation.
4. Officers. The Board of Adjustment shall elect one (1) of its members as Chairperson who shall serve for one (1) year.
5. Rules of Procedure. The Board of Adjustment shall adopt rules in accordance with the provisions of the ordinance creating and establishing such Board. The presence of four (4) members shall be necessary to constitute a quorum.
6. Meetings. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as said Board may determine. Such Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Board of Adjustment shall keep minutes of its proceedings, showing evidence presented, findings of fact, decisions of said Board and the vote upon each question. All meetings shall be open to the public. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.
7. Records. Records of all official actions of the Board of Adjustment shall be immediately filed at the office of the City Clerk and shall be open to public inspection during reasonable office hours.

B. Powers. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Article.
2. To hear and decide all matters referred to it or upon which it is required to pass under the provisions of this Article.
3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Article, to vary or modify the application of any of the regulations or provisions of this Article

relating to the construction or alteration of buildings or structure or the use of land, so that the spirit of the Article shall be observed, public safety and welfare secured and substantial justice done.

C. Hearings.

1. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time.
2. A copy of said notice shall be mailed to each party in interest. Upon the hearing any party may appear in person or by agent or by attorney

D. Appeals.

1. Appeals to the Board of Adjustment may be taken by any person aggrieved, any neighborhood organization as defined in Section 32.105, R.S. Mo., representing such person or by any officer of the City or any governmental agency or body affected by any decision of the officer administering the provisions of these zoning regulations.
2. Such appeal shall be taken within fifteen (15) days, as provided by the rules of the Board of Adjustment, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof and the payment of the fee required.
3. The officer, from whom the appeal is taken, when notified by the Board of Adjustment or its agent, shall forthwith transmit to said Board all the papers constituting a record upon which the action appealed from was taken.
4. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him/her, that by reason of the facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the office from whom the appeal is taken and on due cause shown.

E. Variances.

1. In specific cases, the Board of Adjustment may grant a variance from the specific terms of these zoning regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the same will, in an individual case, result in unnecessary hardship or practical difficulties and provided that the spirit of these zoning regulations shall be observed, public safety and welfare secured and substantial justice done.
2. A request for a variance may be granted in such case upon a finding of the Board of Adjustment that all of the following conditions have been met:
 - a. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant;

- b. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- c. The strict application of the provisions of these zoning regulations of which variance is requested will constitute unnecessary hardship or practical difficulties upon the property owner represented in the application;
- d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
- e. Granting the variance desired will not be opposed to the general spirit and intent of these zoning regulations.

F. Determination of Board of Adjustment.

1. In exercising the foregoing powers, the Board of Adjustment, in conformity with the provisions of this Section, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may issue or direct the issuance of a permit.
2. The concurring vote of four (4) members of the Board shall be necessary to reverse the order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Article or to effect any variation in this Article.
3. Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, R.S. Mo., representing such person or persons or any taxpayer or any officer, department, board or bureau of the municipality may present to the Circuit Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.
4. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.
5. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called by or such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
6. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the

court with his/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

7. Cost shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
8. All issues in any proceeding under this Section shall have preference over all other civil actions and proceedings.

SECTION 405.090: Permits.

- A. Purpose. The purpose of this section is to provide procedures under which any construction or alternation of a building or structure and any new use of land or a building shall be cleared with the Community Development Department to make certain that it is in compliance with this Unified Development Code. The intent is to coordinate procedures and permits established in the Building Code, and administered by the Building Inspector, with the review and approval by the Director of Community Development to avoid unnecessary administrative duplication.
- B. Excavation Permit. No person shall make or cause to be made any excavation in any public right-of-way unless the owner, contractor or the duly authorized agent of either shall have first applied for and received from the Building Inspector an excavation permit. See Article 510, Article II of the Municipal Code of Kearney.
- C. Building Permit.
 1. Authority. No building, structure or parking lot shall be constructed, erected, altered or remodeled nor shall any such work be commenced upon any lands zoned under these regulations unless the owner, contractor or the duly authorized agent of either shall have first applied for and received from the Building Inspector a building permit. Except for a parking lot, a building permit shall not be required for construction not exceeding eighteen (18) inches in height which is located in the side or rear yard. See Article 500, Article 1 Building Codes and Building Permits of the Municipal Code of Kearney.
 2. Conformance with Unified Development Code. No building permit shall be issued for any building or structure unless the same be in conformity in every respect with all the provisions of this Unified Development Code unless otherwise set out.
 - a. Concept Plan/Site Plan Required. A concept plan and/or site plan shall accompany all building permits in accordance with Section 405.135 Rezoning to Planned Zoning District or Section 405.140 Site Plan Requirements.
 - b. Site Plan Exceptions.
 - (1) New One- and Two-Family Structures. An application for single-family and duplex building permits shall include a plot plan of the site to be built upon. The plot plan shall be sealed by a land

surveyor licensed in the State of Missouri. The following information must be shown on the plot plan and will be reviewed prior to the issuance of a building permit:

- (a) Complete legal description and lot dimensions of the site.
- (b) Scale of the drawing (not to exceed one (1) inch equals thirty (30) feet).
- (c) Location and complete dimensions of the proposed building foundation, including dimensions to all property lines (dimensions shall be perpendicular to the property line). All front, side and rear yards, setbacks and building lines must be shown.
- (d) If any portion of the site is located within the FEMA 100-year floodplain, the elevation of the low opening must be shown.
- (e) The locations of easements, both public and private.
- (f) Additional information as may be required to properly review the proposed plot plan.

3. Filing Procedure. Applications for building permits shall be filed with Building Inspector upon forms prescribed setting forth the legal description of the lot, tract or parcel of land, together with a general description of the building or structure to be constructed, erected or altered thereon, including the size and shape, square foot area, principal material of construction, location of the building or structure upon the lot, tract or parcel and the intended use.

A complete application for a building permit includes approval of all requirements of these Unified Development Code regulations, including a plot plan and a site plan. In addition, the applicant shall pay any fees required by the Board of Aldermen.

- D. Certificate of Occupancy Permit. No vacant land shall be occupied or used except for agricultural uses and no building hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Building Inspector. Certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
- E. Certificate of Occupancy for a Building. Certificate of occupancy for a new building or the alteration of an existing building shall be applied for in writing coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by

this Section and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

1. Certificate of Occupancy for Land. Certificate of occupancy for the use of vacant land or the change in the character of the use of land as herein provided shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of these regulations.
2. Certificate of Occupancy for a Non-Conformed Use. A certificate of occupancy shall be required for all non-conforming uses. Application for certificate of occupancy for non-conforming uses shall be filed within twelve (12) months from the effective date of this Section, accompanied by affidavits of proof that such non-conforming use was not established in violation of this Section.

ARTICLE 3 DEFINITIONS

Section 405.095	General Provisions
Section 405.100	Rules of Construction
Section 405.105	Definitions

SECTION 405.095: General Provisions.

- A. Where the conditions imposed by the provision of these UDC regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision or any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- B. Effect on Existing Permits. Nothing in these UDC regulations shall be deemed to require any change in plans, construction or designated use of any structure in the event that:
1. A building permit and/or a zoning permit for such structure was lawfully issued prior to the effective date of these UDC regulations or the effective date of any amendment thereof; and
 2. Such permit had not by its own terms expired prior to such effective date; and
 3. Such permit was issued on the basis of an application showing complete plans for proposed construction and/or use; and
 4. There has been a substantial change of position, substantial expenditure, substantial work performed or incurrence of substantial obligations by the permit holder in reliance on such permits other than purchase of land or preparation of design plans; and
 5. Such issuance of a permit and change of position, expenditures, work or incurrence of obligations were made prior to the effective date of an amendment of these UDC regulations which amendments would have made illegal the issuance of such permit; and
 6. Construction pursuant to such permit is completed prior to the expiration of such permit.
- C. Nothing contained in these UDC regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to carry on any trade, industry, occupation or activity.

SECTION 405.100: RULES OF CONSTRUCTION.

- A. In the construction of these UDC regulations, the provisions and rules of this Section shall be preserved and applied, except when the context clearly requires otherwise:
1. The singular number includes the plural and the plural the singular.
 2. The present tense includes the past and future tenses and the future the present.

3. The word "shall" is mandatory while the word "may" is permissive.
 4. The phrase "used for" shall include the phrases "arranged for" "designed for," "intended for," "maintained for" and "occupied for."
 5. The word "person" includes an individual, firm, corporation, association, partnership, trust, governmental body and agency, and all other legal entities.
 6. The word "City" means the City of Kearney, Missouri.
 7. The words "Governing Body" mean the Mayor and Board of Aldermen of the City of Kearney, Missouri which together constitute the governing body.
 8. The word "Clerk" means the City Clerk of the City of Kearney, Missouri.
 9. The words "Planning and Zoning Commission" mean the Kearney City Planning and Zoning Commission.
 10. The words "Comprehensive Plan" mean the adopted and approved Comprehensive Plan for the City of Kearney, Missouri and surrounding Planning Area, which includes, among other elements, a plan for land use.
 11. The word "Board" means the Kearney Board of Adjustment.
 12. The words "zoning jurisdiction" mean the area as defined in Section 405.030 for which the jurisdiction of these UDC regulations is applicable for zoning purposes.
 13. Unless otherwise specified, all distances shall be measured horizontally.
- B. Any word or phrase which is defined in this Article or elsewhere in these UDC regulations shall have the meaning as so defined whenever used in these UDC regulations, unless such definition is expressly limited in its meaning or scope.
- C. Words or terms not herein defined shall have their ordinary meaning in relation to the context as defined in a dictionary.

SECTION 405.105: DEFINITIONS.

ACCESS: The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING: A detached building which is customarily incidental to or subordinate to the main building located on the same tract or incidental or subordinate to the use of the land on which it is located.

ACCESSORY USE: The use of a building which is customarily incidental to and located on the same lot or premises as the main use of the premises. A building housing an accessory use is considered an integral 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 and designed as an integral part of the main building.

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

ADULT DAY CARE HOME: A building or dwelling maintained (the "premises") by a person who provides or attempts to provide an adult day care program, providing care to eight (8) or fewer functionally impaired adults; additionally, in residential districts, the owner or lessee of a premises to whom an occupancy permit has been issued shall maintain the Adult Day Care Home premises as his or her permanent residence and shall physically occupy the premises at all times that a premises is used to provide an adult day care program.

ADULT ENTERTAINMENT: See Article 615 Adult Business Regulations.

AGRICULTURE: The planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Clay County. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is ten (10) acres or more in area and if such raising of livestock and poultry is incidental or supplemental to the raising of crops. The storage of crops, grains, feeds or other products shall be limited to those raised on or to be consumed on the premises.

AGRICULTURAL SUPPLIES: The use of land, buildings or structures for the purposes of supply of goods, materials or services that support agricultural uses. This shall include such goods and services as sale and storage of seed, feed, fertilizer and chemical products, farm machinery and equipment sales and service.

ALLEY: A dedicated public right-of-way which provides a secondary means of access to and from streets and lots.

ALTERATION: Any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

ANIMAL HOSPITAL OR CLINIC: An establishment where animals are admitted principally for examination, treatment, board or care by a doctor of veterinary medicine. This includes kennels which are totally enclosed within the establishment and which have no outdoor facilities.

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

APPEAL: A request for a review of the interpretation of any provision of this Article or, in the case of flood protection, a request for a variance.

AQUIFER: A water-bearing rock medium; rock or sediment formation that can store and transmit water to wells.

1. Confined aquifer. An aquifer overlain and underlain by confining beds that have significantly lower hydraulic conductivity than that of the aquifer medium; also called an artisan aquifer.
2. Unconfined aquifer. An aquifer above which there are no confining rock layers of lower hydraulic conductivity to stop or significantly decrease water movement.

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

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

ASSISTED LIVING FACILITY: A residential care facility for elderly persons that is licensed by the State, containing a common dining facility and accessory uses typically needed by elderly residents. Medication dispensing and assistance with daily living activities may be provided.

AUTOMOBILE SERVICE STATION: A structure and surrounding land used for the storage and sale of petroleum fuel, including self-service, primarily to passenger vehicles and/or for accessory uses, such as the sale of lubricants, accessories, or supplies; the incidental washing of motor vehicles, and the performing of minor repairs; but not including tire recapping, body repairs, major overhaul, provision of rental equipment, or open sales lots.

AUTOMOBILE and VEHICLE MAJOR REPAIR: All types of repair to automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats including the sale, installation, and servicing of related parts and equipment. This classification includes engine and transmission repair, upholstery repair shop, vehicle painting, and repairs to other primary mechanical components that typically require more than a single day to complete. This classification excludes vehicle dismantling or salvage and tire retreading or recapping.

AUTOMOBILE MAINTENANCE AND MINOR REPAIR: Establishments replacing and replenishing motor vehicle fluids and lubrication (excluding fuel), performing maintenance and minor repair (tune-ups, tires, shocks, brakes, etc.), washing, waxing, or detailing vehicles, emissions testing with minor repair, and other similar maintenance or minor repair of light vehicles primarily involving same day service. This classification does not include removal and repair of primary mechanical components, e.g., engine, transmission, differential, and similar components, which is classified under Automobile and Vehicle Repair, Major.

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

BASEMENT: Any area of the building having its floor subgrade (below ground level) partly or totally on all sides.

BED AND BREAKFAST HOME OR INN: A dwelling where for compensation one (1) or more rooms are available for lodging and breakfast served to lodgers only. When conducted as a home occupation, such facilities are designated as "homes". When designated as an "inn", such facilities may be operated as a home occupation or as a business enterprise. When specifically permitted, tea rooms for a limited number of customers may be operated in conjunction with bed and breakfast inns.

BLOCK: A piece or parcel of land entirely surrounded by public highway or streets, other than alleys.

BOARD OF ALDERMEN: The Board of Aldermen of Kearney, Missouri.

BOARDING HOUSE OR LODGING HOUSE: A building, other than a hotel, occupied as a single housekeeping unit where lodging or meals are provided for three (3) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

BREEZEWAY: A pedestrian connection between two (2) buildings having a permanent roof and floor and having no sidewalls except that screenwire or lattice having at least fifty percent (50%) open area may be attached in the form of sidewalls.

BUFFER ZONE: An open and unpaved ground area around the perimeter of a tract landscaped or planted so as to provide an attractive green space, having a grade not exceeding two to one (2:1) and a width of not less than thirty-five (35) feet.

BUILDABLE WIDTH: The width of that part of a lot not included within the open spaces herein required.

BUILDING: A structure having a roof supported by columns or walls whether or not completely enclosed and when separated by party walls without openings, it shall be deemed a separate building. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two (2) buildings connected by a breezeway having a continuous roof shall be deemed as one (1) building.

BUILDING HEIGHT: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point on a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable or hip roof. Chimneys, antennae and other similar extensions above any of the above roof types shall not be considered part of a building height.

BUILDING, ATTACHED: A building having two (2) walls in common with other buildings.

BUILDING, DETACHED: A building having no walls in common with another building.

BUILDING, SEMI-DETACHED: A building having one (1) wall in common with another building.

BULK REGULATIONS: The height, area, yard and parking regulations associated with permitted uses in zoning districts.

BUSINESS AND PROFESSIONAL OFFICE: The office of a dentist, doctor, attorney, real estate or insurance agent, architect, engineer and other similar professional person and any office used primarily for accounting, correspondence, research, editing or administration, but not including rooms for the overnight care of patients.

BUSINESS SUPPORT SERVICES: Establishments located primarily indoors providing services to businesses including, but not limited to: business equipment repair services, window cleaning, janitorial services.

CALIPER: The diameter of a tree measured four (4) feet above finished grade.

CAMPS, TRAVEL TRAILER , OR RV PARKS: Any parcel of ground which provides space for transient occupancy and is used or intended to be used for the parking of one (1) or more camping trailers, tents or similar recreational vehicles. The term campgrounds does not include sales lots on which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection or sale.

CAMPING TRAILER: Any vehicular portable dwelling unit designed especially for short-term occupancy such as travel trailers, tent trailer, truck or auto-mounted camping units, converted buses and trucks and all other similar units whether self-propelled, pulled or hauled and designed primarily for highway travel without the necessity of a special permit.

CARPOR: A roofed structure providing space for the parking of motor vehicles and full open on not less than two (2) sides.

CHILD CARE:

1. Family Child Care Home.
2. Group Child Care Home.
3. Child Care Center.
4. Nursery School.

CHILD FOSTER CARE FACILITY: Any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more, but not less than seven (7) children, who are unrelated to either foster parent by blood, marriage or adoption.

CITY: Kearney, Missouri.

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

CLUB OR LODGES: Any place that provides private meeting facilities. This classification includes business and professional organizations, labor unions, civic, social, and fraternal organizations, and political organizations.

COMMON OPEN SPACE: A parcel of land or an area of water or combination of both land and water and designed and intended for the use and enjoyment of the residents of the development. Common open space does not include streets, alleys, parks, off-street parking or loading area, publicly owned open space or other facilities dedicated by the developer for public use. Common open space must be substantially free of structures.

CONDOMINIUM: A building or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by the owners on a proportional undivided basis.

CONDITIONAL USE: A use of any building, structure or parcel of land by the Planning and Zoning Commission that, by its nature, is perceived to require special care and attention in siting so as to assure compatibility with surrounding properties and uses. Conditional uses may have special conditions and safeguards attached to assure that the public interest is served.

CONGREGATE CARE FACILITY: A residential facility for elderly persons within which are provided living and sleeping facilities, meal preparation, laundry services and room cleaning. Medical services are not required to be provided.

COMPATIBILITY: The design, arrangement and location of buildings and structures or other created or natural elements of the urban environment which are sufficiently consistent in scale, character, siting, coloring or materials with other buildings or elements in the area, so as to avoid abrupt or severe differences.

CONTAMINATION: The process of making ground water impure, unclean, inferior or unfit for domestic uses by introduction of undesirable elements.

CONTINGENCY PLANS: Detailed plans for control, containment, recovery and cleanup of hazardous materials released during floods, fires, equipment failures, leaks and spills.

CONVENIENCE STORES, WITH OR WITHOUT GASOLINE SALES: An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles

by persons other than the service station attendant and may include facilities for the sale of other retail products such as prepackaged food products, household items and goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet

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

CURB LEVEL: The mean level of the curb in front of the lot or, in the case of a corner lot, along that abutting street where the mean curb level is the highest.

DENSITY: The number of dwelling units per acre of land, measured in gross area.

DEVELOPER: The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of rezoning or seeking a conditional use on land.

DEVELOPMENT: Any manmade 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, or storage of equipment or materials.

DRIVE-IN ESTABLISHMENT: An enterprise which accommodates the patrons' automobiles and from which the occupants of the automobiles may make purchases, transact business or view motion pictures or other entertainment.

DUMP: A lot or land or part thereof used primarily for the disposal, abandonment, dumping, burial, burning or storage of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind.

DWELLING: Any building or portion thereof which is designed and used exclusively for residential purposes.

DWELLING, ATTACHED: A residential building which is joined to another dwelling at one (1) or more sides by all or a substantial portion of a party wall or walls including walls of an attached garage.

DWELLING, DETACHED: A residential building which is entirely surrounded by open space on the same lot.

DWELLING, MULTI-FAMILY: A building designed for or occupied exclusively by three (3) or more families living independently of each other.

DWELLING, SINGLE-FAMILY: A detached dwelling, designed for or occupied by one (1) single family, containing one (1) dwelling unit. For the purposes of these zoning regulations, child foster care homes and group homes shall be considered single-family dwellings.

DWELLING, TWO-FAMILY: A building designed for or occupied by two (2) families living independently of each other in separate dwelling units.

DWELLING UNIT: One (1) or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one (1) family and not more than two (2) roomers or boarders and which contain a stove, sink and other kitchen facilities.

EASEMENT: A legal interest in land, granted by the owner to another person, which allows that person(s) the use of all or a portion of the owners land, generally for a stated purpose including, but not limited to access or placement of utilities.

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

FACILITY: Something built, installed or established for a particular purpose.

FAMILY: One or more persons who are related by blood, marriage, or legal adoption living together as a single household unit; a group of not more than eight (8) persons not related by blood, marriage, or adoption, living together as a single household unit sharing common living, sleeping, cooking and eating facilities.

FAMILY CHILD CARE HOME: See "Child Care"

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

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

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Flood Insurance Study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

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

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

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

FLOODWAY FRINGE: The area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every one hundred (100) years (i.e., that has a one percent (1%) chance of flood occurrence in any one (1) year.)

FLOOR AREA: For computing off-street parking requirements, "floor area" shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings and shall include all floors, except that space which is used for storage.

FRATERNAL AND/OR SERVICE CLUBS: An association formally organized for either fraternal, social, educational, philanthropic or other similar purposes, including union and professional organizations, and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires or leases premises, when food and beverages may be served and the use of such premises is restricted to such members and their guests.

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

FRONTAGE: That part of a lot or tract of land which borders along any given access to a public street or public right-of-way with a dead-end street, all property abutting one (1) side of such street measured from the nearest intersecting street and the end of the dead-end street. Such public street or right-of-way shall not include an alley or access to the rear of such lot or tract.

GARAGE, ATTACHED: A building or parking structure used for the parking and storage of vehicles accessory to a dwelling on the same lot and attached thereto by a common wall and/or common roof structure. An attached garage shall be considered part of the main structure and shall be fully enclosed and roofed.

GARAGE, DETACHED: A detached accessory building or portion of a dwelling structure which is designed or used for the storage of vehicles and which is fully enclosed and roofed and excludes a carport or other open shelter.

GARDEN APARTMENT: A dwelling not more than two and half stories or thirty-five (35) feet in height, containing three (3) or more dwelling units.

GROUP CHILD CARE HOME: See "Child Care".

GROUP HOME: A structure which provides residential, non-institutional housing for a group of six or more unrelated individuals or related and unrelated individuals, where physical assistance and/or other supportive services are provided by professional support persons at least one of whom lives in the residence. A group home shall have no more than ten residents, inclusive of supervisory personnel, except as otherwise provided in this Code. A group home is further defined as Type A or Type B according to its client population as listed below.

GROUP HOME – TYPE A: A group home serving no more than eight (8) handicapped individuals. A Type A group home may be further defined as follows:

GROUP HOME FOR DEVELOPMENTALLY DISABLED PERSONS: A state-licensed group home exclusively for the care of persons with developmental disabilities, as defined and regulated by the Missouri Department of Human Services, or other authorized agency.

GROUP HOME FOR ELDERLY PERSONS: A group home of persons sixty (60) years of age or older who do not require medical attention associated with a residential health care facility. Group homes for elderly persons shall be licensed as an assisted living residence or alternative care facility by the Missouri Department of Public Health, or other authorized agency.

GROUP HOME FOR MENTALLY ILL PERSONS: A state-licensed group home exclusively for the care of persons with mental illness, as defined and regulated by the Missouri Department of Public Health, or other authorized agency.

GROUP HOME – TYPE B: A group home that does not meet the definition of a Type A group home whose residents are not handicapped or protected under federal or state fair housing legislation. A Type B Group Home shall also include a Type A Group Home which exceeds eight handicapped residents subject to the provision for reasonable accommodation.

GUEST HOUSE: Living quarters within a detached, accessory building located on the same lot with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

HAZARDOUS MATERIALS: A material which is defined in one (1) or more of the following categories:

1. Ignitable: A gas, liquid or solid which may cause fires through friction, absorption of moisture or which has low flash points. Examples: white phosphorous and gasoline.
2. Carcinogenic: A gas, liquid or solid which is normally considered to be cancer causing or mutagenic. Examples: PCBs in some waste oils.
3. Explosive: A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.
4. Highly toxic: A gas, liquid or solid so dangerous to man as to afford an unusual hazard to life. Examples: parathion and chlorine gas.
5. Moderately toxic: A gas, liquid or solid which through repeated exposure or in a single large dose can be hazardous to man. Example: atrazine.
6. Corrosive: Any material, whether acid or alkaline, which will cause severe damage to human tissue or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

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

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in States without approved programs.

HOME OCCUPATION: Any occupation or business activity conducted for financial gain which results in a product or service and is conducted in whole or in part in the dwelling unit and is clearly subordinate to the residential use of the dwelling unit.

HOSPICE CARE FACILITY: A public agency or private organization or subdivision of either unit that is primarily engaged in providing care to dying persons and their families.

HOTEL: A building or group of buildings with access provided through a common entrance, lobby or hallway where sleeping accommodations are designed, intended to

be used on or are used, rented or hired out as temporary, overnight, or weekly accommodations for guests.

INDIRECT ILLUMINATION: Lighting of a sign or object in such a way that the source of light cannot be seen.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, iron, steel and other old or scrap ferrous or non-ferrous material.

JUNK YARD: Premises or a building which is maintained, operated or used for disposal, storing, keeping, buying or selling junk.

KENNEL: A commercial operation that:

1. Provides food, shelter and care for more than three (3) dogs of six (6) months of age or older for purposes not related to medical care, or
2. Regularly engages in the breeding of animals for sale.

LEAKS AND SPILLS: Any unplanned or improper discharge of a potential contaminant, including any discharge of a hazardous material.

LOADING SPACE: A space within the main building or on the same lot, providing for the loading or unloading of trucks, within a minimum of fourteen (14) by fifty (50) feet and a vertical clearance of eighteen (18) feet.

LOT: A parcel of land occupied or intended for occupancy by one (1) main building or a complex of buildings together with the accessory structures and including the open spaces and parking required by these regulations, which may include more than one (1) lot of record or metes and bounds described tract having its principal frontage upon a public street.

LOT AREA: The total area within the property lines of a lot or tract.

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

LOT, COVERAGE: That portion of a lot improved with covered structures.

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

LOT, INTERIOR: A lot whose side lines do not abut upon any street.

LOT LINES: The boundary lines of a lot. If a zoning lot has two (2) or more front lot lines, the owner shall designate the yard which is to be the rear yard.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Deeds or a lot which is described by metes and bounds, the description of which has been recorded in the office of the Recorder of Deeds.

LOT, THROUGH: An interior lot having frontage on two (2) streets.

LOT, WIDTH OF: The horizontal distance between the side lot lines as measured at the front building line.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's

lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME: A residential building or dwelling unit which is either wholly or partially constructed or assembled off the site in accordance with Section 18551 of the Health and Safety Code and certified under the National Housing Construction and Safety Standards Act of 1974. (42 U.S.C. Sec. 4401 et. Seq.)

MOBILE HOME: A structure built prior to 1974 capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a single-family dwelling unit when connected to on-site utilities, excluding recreational vehicles, manufactured homes and factory-built building.

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

MODULAR HOME: A dwelling structure located on a permanent foundation and connected to public utilities, consisting of pre-selected, prefabricated units or modules and transported to and/or assembled on the site of its foundation; in contradistinction to a dwelling structure which is custom-built on the site of its permanent location; and also in contradistinction to a manufactured home, either single-width, double-width or multi-width, located on a permanent foundation. In general, such modular homes shall have exterior building materials and similar appearance to custom-built single-family dwellings.

MOTOR VEHICLE ORIENTED BUSINESS: A commercial use or activity which as a principal part of its operations provides goods or services to motor vehicles or occupants of motor vehicles in a short time span or which provides goods or services to occupants of motor vehicles remaining within the vehicles.

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

NON-CONFORMING LOT: An unimproved lot which does not comply with the lot requirements for any permitted use in the zoning district in which it is located.

NON-CONFORMING USE: Any land occupied by a use at the time of the effective date of this ordinance which does not conform with the provisions of the same.

NON-CONFORMING STRUCTURE: A building, sign or structure or a portion thereof lawfully existing pursuant to the ordinances in effect at the time of its construction or subsequent alteration, but which does not comply with any development criteria or requirements of the present zoning district regulations.

NURSERY SCHOOL: See "Child Care".

NURSING HOME: An establishment or agency licensed by the State for the boarding and care or treatment of three (3) or more unrelated individuals.

OPEN SPACE: An area or portion of land, either landscaped or essentially unimproved and which is used to meet human recreational or spatial needs, or to protect water, air or plant areas. Open space may include, but is not limited to lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools,

wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

OPEN SPACE, COMMON: Open space areas within a development which are designed or intended for the use and enjoyment of the residents and their guests.

OUTDOOR COMMERCIAL RECREATION: Facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including amphitheaters, amusement and theme parks, golf driving ranges, skateboard parks, stadiums and coliseums, swim and tennis clubs, tennis courts, water slides, race tracks, and zoos.

OUTDOOR SALES: The display and sales of products or services primarily outside a structure and limited to those items generally stored, used or inspected outdoors.

OUTDOOR STORAGE: The keeping in an enclosed area of goods, materials or merchandise for a period of longer than 24 hours.

OVERLAY DISTRICT: A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

PANELIZED CONSTRUCTION: Construction with pre-engineered wall sections, roof and floor trusses, and decking that are produced in a factory and shipped to the building site for final construction.

PARKING SPACE--OFF-STREET: A permanently surfaced dust-free area enclosed or unenclosed to store one (1) automobile, having the minimum dimensions of nine (9) feet by twenty (20) feet, to which an automobile has direct access from a permanently surfaced dust-free drive.

PERSON: Any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic and includes any trustee, receiver, assignee or other similar representative thereof.

PLACE: An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

PLACES FOR RELIGIOUS WORSHIP: Facilities operated for worship or to conduct religious activities, including churches, mosques, synagogues, and religious instruction. May include accessory uses on the same site, such as living quarters for clergy and staff, and child or senior day care facilities. Other establishments maintained by religious organizations, such as reading rooms, full time educational institutions, hospitals, or recreational camps are classified according to their respective activities.

PLANNED DEVELOPMENT: A tract of land under single ownership or control which is to be developed in accordance with a plan adopted by resolution and the boundaries of which are established to the Zoning District Map.

PRIMARY CONTAINMENT FACILITY: A tank, pit, container, pipe or vessel of first (1st) containment of a liquid or chemical.

PRIVATE CLUB: An association organized and operated either for or not for profit for persons who are bona fide members paying annual dues, which owns, hires or leases premises, where food and beverages may be served and the use of which premises is restricted to such members and their guests.

PUBLIC SAFETY SERVICES: A facility operated by a government agency for public safety and emergency services, including a facility that provides EMS, police, and fire protection.

PUBLIC WATER SUPPLY SYSTEM: A system for the provision to the public of piped water for human consumption, if such system has at least ten (10) service connections or regularly serves an average of at least twenty-five (25) individuals at least sixty (60) days out of the year. Such term shall include any source, treatment, storage or distribution facilities under control of the operator of the system and used primarily in connection with the system and any source, treatment, storage or distribution facilities not under such control but which are used in connection with such system.

PUBLIC UTILITIES AND FACILITIES: Any firm, agency or organization duly authorized to furnish to the public under State or municipal regulations electricity, gas, steam, communications, telegraph, transportation or water.

RECREATIONAL VEHICLE: A vehicle which is:

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

RECYCLING COLLECTION STATION: A recycling facility used for the acceptance by donation, redemption, or purchase of recycling materials from the public. Facility includes equipment for compacting, baling, plastic shredding, and other activities necessary for efficient temporary storage and material shipment.

REGULATORY FLOOD ELEVATION: The water surface elevation of the 100-year flood.

RESTAURANT: A building wherein food is prepared and served to the public in ready-to-eat form. The term shall include cafe, cafeteria grills, pizza parlor, diner, snack shop, hamburger shop and steak house.

RESTAURANT, DRIVE-THROUGH: Service of patrons in vehicles from a window adjacent to a drive aisle or lane. This activity may occur in conjunction with a restaurant or beverage sales business.

RESTAURANT, FAST-FOOD: Any business establishment whose principal business is providing for the preparation or sale of prepared foods, frozen desserts or beverages for either carry out/delivery or for consumption on the premises where either:

1. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed, or
2. The establishment includes a drive-up or drive-through service facility or offers curb service.

RETIREMENT HOME: See "Nursing Home".

SALVAGE YARD: An area of land, with or without building, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as waste paper, rags or scrap material; or used building materials, house furnishings, machinery, motor vehicles or parts thereof with or without the dismantling, processing, salvage, sale or other use or disposition of the same. A salvage yard shall also include the dismantling or wrecking of used motor vehicles or trailers or the

storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles which, for a period exceeding thirty (30) days, have not been capable of operating under their own power or from which parts have been removed for reuse or sale shall be considered to be a salvage yard.

SELF- STORAGE FACILITY: A building(s) or structure(s) designed and or operated to provide individual spaces to the general public for the sole purpose of storage.

SPECIAL FLOOD HAZARD AREA: The land within a community subject to a one percent (1%) or greater chance of flooding in any given year. This land is identified as Zone A on the official map.

START OF CONSTRUCTION: For other than new construction, includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first (1st) alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or the exterior walls. For the purpose of these regulations, the following shall not be considered a structural alteration:

1. Attachment of a new front where structural supports are not changed.
2. Addition of fire escapes where structural supports are not changed.
3. New windows where lintels and support walls are not materially changed.
4. Repair or replacement on non-structural members.

STREET, PRIVATE: A private vehicular access way shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private street and alleys may be established only under the terms of the Unified Development Code.

STREET, PUBLIC: A public dedicated right-of-way, other than an alley, which affords the principal means of vehicular access to abutting property.

STRUCTURE: A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground. The term does not include fences or public items such as utility poles, street light fixtures and street signs.

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

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

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

TELECOMMUNICATION FACILITIES: Facilities designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices, including transmission tower, antenna, and/or facility designed or used for that purpose. Amateur radio transmission facilities, facilities operated exclusively as part of a public safety network, and facilities used exclusively for the transmission of television and/or radio broadcasts are not telecommunication facilities.

TOW LOT: A vehicle storage area at least 2700 square feet in size completely enclosed by a privacy fence not less than six (6) feet high and sufficiently secured by gates and locks to prohibit intrusion of unauthorized persons. The tow lot area shall consist of a gravel surface.

TOWN HOUSE: A building containing two (2) or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the condominium Statutes of the State of Missouri.

TRAILER: Includes a separate vehicle not driven or propelled by its own power, drawn by some independent power. For purposes of these regulations, the term "trailer" shall not include mobile, manufactured or modular homes.

TRAILER CAMP: Any piece, parcel, tract or plot of ground which provides space for transient occupancy and is used or intended to be used for the parking of one (1) or more camping trailers. The term "trailer camp" does not include sales lots on which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection or sale.

USE: The specific purpose for which land or a building is used.

VARIANCE: An appeal from the provisions of these regulations granted by the Board of Adjustment where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the regulations. Variances shall apply to the construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. For the purposes of the floodplain overlay district, a variance is a grant of relief to a person from the requirements of the floodplain overlay district which permits construction in a manner otherwise prohibited by the floodplain overlay district where specific enforcement would result in unnecessary hardship and practical difficulties.

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

VISION TRIANGLE: A triangular area at a street intersection in which nothing shall be erected, placed (including automobiles, trucks and other large vehicles or trailers), planted or allowed to grow in such a manner as to materially impede vision and, therefore, the safety of vehicles and pedestrians between the height of thirty-three (33) inches and eight (8) feet above the grades of the bottom of the curb of the intersecting streets. Such area on a corner lot shall have two (2) sides which are measured from the center of the lot line intersection and a third (3rd) side across the lot joining the ends of the other two (2) sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

WAREHOUSE: A building used primarily for the storage of goods and materials.

WAREHOUSING AND DISTRIBUTION: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that creates hazardous or commonly recognized offensive conditions.

WHOLESALE: The selling of goods, equipment, or materials to another business that in turn sells to other customers.

YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the ground upward; provided however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT: A yard extending across the full width of the lot, the depth of which is the least distance between the lot line or road easement or right-of-way line and the front building line.

YARD, REAR: A yard extending across the full width of the lot between the rear building line and the rear lot line, the depth of which is the least distance between the rear lot line and the rear building line.

YARD, SIDE: A yard between the side building line and the side lot line and extending from the front yard to the rear yard and being the least distance between the side lot line and the side building line.

ARTICLE 4

PROCEDURES FOR APPROVAL OF REZONINGS, CONDITIONAL USES, AND SITE DEVELOPMENT PLANS

Section 405.110	Authority to File Applications
Section 405.115	General Provisions
Section 405.120	Criteria for Review of Zoning Map Amendment
Section 405.125	Criteria for Review of Conditional Uses
Section 405.130	Period of Validity of Conditional Use Permit
Section 405.135	Rezoning to Planned Zoning District
Section 405.140	Site Plan Requirements
Section 405.145	Major Site Plans
Section 405.150	Minor Site Plans
Section 405.155	Staff Level Review of Site Plans
Section 405.160	Effect of Site Plan Approval
Section 405.165	Site Plan Approval Expiration
Section 405.170	General Site Design Standards

SECTION 405.110: Authority to File Applications.

- A. Zoning Text Amendment. Application for a zoning text amendment may only be initiated by the Board of Aldermen or Planning and Zoning Commission.
- B. Zoning Map Amendment (Rezoning). Application for a zoning map amendment or change in zoning may be initiated by the Board of Aldermen, Planning and Zoning Commission, and the owner or authorized agent of the property affected.
- C. Conditional Use. Application for a conditional use may be initiated by the Board of Aldermen, Planning and Zoning Commission, and the owner of the property affected.
- D. Planned District Concept Plan. Application for a concept plan may only be filed by the owner of property or their authorized agent when a zoning map amendment application for a Planned District is filed.
- E. Site Plan. Application for a site plan may only be filed by the owner of property or their authorized agent.

SECTION 405.115: General Provisions.

- A. Application Submission. An application for a zoning map amendment or change in zoning, and conditional use shall be made to the Planning and Zoning Commission upon appropriate forms available from the Community Development Department, and shall include a list of names and addresses of all property owners within 185 feet of the rezoning area. Such application shall be made at least twenty (20) days prior to a regularly scheduled Planning and Zoning Commission meeting, unless the submission deadlines adopted by the Planning and Zoning Commission contain different time periods.
- B. Proof of Ownership and/or Authorized Agent. Where an application provided for in this Article has been filed by a landowner or authorized agent, an affidavit of ownership or control of the land wholly contained within the application, or

authorizing an agent to submit an application on behalf of the owner, shall be submitted to the Community Development Department.

- C. Pre-Application Conference. Prior to filing an application provided for in this Article, a pre-application meeting shall be required between the applicant and the Community Development Director or his/her authorized representative, unless waived by said Director. The purpose of this meeting is to provide an opportunity to receive advice and assistance of the city staff, and shall not constitute a formal application. The meeting is for informational purposes only and is not a substitute for a complete reading by the applicant of all applicable regulations, or is it to be considered as any indication of approval or disapproval by the Community Development Director. The meeting may include a discussion of technical studies, concept plans, site plans, landscape plans, development standards and other information deemed relevant. A discussion on anticipated level of citizen interest and notification requirements shall also be included.
- D. Complete Applications Required. No application shall be deemed complete until all items required to be submitted in support of an application has been submitted subject to the provisions of this Article. If the Community Development Director or his/her authorized representative determines that the application is incomplete, the Director shall return the application to the applicant as incomplete and identify how the application is deficient with a written explanation of his/her determination. The applicant may re-apply or may appeal the determination to the Board of Adjustment.
- E. Concurrent Review. The applicant may request, subject to the Community Development Director's approval, concurrent processing and review of various development applications.
- F. Community Development Director Review. The Community Development Director may distribute the application and other submittals to city divisions and departments, and to other appropriate city, county, state agencies to solicit comments and ensure that the proposal complies with all applicable standards and requirements.
- G. Submission of Technical Studies. The Community Development Director, Planning and Zoning Commission or Board of Aldermen may require applicants for rezonings, conditional uses, concept plan, and a site plan to submit technical studies as may be necessary to enable the Planning and Zoning Commission or Board of Aldermen to evaluate the application. Examples of technical studies that may be required shall include, but are not limited to, traffic studies, engineering studies, geologic or hydrologic studies, environmental impact assessments, noise studies, market demand studies, and economic impact reports.

The persons or firms preparing the studies shall be subject to the approval of the City Administrator and/or Community Development Director. The costs of all studies shall be borne by the applicant.
- H. Planning and Zoning Commission and Board of Aldermen Public Hearing.
 - 1. All proposed zoning map amendments, conditional uses, and concept plans as part of a planned district shall first be submitted to the Planning and Zoning Commission for recommendation and report and no amendment or change shall be made without a public hearing before the Planning and Zoning

Commission. The Planning and Zoning Commission shall cause an accurate written summary to be made of the proceedings.

2. Public notice of such hearing shall be published by the Community Development Department not more than fifteen (15) days and not less than five (5) days prior to the date of said hearing in a newspaper of general circulation legally authorized to publish such notices, and notification letters shall be mailed to all property owners with 185 feet of the proposed rezoning area. Said notices shall notify the public that such hearing will take place, fix the time and place for the hearing; describe the nature of the application which will be presented; and state that the public may attend and be heard. When the proposed changes is not a general revision of an existing ordinance and will affect specific property, such property shall also be designated by legal description. Proof of publication of such notice shall be filed with the Planning and Zoning Commission in advance of said hearing by the Community Development Department who is responsible for such publications.
 3. After the public hearing before the Planning and Zoning Commission, the Commission shall approve, approve subject to modifications, or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Planning and Zoning Commission to the Board of Aldermen.
 4. No zoning map amendment or change, conditional use, or concept plan, shall be authorized without a public hearing before the Board of Aldermen. The procedures described above in Section 405.115 H (2) shall be followed. The Board of Aldermen shall cause an accurate written summary to be made of the proceedings.
- I. Protest Petition. In case a protest against a zoning map amendment or conditional use is presented, duly signed and acknowledged (properly notarized) by the owners of thirty percent (30%) or more, either of the areas of land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the Board of Aldermen.
- J. Conditions Attached to Rezoning, Conditional Uses, Concept Plans, and Site Plans. The Planning and Zoning Commission may recommend and the Board of Aldermen may adopt a zoning amendment, conditional use, concept plan and a site plan with conditions attached.
- The City may impose reasonable conditions on the approval of a conditional use permit. Such conditions may include a provision approving a conditional use permit limited to an individual property owner or owners alone or a provision approving a conditional use permit for a specific period of time
- K. Time of Performance in Rezoning.
1. In cases where the Planning and Zoning Commission and Board of Aldermen deem that time of development is a critical factor in protecting the public welfare in a rezoning action, a time of performance may be included in the rezoning ordinance. Such time allowed for performance shall be reasonable.

Such time shall be not less than three (3) years from the date of publication of the rezoning ordinance for all rezonings into districts in which single-family dwellings are allowed and not less than two (2) years from the date of publication of the rezoning ordinance for all rezonings into districts in which single-family dwellings are not allowed. Such ordinance shall clearly state what constitutes performance in each case.

2. If, at the termination of such stipulated period of time, performance as required has not occurred, the Planning and Zoning Commission may, within reasonable time thereafter, publish notice and conduct a public hearing for purposes of determining whether or not a change in zoning to a more restrictive district would, at that time, be in the public interest. The owner of the property in question shall be notified by registered mail of the proposed hearing not less than fifteen (15) days prior to the date of the hearing. Other notification and posting as required in this Section shall be performed by the City and all proceedings shall be the same as for other rezoning actions.
 3. It shall be the purpose of this hearing to hear the owner and other interested parties and make a determination as to which of the following actions would be recommended to the Board of Aldermen:
 - a. Extend the time of performance to a specified date.
 - b. Remove the time of performance section from that rezoning ordinance.
 - c. Rezone the land to another specific district.
 4. After the public hearing the Planning and Zoning Commission shall forward its recommendation to the Board of Aldermen. The Board of Aldermen will then act to approve or disapprove the recommended action consistent with these regulations.
- L. Limitation on Land Use. The Planning and Zoning Commission and the Board of Aldermen may, in the process of rezoning land, limit the use of the land to one (1) specific use permitted in the district to which the land is rezoned.
- M. Fees. A fee, in the amount set by the Board of Aldermen, shall accompany all applications. The amount of such fee shall also reimburse the City for the cost of publication notice and notification mailings to surrounding property owners for which the City agrees to take responsibility.
- N. Limitations on Reapplication for Amendments.
1. Whenever any application has been made under this Article and the application has been denied by the Board of Aldermen or withdrawn after it has been advertised for public hearing, such application or one (1) substantially similar shall not be reconsidered for the same property sooner than six (6) months after the previous denial or from the date the application was withdrawn.
 2. The Board of Aldermen may waive the limitation in this Section for good cause if there is a substantial change in the original application. All requests for an exemption from this Section shall be submitted to the Board of Aldermen fifteen (15) days prior to a regularly scheduled meeting of the Board of Aldermen and shall be included on the agenda for that meeting as an agenda item. If the Board of Aldermen determines that the application constitutes a substantial change from the original application, the item will be

advertised and public hearing will be held at the next regularly scheduled meeting of the Planning and Zoning Commission.

- O. Vested Rights. A landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment or change to a zoning ordinance, a permit or site plan when the landowner:
 - 1. Obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project.
 - 2. Relies in good faith on the significant affirmative governmental act.
 - 3. Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act
- P. Development Agreements. Whenever it deems necessary, the Board of Aldermen may direct the City Manager and City Attorney, with the continuing participation of the Board of Aldermen, or a committee thereof, to enter into discussions and negotiations with a private party to propose a Developer Agreement to effectuate any purpose or goal set forth in this Unified Development Ordinance or the Kearney City Comprehensive Plan.

SECTION 405.120: Criteria for Review of Zoning Map Amendment.

- A. The Planning and Zoning Commission and Board of Aldermen shall consider each of the following criteria when reviewing a zoning map amendment.
 - 1. The existing uses of the subject property and uses of adjacent and near properties.
 - 2. The current zoning of the subject property and adjacent or nearby properties.
 - 3. The extent to which the property values are diminished by the present zoning restrictions.
 - 4. The extent to which the restrictions diminishing property values, promote the health, safety, morals, or general welfare of the public.
 - 5. The relative gain to the public compared to the extent of hardship imposed upon the individual property owner.
 - 6. The suitability of the subject property considered under the proposed zoning classification.
 - 7. The history of the use of the subject property considered in the context of land development in the vicinity of the property.
 - 8. The conformity with the Kearney Comprehensive Plan or other planning documents.
 - 9. The capacity to provide adequate public services, facilities, and utilities to accommodate the proposed development.
 - 10. The extent to which appropriate transportation design and access is provided given existing and planned roadway capacity.

11. The extent to which the rezoning will not result in adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.

SECTION 405.125: Criteria for Review of Conditional Uses.

- A. The Planning and Zoning Commission and Board of Aldermen shall consider each of the following criteria when reviewing a conditional use permit.
 1. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of land use and operations proposed.
 2. Accessibility of the property to police, fire, refuse collection, and other municipal services.
 3. Adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of the off-street parking and loading areas.
 4. Utilities and services, including water, sewer, drainage, gas and electricity, with particular reference to location, availability, capacity and compatibility.
 5. The location, nature and height of buildings, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.
 6. The adequacy of required yard and open space requirements and sign provisions.
 7. The general compatibility with adjacent properties; other properties in the neighborhood; and the safety, health, comfort and general welfare of the community. Conservation of property values.
 8. The consistency of the proposed use with the Kearney Comprehensive Plan or other planning documents, and provision for orderly and proper renewal, development and growth.
 9. Conservation of property values; promotion of the safety of individuals and property; provision of adequate light and air.
 10. Invasion of inappropriate uses and the value, type and character of existing or authorized improvements and land uses.

SECTION 405.130: Continuance and Period of Validity of Conditional Use Permit

- A. Continuance. A conditional use permit shall be allowed to continue, unless specified otherwise as a condition of its authorization, as long as all conditions placed on it are met; however, if after a public hearing the City finds that particular use ceases to exist for a period of six (6) months or if the use is no longer in compliance with the conditions placed upon such conditional use permit by the Planning and Zoning Commission and/or the Board of Aldermen, the property forfeits its conditional use permit and will not be allowed to exist again unless a new application is made, a public hearing held as provided for in these regulations and a new conditional use permit approved.

- B. Period of Validity. The approval of a conditional use shall lapse and become void unless the applicant shall apply for a building permit within two (2) years of the date of approval by the Planning and Zoning Commission. Upon the written request of the property owner and for good cause shown, the Planning and Zoning Commission may grant a one-year extension.

SECTION 405.135: Rezoning to Planned Zoning District.

- A. Purpose. The provisions of this Section establish special procedures for approving a "concept plan" for planned zoning districts. The procedures are in recognition of the fact that traditional density, bulk, spacing and use regulations may impose inappropriate and rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach.
- B. Concept Plan Submission Requirements.
1. Purpose and Effect. An application for rezoning to a Planned District shall include a concept plan and such additional information as the applicant may deem necessary to provide a detailed understanding of the proposed planned development. Although it is unnecessary to become involved in the preparation of engineering drawings at this stage, the concept plan must be sufficiently detailed to be judged for its superiority to other forms of development or other zoning districts.
 2. Contents of Concept Plan. At a minimum, a concept plan shall include the following general information:
 - a. Ten (10) copies of the concept plan must be submitted to the Community Development Department at least thirty (30) working days in advance of a scheduled Planning and Zoning Commission meeting. One copy shall be made available for public inspection at least fourteen (14) days in advance of a public hearing.
 - b. All copies of concept plans must be submitted on superior quality paper in a 24 X 36 inches format (or a format specified by the Community Development Director). The scale shall be a professionally acceptable standard suitable to the area of the purposed project.
 - c. Unless otherwise specified, each concept plan shall contain the following information:
 - (1) Project title.
 - (2) Plan creation and revision dates
 - (3) Name and address of owner and developer.
 - (4) Name and address of the registered engineer, architect, surveyor or landscape architect responsible preparing the concept plan.
 - (5) North arrow and graphic scale.
 - (6) Names of abutting developments and landowners.
 - (7) Topography at reasonable intervals.
 - d. Uses proposed, in general categories.
 - e. Intensity or density of uses proposed.

- f. Existing and proposed open space to achieve an appropriate transition between land uses and densities, and to protect adjoining properties from adverse effects.
- g. Existing and proposed landscape plantings, buffer areas, and conservation easements.
- h. Existing and proposed development areas with a conceptual layout of lots (for all developments) and buildings (for multi-family residential, mixed-use, and non-residential development).
- i. Existing and proposed street, ingress and egress to the project, and pedestrian networks.
- j. Existing and proposed utilities and public services.
- k. Existing 100-year floodplain boundary location.
- l. Existing wells and cemeteries.
- m. Conceptual building elevations.
- n. Conceptual design of signs.
- o. Phasing schedule for proposed construction and improvements.
- p. Additional Information. Depending upon circumstances, the City Administrator and/or Community Development Director, on behalf of the Board of Aldermen and/or Planning and Zoning Commission may require additional information regarding, but not limited to, the following:
 - (1) Conceptual stormwater management plan prepared by a licensed professional engineer, showing techniques to control runoff, including but not limited to natural overland flow, open channels, swales, retention or detention basins.

All development shall control any stormwater drainage which occurs off the property according to adopted City standards which are currently "Storm Drainage Systems and Facilities of Division V, Design Criteria of the Kansas City Metropolitan Article of the American Public Works Association (APWA).
 - (2) Traffic impact study for large developments or for those in heavy traffic areas. The specific purpose of these studies is to:
 - (a) Provide guidance for short and long-range planning of site access.
 - (b) Provide guidance for on-site circulation and the interface between on-site circulation and off-site traffic.
 - (c) Provide guidance for off-site improvements needed to permit the roadway system to function satisfactorily.
 - (3) Information concerning hazardous materials or other environmental impacts.
 - (4) Survey showing the physical features of the property, including contours at vertical intervals of not more than five (5) feet where

the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%), and ten (10) foot intervals for non-residential uses). Elevations shall be marked on such contours based on the existing datum plane established by the U.S. Coast and Geodetic Survey. Bench mark elevations used shall be described on the plan.

- C. Planning and Zoning Commission Recommendation. The Planning and Zoning Commission shall hold a public hearing as required in Section 405.115 H. Following the conclusion of the public hearing, the Planning and Zoning Commission shall transmit to the Board of Aldermen its recommendations that the concept plan either be approved, be approved subject to modifications, or not be approved. In considering the concept plan and formulating its recommendation, the Planning and Zoning Commission shall be guided by, and shall in its report specifically address, the considerations of the Planned Development district, Section 405.170 General Site Design Standards, and any other relevant provisions of this Unified Development Code, and the Kearney Comprehensive Plan.
- D. Board of Aldermen Approval. Following receipt of the report of the Planning and Zoning Commission, the Board of Aldermen shall hold a public hearing as specified in Section 405.115 H and shall either refuse to approve the concept plan; shall refer it back to the Planning and Zoning Commission for further consideration of specified matters; or shall, by ordinance duly adopted, approve the concept plan, with or without modifications, to be accepted by the applicant as a condition of such approval. If such plan is approved with modifications, the approval shall not be considered final until the applicant has filed and the Board of Aldermen has accepted the applicant's written consent to and confirmation of such modifications.
- E. Concurrent Approvals. At the applicant's option, an application for site plan and/or preliminary subdivision plat approval may be submitted in conjunction with an application for a rezoning to a Planned District. In such case, the applications shall be reviewed together pursuant to their respective standards, the time limits for rezoning shall apply to the joint application, and no approval of a site plan or preliminary subdivision plat shall be effective unless and until the application for rezoning to planned development has been approved by the Board of Aldermen. The application for site plan and/or subdivision approval may be for the entire planned development site or for a phase thereof which is consistent with the phasing plan ultimately adopted by the Board of Aldermen.
- F. Building and Other Permits. After approval of a concept plan and other required approvals, and upon application by the applicant, appropriate City officials may issue building permits for construction and other work in the area encompassed by the approved concept plan. No such permit shall be issued unless the City is satisfied that the requirements of all applicable codes or ordinances have been satisfied.
- G. Amendments to Concept Plan.
 - 1. Minor Change. Any proposed change or changes to an approved concept plan which meets the following criteria shall be considered a minor change and may be permitted if approved by the Community Development Director.
 - a. Decreases by five percent (5%) or less the area approved for public and private open space.

- b. Relocates or modifies approved circulation elements as a result of more detailed engineering or changes requested by staff, unless the change would decrease the ability of such elements to function efficiently, adversely affect their relation to surrounding lands and circulation elements, or would reduce their effectiveness as buffers or amenities.
2. Special Exception Change. The following change or changes to an approved development plan may be made by special exception approved by the Board of Aldermen.
 - a. Increases by five percent (5%) or less of the total number of units to be devoted to any specified residential or nonresidential use.
 - b. Increases by five percent (5%) or less of the total floor area to be devoted to any specified nonresidential use.
 - c. The arrangement of specified land uses and/or structures within the planned development.
3. Major Change. Other than the minor amendments authorized above, if an approved concept plan is amended, varied or altered, such change shall be reviewed pursuant to the procedures established by this Section for its original approval.

The minimum submission requirements for changes to an approved concept plan shall be the same for either a new or an amended plan. Changes being made may be shown only for those areas affected, not the entire concept plan.

SECTION 405.140: Site Plan Requirements.

- A. Purpose. The provisions contained in this section are established to ensure the safe and efficient movement of traffic, promote the development of a harmonious and well-ordered community, further the goals and objectives of the Kearney Comprehensive Plan, and best serve the interest of public health, safety, and general welfare.
- B. Section Overview. A site plan application shall be submitted at the time or prior to when a property owner submits an application for a building permit. The site plan allows the office of Community Development, Planning and Zoning Commission, and Board of Aldermen to ensure that new construction is in accordance with an approved concept plan, and is consistent with the provisions of the Unified Development Code. Site plan approval is required prior to the issuance of a building permit.
- C. Types of Site Plan Review. A three tier site plan review process is incorporated into the UDC. The first tier of site plan review involves a review and approval by the Planning and Zoning Commission and Board of Aldermen and is referenced as a major site plan review. The second tier involves a review by the Planning and Zoning Commission and is referenced as a minor site plan review. The third tier involves an administrative staff review and is referenced as staff level site plan review.

- D. Site Plan Required. Table 1 shows the three tier of site plan reviews and identifies the types of development, structures, land uses or construction activities when a site plan submission is required.

Table 1
Identification of Land Use and Construction Activities When Site Plan Review
Required

Major Site Plan Review	Minor Site Plan Review	Staff Level Site Plan Review
All uses in the commercial districts.	New pole signs where none existed prior.	Tenant exterior refinishes in established shopping centers, provided that it is in keeping with any approved site plan of record for the shopping center.
All uses in the industrial districts.	Exterior refinishes and repainting in the original town.	On sites with a site plan of record, additions and accessory buildings under five thousand (5,000) square feet and less than fifty percent (50%) of the existing square footage of buildings on site plan approved by Planning and Zoning Commission.
All nonresidential uses in the R-R, Rural Residential District.		Conversion from one commercial use to another provided no drastic facade changes are made.
All permitted and conditional uses in the residential districts, except for single family structures and two-family dwellings, and accessory uses.		Any fence in a commercial or industrial district.
Any addition to the building or major façade change to any building that does not have an approved site plan of record.		New wall signs and/or monument signs where none existed prior.
For sites with a site plan of record, any addition or accessory building over 5,000 sq. ft or over 50 percent of the existing square footage of the buildings on a site plan approved by the Planning and Zoning Commission.		Hard surfacing of existing gravel parking provided no new ingress/egress site is under one-half (½) acre and no known drainage problems exist.
Any use conversion (e.g. converting a legal non-conforming single family home to a commercial use.		New hard surfacing under one-half acre.
New hard surfacing over one-half acre or cumulative additions that exceed one-half acre.		

New Drive-Through/Motor
Vehicle Orientated Business
(MVOB)

Any major façade change
All public buildings and
institutions

Above-ground structures
associated with a public
utility, utility substation,
water or sewer pumping
station, water or sewer
treatment facility or
commercial
communication tower.

E. Site Plan Exceptions.

1. New One- and Two-Family Structures. An application for single-family and duplex building permits shall include a plot plan of the site to be built upon. The plot plan shall be sealed by a land surveyor licensed in the State of Missouri. See Section 405.090 Permits C 2(b)(1) for plot plan submission requirements.

F. Site Plan Submission Requirements. The requirements for submission of site plan shall include the following: Note these submission requirements apply to major, minor, and staff level site plan applications.

1. An approved concept plan when located in a Planned Zoning District.
2. Three (3) copies of the site plan must be submitted to the Community Development Department.
3. All copies of site plans must be submitted on superior quality paper in a 24 X 36 inches format (or other similar format specified by the Community Development Director). The scale shall be a professionally acceptable standard suitable to the area of the proposed project. In addition, 10 sets of reduced site plans must be submitted in an 11 x 17 inch format.
4. Unless otherwise specified, each site plan shall contain the following information:
 - a. Project title.
 - b. Plan creation and revision dates
 - c. Name and address of owner and developer.
 - d. Name and address of the registered engineer, architect, surveyor or landscape architect responsible preparing the site plan.
 - e. North arrow and graphic scale.
 - f. Names of abutting developments and landowners.
5. Property line bearings, distances, and corners.
6. Public right-of-ways.
7. Easements and encroachments (location, dimensions, purpose).

8. 100-year floodplain, if applicable.
9. Building foot print, dimensions, orientation, and finished grade elevation.
10. Contours and spot elevations at appropriate contour interval.
11. Streets and roads (labeled).
12. Sanitary sewer utility location, including manholes.
13. Water utility location, including hydrants.
14. Curb and gutter and sidewalks.
15. Ditches, catch basins, stormwater detention or retention, and drainage channels.
16. Fences, walls, and exterior lighting.
17. Outside storage areas, refuse disposal and service areas.
18. Parking lot location, shape, dimensions, and capacities, including aisles, curbing, surface type, driveways, and curb cuts.
19. Loading and service area location, dimensions and capacities, including aisles, curbing, surface type, driveways, and curb cuts.
20. Landscape plan in accordance with Article 26 Landscaping Regulations.
21. Signage plans in accordance with Article 26 Sign Regulations.
22. The Planning and Zoning Commission, in its discretion, may require a survey showing the physical features of the property, including contours at vertical intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%), and ten (10) foot intervals for non-residential uses). Elevations shall be marked on such contours based on the existing datum plane established by the U.S. Coast and Geodetic Survey. Bench mark elevations used shall be described on the plan.

SECTION 405.145: Major Site Plan.

- A. Major Site Plan Review Procedure. Site plans subject to major site plan review shall be reviewed by the Planning and Zoning Commission and Board of Aldermen. In their review of a major site plan, the Planning and Zoning Commission and Board of Aldermen shall follow Article 24 Site Development Standards.
- B. Required Submissions.
 1. Upon application to the Community Development Department for a building permit, the applicant shall submit a complete set of site plans. See Section 405.140 F Site Plan Submission Requirements.
 2. If the Community Development Department finds the submission to be incomplete (i.e., contains insufficient information to render a decision on the plans), the Community Development Department shall notify the applicant of the information required for a complete submission or shall reject the application.

- C. Referral to Planning and Zoning Commission. The Community Development Department shall, within thirty (30) days of receipt of a complete submission, submit said plans, together with the staff report, to the Planning and Zoning Commission.
- D. Action by Planning and Zoning Commission. The Planning and Zoning Commission shall, within forty-five (45) days of receipt of said site plans and report from the Community Development Department, review and approve, approve with conditions, or deny applications for major site plan approval at a public meeting. All interested persons shall have the right to appear and speak concerning the application.
- E. Action by Board of Aldermen. The Board of Aldermen shall review and approve, approve with conditions or deny applications for major site plan approval at the first available public meeting after action by the Planning and Zoning Commission. All interested persons shall have the right to appear and speak concerning the application.
- F. Action by Community Development Director. The Community Development Director shall review the approved site plan for each phase or all of the development prior to the issuance of a building permit by the Building Inspector. If the property is not to be developed as indicated by the site plan or any approved amendments, the Community Development Director shall refuse to sign off on any building permit. The building permit applicant, in case of denial of a building permit, may appeal the action to the Board of Adjustment as provided by this UDC.

SECTION 405.150: Minor Site Plans.

- A. Minor Site Plan Review Procedure. Site plans subject to minor site plan review shall be reviewed by the Planning and Zoning Commission. In their review of a minor site plan, the Planning and Zoning Commission shall follow Section Article 24 Site Development Standards.
- B. Required Submissions.
 - 1. Upon application to the Community Development Department for a building permit, the applicant shall submit a complete set of site plans. See Section 405.140 (F) Site Plan Submission Requirements.
 - 2. If the Community Development Department finds the submission to be incomplete (i.e., contains insufficient information to render a decision on the plans), the Community Development Department shall notify the applicant of the information required for a complete submission or shall reject the application.
- C. Referral to Planning and Zoning Commission. The Community Development Department shall, within thirty (30) days of receipt of a complete submission, submit said plans, together with the staff report, to the Planning and Zoning Commission.
- D. Action by Planning and Zoning Commission. The Planning and Zoning Commission shall, within forty-five (45) days of receipt of said site plans and report from the Community Development Department, review and approve, approve with conditions, or deny applications for major site plan approval at a public meeting. All interested persons shall have the right to appear and speak concerning the application.

- E. Action by Community Development Director. The Community Development Director shall review the approved site plan for each phase or all of the development prior to issuance of a building permit by the Building Inspector. If the property is not to be developed as indicated by the site plan or any approved amendments, the Community Development Director shall refuse to sign off on any building permit. The building permit applicant, in case of denial of a building permit, may appeal the action by the Community Development Director to the Board of Adjustment as provided by this UDC.

SECTION 405.155: Staff Level Review Site Plans.

- A. Staff Level Review Procedure. Site plans subject to staff level site plan review shall be reviewed by the Community Development Department. In their review of a site plan, the city staff shall follow Article 24 Site Development Standards.
- B. Required Submissions.
1. Upon application to the Community Development Department for a building permit, the applicant shall submit a complete set of site plans. See Section 405.140 (F) Site Plan Submission Requirements.
 2. If the Community Development Department finds the submission to be incomplete (i.e., contains insufficient information to render a decision on the plans), the Community Development Department shall notify the applicant of the information required for a complete submission or shall reject the application.
- C. Action by Community Development Director. The Community Development Department shall review and approve, approve with conditions, or deny the site plan within 30 days of a complete application.
- D. Appeals. All appeals from the decision of the Community Development Department shall be taken by the applicant to the Planning and Zoning Commission and shall be filed, processed, and reviewed by the Planning and Zoning Commission, as a new site plan submission, but without additional fees.

SECTION 405.160: Effect of Site Plan Approval.

Following approval of a site plan submitted in compliance with this Article, all real property described in the building permit application must be improved, developed and used in accordance with the approved site plan and building permit application and any written proposals submitted therewith within the time schedule set forth on the site plan. Changes and modifications to the site plan shall be subject to the same procedures and standards set forth in this Article for initial approval. Upon approval of the site plan and issuance of the building permit, the property owner is responsible for completing all improvements shown on the site plan.

SECTION 405.165: Site Plan Approval Expiration.

Any approval of a site plan either by the Community Development Department, Planning and Zoning Commission, or Board of Aldermen shall become void one (1) year from the date of approval if no occupancy or building permit has been issued for development of the project. An extension of six (6) months may be granted by the Community Development Director upon written request of the owner or developer. Further extensions may only be granted by the Planning and Zoning Commission and/or Board of Aldermen.

SECTION 405.170: General Site Design Standards.

- A. In the review of a site plan, the Community Development Department, Planning and Zoning Commission, and/or Board of Aldermen shall review the site plan for compliance with the provisions of this Unified Development Code, principles of good planning and design as presented in Article 24: Site Development Standards, and to advance the intent and purpose of this Article.
- B. The applicant must demonstrate that the site plan meets the following standards and that the development as proposed will not be detrimental to the public health, safety or general welfare:
 - 1. The development shall be compatible with (and not cause adverse impact on) the neighboring properties and public facilities.
 - 2. The development shall provide adequate parking and safe access to and from public streets and highways, and shall minimize adverse effects on vehicular and pedestrian circulation. If deemed necessary by the Community Development Department, Planning and Zoning Commission, or Board of Aldermen, the applicant may be required to prepare a traffic impact analysis to quantify the amount of traffic generated by the proposed development and projected impacts on traffic circulation in the area.
 - 3. The development shall provide for open space and parkland, when required, and protect sensitive natural areas from development which minimizes natural hazards.
 - 4. The development shall be adequately served by public facilities and services, such as sewer, water, streetlights, sidewalks, stormwater management and/or storm drains; and police, fire and refuse collection.
 - 5. The development of commercial structures shall ensure the highest possible quality, design, appearance and character or theme of architecture that best advances the overall image of the community, and relates to and/or compliments with adjacent sites and structures.
 - 6. The development of new buildings or renovation, remodeling, and additions to existing buildings in the "Original Town" shall incorporate building materials and architectural designs consistent with the overall design character.
 - a. Architectural styles and buildings shall compliment the historic development patterns and preserve the area's distinct visual character.
 - b. Building quality shall meet or exceed that of the surrounding area to upgrade building conditions and appearances, to improve economic viability, and to reduce blight.

- c. Within any area that is designated now or in the future as a historic district or as a historical landmark, such area or structure shall adhere to the Secretary of Interior Standards for Rehabilitation.
- C. Site plans for stormwater management and/or sediment and erosion control measures as required shall be reviewed by the City Engineer for compliance with City and State requirements.
 1. All development shall control any stormwater drainage which occurs off the property according to adopted City standards which are currently "Storm Drainage Systems and Facilities of Division V, Design Criteria of the Kansas City Metropolitan Article of the American Public Works Association (APWA).
 2. Development within the designated floodplain zone shall conform to the requirements of Article 21 Floodplain Overlay District.

ARTICLE 5 ACCESSORY USES AND STRUCTURES

Section 405.175	Accessory Uses and Structures Authorized
Section 405.180	Permitted Accessory Uses and Structures
Section 405.185	Location and Maximum Size Requirements
Section 405.190	Home Occupations
Section 405.195	Fences

SECTION 405.175: Accessory Uses and Structures Authorized.

- A. Accessory uses and structures are permitted in any zoning district when they comply with all of the following conditions:
1. The use or structure is clearly subordinate and incidental to, and commonly associated with, the principal use.
 2. The use or structure is operated and maintained under the same ownership or occupant of the premises and is located on the same lot or site as the principal use.
 3. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal structure or use served.

SECTION 405.180: Permitted Accessory Uses and Structures.

- A. Any structure or use that complies with the terms of Section 405.175 may be allowed as an accessory use or structure and may be included, but is not limited to the following list:
1. Detached Storage Structures. Detached accessory structures, other than garages/carports, shall not exceed two hundred (200) square feet in gross floor area.
 2. RV, Boat, Trailer Storage. Storage of major recreational equipment and vehicles such as boats, camping trailers or motor homes; provided that they shall not be utilized for living purposes, except for the convenience of temporary lodging only and, when stored on a residential lot as personal property of the occupant, shall not be located less than five (5) feet from the front lot line.
 3. Guest Houses. Guest houses (without kitchen facilities) or rooms for guests in an accessory building; provided that such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.
 4. Outdoor Storage. Outdoor storage shall not be permitted as an accessory use, except as specifically permitted in the district regulations.
 5. Wind Energy Conversion Systems. Except for wind energy conversion systems which are used solely for pumping water, all wind energy conversion systems which are proposed to be located inside the City must have a conditional use permit.

6. Parking on Lawn Areas. The parking of any vehicle shall not occur on lawn areas, unpaved public right-of-ways or other unpaved locations in District "R-R", "R-1", "R-2", "R-3" and "R-4". Parking shall be limited to areas that are hard-surfaced and shall generally be located in close relationship to the garage or otherwise vehicle orientated portion of the premises so that the lawn area may be maintained in grass, trees and shrubs. Parking of trucks, in excess of one (1) ton, or buses in any zoning area with a "R" (residential) designation is prohibited; provided that said vehicles may be parked in conjunction with deliveries, trucks may be parked in an enclosed garage, construction trucks may be parked when construction work is actually in progress in connection with the premises, and trucks may be parked on the premises in connection with any emergency.
7. Unattended Motor Running. It shall be unlawful within any district zoned "R-A", "R-1", "R-2" and "R-3" for any driver, owner or operator of any bus, truck, truck tractor or trailer to park and leave unattended with the engine, auxiliary engines or motor running, whether on a public street, public roadway or private property, during the hours from sunset to the following sunrise.
8. Storage of Inoperable or Unlicensed Vehicles. See Article 215 Nuisances, Article IV. Leaving Disabled or Damaged Motor Vehicle or Junk on Street Private Property.
9. Terraces. Open terraces not over four (4) feet above the average level of the adjoining ground but not including a permanent roof over a terrace or open or closed porches.
10. Awnings or Canopies. Awnings or canopies without independent supports.
11. Setups four (4) feet or less above grade which are necessary for access to a permanent structure or for access to a lot or to a lot from a street or alley.
12. One (1) story bay windows, chimneys and overhanging eaves and gutters projecting thirty-six (36) inches or less.
13. Flagpoles, ornamental light and gas fixtures.
14. Children's playhouses, statuary, arbors, trellises, barbecue stoves, flagpoles, and bathhouses
15. Swimming pools which are enclosed by a security-type fence as approved by the Community Development Director or his/her authorized representative regardless of whether the pool is above or below ground.
16. Satellite dish antenna which are three (3) feet or less in diameter or diagonal measurement, so long as said antennas are not located within the required front yard setback area, unless screened.
17. Tow lot in conjunction with major automobile and vehicle repair.

SECTION 405.185: Location and Maximum Size Requirements.

A. Residential Zones

1. Maximum Height. In no instance shall the height of any accessory structure exceed sixteen feet (16) in height or the height of the principal structure, whichever is lower.

2. Front Yard Setback. No accessory structure shall be placed in the front yard of any lot.
3. Rear Yard Setback. The rear setback for an accessory structure shall be ten (10) feet or outside a platted easement line, whichever is greater.
4. Side Yard Setback. The interior side setback for an accessory structure shall be eight (8) feet. The street side yard setback for any accessory structure shall be fifteen (15) feet, unless a greater setback is required by the underlying zone.
5. Maximum Size. No accessory structure(s) shall occupy more than thirty percent (30%) of the total rear yard.
6. Garages. Garage and carport accessory buildings taking direct access from an alley shall be located at least ten (10) feet from the boundary line of the alley. A detached garage/carport shall conform to the side yard requirements of the principal structure.
 - a. A detached garage/carport shall be located a minimum of ten (10) feet from the principal structure, unless approved by the Building Official.
 - b. A detached or attached garage/carport shall not encroach on a drainage or utility easement.
 - c. A detached or attached garage/carport in the R-1, R-2, R-3, and R-4 Districts shall be designed and constructed with materials, roof pitch and colors that shall be compatible with the main structure. The exterior building materials and colors shall be similar to the principal structure or shall be commonly associated with residential construction, and shall not be entirely constructed with or clad in metal.

B. All Other Zones:

1. Maximum Height. In no instance shall the height of any accessory structure exceed sixteen feet (16) in height or the height of the principal structure.
2. Front Yard Setback. No accessory structure shall be placed in the front yard of any lot.
3. Side and Rear Setbacks. Side and rear setbacks shall be the same as those for the underlying zone.

C. All Zones

1. Separation from Primary Building. An accessory building shall be located a minimum of five feet from the principal building or a distance that complies with the provisions of the building code, whichever is greater.
2. Connection to Primary Building. If an accessory building is located ten feet or less from the primary building and is connected by a solid roof at least ten feet wide which conforms to the roof design of the primary building it shall be considered a part of the primary building for determining required setbacks.

SECTION 405.190: Home Occupations.

- A. Purpose. The purpose of this section is to permit and regulate the conduct of home occupations as an accessory use in a residence, whether owner or renter occupied, and to ensure that such home occupations are compatible with the neighborhoods in which they are located. The intent is to protect residential areas from adverse effects of activities associated with home occupations, while allowing residents of the community to utilize their homes as a work place and source of livelihood under certain conditions.
- B. General Provisions and Review Criteria.
1. Main Residence. Said use shall be conducted solely within the confines of the main dwelling and shall not exceed twenty-five percent (25%) of the floor area, and shall be clearly incidental and secondary to the use of the property for residential purposes.
 2. Restricted Use of Garage. Garages or carports, whether attached or detached, shall not be used for home occupations other than for the storage of automobiles.
 3. Exterior Appearance. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation thereon.
 4. Alterations Prohibited. The home occupation shall not require any alteration or modification to the dwelling incompatible with residential use.
 5. Employees. Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.
 6. Traffic Generation. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
 7. Off-Street Parking. The home occupation shall not cause the elimination of required off-street parking.
 8. Nuisances. Uses which create excessive noise, odor, dust, vibration, electrical interference, air pollution, water pollution or conflict with the use of adjacent property for residential uses are prohibited.
 9. Vehicle Limitations. Only one vehicle, with a capacity not exceeding one ton, may be used by the occupant directly or indirectly in connection with the home occupation.
 10. Outdoor Storage. No outdoor storage of equipment or materials used in the home occupation shall be permitted.
 11. Prohibited Uses. The following uses shall not be used as a home occupation.
 - a. Automobile repair service.
 - b. Restaurants.
 - c. Commercial stables, kennels or animal hospitals.
 - d. Retail or wholesale sales.

- e. Manufacturing of goods.
- f. Professional offices for health care services.
- g. Dancing schools.
- h. Renting of trailers or equipment.

SECTION 405.195: Fences.

- A. Permit Required. No fence shall be erected or replaced unless an application has been made and a permit has been issued by the Community Development Department.
- B. Site Plan Review. All fences erected in the R-3, R-4, C-O, C-1, C, and M zoning districts are subject to the staff level site plan review process, unless the property is being used as a single- or two-family residence.
- C. Fence Heights.
 - 1. The height of all fences shall be measured from the average finished grade within two (2) feet of the fence line.
 - 2. No fence in a residential district shall exceed six (6) feet in height.
 - 3. Fences or a latticework screen neither having height of not more than four (4) feet nor having a visual density greater than fifty percent (50%) are permitted in front yards, except on corner lots where a sight triangle shall be kept unobstructed as herein described.
 - 4. Fences in a commercial or industrial district shall not exceed eight (8) feet in height in all yards.
 - 5. New fences in an R-3 or R-4 zoning districts shall not exceed four (4) feet in height in the front yard and six (6) feet in the side and rear yards.
- D. Fence Location.
 - 1. Unless otherwise stated, no fence shall be allowed in the front yard.
 - 2. On any corner lot on which a front, side or back yard is required, no wall, fence, sign, structure, or any plant growth which obstructs sight lines at elevations between two (2) feet and six (6) feet above the crown of the adjacent roadway shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection.
- E. Fence Design.
 - 1. All fences shall be so installed so that the finished side shall face outward; all bracing shall be on the inside of the fence.
 - 2. In residential districts, fences shall be limited to, or similar, to one of the following types of construction: wood stockade, chain link, split rail, wood wall, wrought iron, spaced picket fence, imitation vinyl or other similar decorative material.

3. In commercial districts, fences shall be limited to, or similar, to one of the following types of construction: wood stockade, split rail, wood wall, wrought iron, spaced picket fence, imitation vinyl or other similar decorative material.
4. In industrial districts, fences shall be limited to, or similar, to one of the following types of construction: wood stockade, chain link, split rail, wood wall, wrought iron, spaced picket fence, imitation vinyl or other similar decorative material.
5. Barbed wire and electric fencing (above ground) is prohibited in residential (except agricultural) and commercial districts.
6. No fence shall be constructed which will constitute a hazard to traffic or a danger to persons or animals.

ARTICLE 6 TEMPORARY USES

Section 405.200	General Provisions
Section 405.205	Carnivals or Circuses
Section 405.210	Christmas Tree Sales
Section 405.215	Garage or Yard Sales
Section 405.220	Outdoor Storage and Merchandise Display
Section 405.225	Contractor's Office
Section 405.230	Real Estate Office
Section 405.235	Storage Container

SECTION 405.200: General Provisions.

The following temporary uses of land are permitted in each district unless specifically restricted to particular districts and are subject to the regulations and time limits which follow. Temporary uses are not permitted in the public right-of-way.

SECTION 405.205: Carnivals or Circuses.

Permits for carnivals for circuses may be approved with conditions by the Board of Aldermen. Such uses need not comply with the bulk or lot size requirements; provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets.

SECTION 405.210: Christmas Tree Sales.

Christmas tree sales in any business or industrial district for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations; provided that no trees shall be placed in such a manner as to obstruct the vision of traffic within thirty (30) feet of the intersection of the curb line of any two (2) streets.

SECTION 405.215: Garage or Yard Sales.

Periodic conduct of what is commonly called "garage or yard sales" which do not exceed a period of more than three (3) days at any one (1) sale and no more than one (1) sale at any one (1) location during any six (6) month period.

SECTION 405.220: Outdoor Storage and Merchandise Display.

A. Outdoor Storage and Merchandise Display. It shall be unlawful for any commercial owner or occupant to place, deposit, or maintain outdoor storage on any premises or property except as permitted in this section.

Retailers of both new and used merchandise shall be permitted to display outdoors. The following conditions shall apply to the display of merchandise outdoors:

1. Display of merchandise must be set back ten feet from all property lines.

2. No merchandise may be placed on a public sidewalk. Merchandise may be placed on a private sidewalk as long as all other conditions for display are met, including a four-foot clearance.
3. All merchandise shall be located within the confines of the retailer's owned or leased property.
4. No merchandise may be placed on landscaping, within three feet of either side of a working doorway or within ten feet directly in front of a working doorway.
5. Merchandise shall not be placed in a designated sight triangle or in any location which would impair a driver's view of a street.
6. Merchandise shall be displayed and maintained in a neat, clean, tidy, and orderly manner.
7. Temporary parking lot sales shall be a permitted use in business districts, as long as the sales are conducted as an extension from a permanent structure containing a retail business. In addition, minimum off-street parking requirements must be maintained, as well as any other provisions of this Code. This section shall not be construed to allow a sub-lessee to occupy a parking lot for the purpose of conducting independent sales activity.
8. The size of the outdoor display area for secondhand goods or merchandise shall be limited to ten percent of the total indoor gross floor area of the business and in no event shall exceed 100 square feet.
9. No secondhand goods or merchandise shall be displayed or stored or otherwise left outdoors during non-operating hours of the business.
10. This section shall not apply to the sale of motor vehicles, trailers, or boats.
11. These provisions shall in no way be deemed to authorize the outdoor display or the sale of used furniture, used appliances, used plumbing, used housewares, used building material or similar display or sale in the area subject to the Central Business Overlay District and only in other commercial and industrial districts as may be authorized by the Planning Commission as a conditional use, unless permitted by other sections of these regulations.

SECTION 405.225: Contractor's Office.

A commercial office trailer during the period of construction or remodeling of a permanent residential, commercial or industrial structure(s), for which a valid building permit is in force may be permitted during the construction period of the buildings or lots.

SECTION 405.230: Real Estate Office.

A sales office(s) within a model home within an approved development, including accessory signs, landscaping, and parking facilities may be permitted during the period of construction and sale of lots in a new development.

SECTION 405.235: Storage Containers.

The use of metal shipping containers used for the storage of materials may be permitted, subject to one container per business or residence for no more than one month. Containers must be located on private property, not in the public right-of-way, and must be located on a driveway or other paved surface, not in the front yard or landscaped areas.

ARTICLE 7 NON-CONFORMING USES

Section 405.240	Purpose
Section 405.245	General Provisions

SECTION 405.240: Purpose.

Any lawful use of land, or structure, existing at the date of passage of this UDC or subsequent amendments thereto, and located in a zone in which it would not be permitted as a new use, building or structure under the terms of this UDC, is declared to be a legal non-conformance. It is the intent of this UDC to permit these non-conformances to continue until terminated either by voluntary act or by catastrophic event; or as otherwise provided herein, and to encourage their conversion to conformance where possible.

SECTION 405.245: General Provisions.

- A. Damage. The provisions of these regulations shall not apply to the existing use of any buildings or land and shall not prevent the restoration of a building damaged not more than seventy-five percent (75%) of its fair market value by fire, explosion, act of God or the public enemy or prevent the continuance of the use of such building or part thereof as such use existed at the time of such damage within twelve (12) months of such damage, excluding litigation concerning such restoration, but shall apply to any alteration of a building to provide for a change in such use of any building or land after the effective date of these regulations.
- B. Expansion or Structural Change. No such non-conforming use of a building, structure or land or substantial improvement to a non-conforming building, structure or land shall be expanded, changed, enlarged or altered in a way which increases its non-conformity.
- C. Re-establishment of Use. Whenever a non-conforming use of a building, structure or land has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.
- D. Discontinuance of Use. A lawful non-conforming use of a building, structure or land that has been voluntarily discontinued for a period of six (6) consecutive calendar months shall not thereafter be resumed.
- E. Ordinary Repair and Maintenance.
 - 1. Normal maintenance and incidental repair or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing may be performed on any structure that is devoted in whole or in part to a non-conforming use.
 - 2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition provided that such restoration will not be in violation of this Section.

- F. Residential Use in Non-Residential District. Any structure which is devoted to a residential use and which is located in a business or industrial district may be structurally altered, extended, expanded and enlarged; and may be restored if destroyed or damaged by fire, explosion, wind, flooding, or other natural disaster, provided however, that after any such reconstruction, such structure shall not be used to accommodate a greater number of dwelling units than such structure accommodated prior to any such work unless specifically permitted by the district.
- G. Reconstruct by Conditional Use. Non-conforming, non-residential structures and uses that existed on the day prior to the effective date of these regulations may apply on a one-time basis only to the Board of Aldermen for a conditional use permit to reconstruct, structurally alter or enlarge after damage or destruction or structurally alter, enlarge or make extensions to structures or uses including the use of additional land when properly zoned for the use, so long as in the opinion of the Board of Aldermen under stated conditions that the effect upon adjacent areas is protected to the extent possible and the public interest served.
- H. Recorded Plat Prior to UDC Adoption. A non-conforming recorded lot is a tract of land, designated on a duly recorded subdivision plat; or by a duly recorded deed which indicates the establishment of the parcel prior to the adoption of the Kearney Unified Development Code (or previous subdivision regulations); or by other lawful means; which has less than the minimum lot area, width or other dimension prescribed or the particular zone in which it is located and which met the lot area, width and other dimensions for the zone in which it was located at the time of such recording, but was made non-conforming by a subsequent amendment to this UDC.
1. A non-conforming lot may be used for a single family dwelling in any district zoned to permit a residence use provided that the following conditions are met:
 - a. The bulk of the proposed use would not exceed 70 percent than required in the zoning district in which the lot is located.
 - b. The rear yard shall not be less than required in the zoning district in which the lot is located.
 - c. The front yard shall not be less than (1) 70% of the required front yard in the district in which the lot is located; or (2) the average existing setback of all other principal structures on the block, whichever is greater.
 - d. The "yard abutting street" shall not be less than (1) 70% of the required yard of the district in which the lot is located; or (2) the average existing setback of all other principal structures on the block of the abutting street, whichever is greater.
 - e. The side yards shall not be less than 70% of the required yard of the district in which the lot is located.
 - f. The lot width shall not be less than 70% of the required yard of the district in which the lot is located.
 - g. The lot area shall not be less than 70% of the required yard of the district in which the lot is located.

ARTICLE 8

ZONING DISTRICTS AND DISTRICT MAP

Section 405.250	Zoning Districts
Section 405.255	Zoning District Map
Section 405.260	Interpretation of District Boundaries

Section 405.250: Zoning Districts

In order to regulate and restrict the location of trades, callings, industries, commercial enterprises and the location of buildings in designated "Zoning Districts", there are established twelve (12) zoning districts known as:

- R-R Rural Residential
- R-1 Low-Density Residential District
- R-2 Two-Family Residential District
- R-3 Medium-Density Residential District
- R-4 High-Density Residential District
- R-5 Manufactured Home Park District
- C-O Commercial Office District
- C-1 Neighborhood Commercial District
- C General Commercial District
- M Industrial District
- P Planned Zoning District
- PUD Planned Unit Development

In addition to the above zoning districts, there shall be three (3) "overlay zoning districts" known as:

- CBD Central Business District Overlay District
- FP Floodplain Overlay District
- AQ Aquifer Overlay District

Section 405.255: Zoning District Map

Boundaries of the districts, as enumerated in this Article, are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the Zoning District Map; and said map and all the notations, references and information shown thereon is hereby made as much a part of this Unified Development Code as if the same were set forth in full herein. It shall be the duty of the Community Development Department to keep on file an authentic copy of said map and all changes, amendments or additions thereto.

Section 405.260 Interpretation of District Boundaries

In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map(s), the following rules shall apply:

- A. The district boundaries are the centerlines of streets or alleys, unless otherwise indicated.

- B. Where the district boundaries do not coincide with the location of streets or alleys but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
- C. Where the district boundaries do not coincide with the location of streets, alleys or lot lines, the district boundaries shall be determined by the use of the scale shown on the zoning map unless an exact distance is shown.
- D. Where the district boundaries are otherwise indicated, and where the property has been or may hereafter be divided into blocks or lots, the district boundaries shall be construed to be property lines, and where the districts designated on the map accompanying and made a part of the ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- E. In unsubdivided property the district boundary lines on the map accompanying and made a part of this Unified Development Code shall be determined by use of the scale appearing on the map.
- F. In case of a district boundary line dividing a platted lot into two parts, the district boundary line shall be construed to be the property line nearest the less restricted district.
- G. Whenever any street, alley or other public way is vacated by official action of the Board of Aldermen, the zoning district adjoining each side of such street, alley or public way shall automatically be extended to the center of such vacancy and all area included in the vacancy shall then and henceforth be subject to all regulations of the extended districts.

ARTICLE 9

R-R, RURAL RESIDENTIAL DISTRICT

Section 405.265	Purpose
Section 405.270	Permitted Uses
Section 405.275	Conditional Uses
Section 405.280	District Development Regulations
Section 405.285	Special Regulations

SECTION 405.265: Purpose.

This district is intended to permit residential structures on large lots to promote open space and conserve the rural character at the fringe of the City of Kearney.

SECTION 405.270: Permitted Uses.

The principal uses of land in an R-R District are as follows:

1. Single-family site constructed, detached homes. It shall be prohibited to construct, erect, or operate a mobile, manufactured or modular home.
2. Places for religious worship.
3. Public and private schools, including recreational facilities and bus garages.
4. Public park and recreation buildings or facilities.
5. Group home (Type A).
6. Family child care home with six or fewer children.
7. Adult day care home.
8. Home Occupations, subject to the provisions of Section 405.190.
9. Accessory uses and structures, subject to the provisions of Article 5.

SECTION 405.275: Conditional Uses.

The following conditional uses may be permitted in an R-R District.

1. Bed and breakfast home or inn.
2. Riding stables or riding academies, not nearer than 500 feet to the nearest off-site residence.
3. Kennel, subject to the provisions of Section 405.705 (D).
4. Public safety services.
5. Public utilities and facilities.
6. Telecommunication facilities, subject to the provisions of Section 405.705 (F).
7. Wind energy conversion systems.

SECTION 405.280: District Development Regulations.

Table 2
 R-R, Rural Residential District
 Site and Building Development Regulations

Site Planning		
Minimum Lot Area	3 acres	
Maximum Lot Configuration	3:1 ratio -- lot depth to width	Note 1
Minimum Lot Dimensions		
Width	200 feet	
Depth	600 feet	
Parking	4 parking spaces	Note 2
Building		
Dwelling Unit Size		
Single story units	1,100 sq. ft.	
1½ and 2 story units	1,300 sq. ft.	
Minimum Setbacks		
Front	60 feet	
Interior Side Yard	50 feet	
Rear Yard	100 feet	
Maximum Building Height	35 feet	

Notes:

- (1) The depth of any rectangular lot may not exceed three times the width of the lot.
- (2) Direct street access shall be provided for not less than two (2) spaces.

SECTION 405.285: Special Regulations.

- A. Legally Established Property Development Regulations. For “lots-of-record” established prior to adoption of this UDC, the Community Development Director or his/her authorized representative shall issue building permits to new uses and structures determined to be consistent with the original building, yard, setback and lot size requirements.
- B. Plot Plan Required. An application for single-family building permit shall include a plot plan of the site to be built. The plot plan shall be sealed by a land surveyor licensed in the State of Missouri. See Section 405.090 Permits for plot plan submission requirements.
- C. Site Plan Required. An application for all permitted and conditional uses, except for single family structures, shall include a site plan in accordance with the provisions of Section 405.140 Site Plan Requirements.

ARTICLE 10

R-1, LOW-DENSITY RESIDENTIAL DISTRICT

Section 405.290	Purpose
Section 405.295	Permitted Uses
Section 405.300	Conditional Uses
Section 405.305	District Development Regulations
Section 405.310	Special Regulations

SECTION 405.290: Purpose.

This district is intended to provide for single-family residential developments together with such other uses as may be necessary or are typically compatible with residential surroundings. This district is also designed to protect and preserve existing development of a similar character.

SECTION 405.295: Permitted Uses.

The principal uses of land in an R-1 District are as follows:

1. Single-family site constructed, detached homes. It shall be prohibited to construct, erect, or operate a mobile, manufactured or modular home.
2. Places for religious worship.
 - a. On a lot already devoted to the use for which the building permit is requested.
 - b. On a lot having a side line common to a public park, playground, cemetery, or directly across a street from any one (1) of a combination of said uses.
 - c. On a corner lot having a minimum of 100 feet frontage.
 - d. On a lot with three (3) sides adjoining a street.
3. Public and private schools, including recreational facilities and bus garages.
4. Golf courses, including clubhouses, but not golf driving ranges or miniature golf courses.
5. Public park and recreation buildings or facilities.
6. Group Home (Type A). All group homes shall have an exterior appearance which is in reasonable conformance to the general neighborhood standard. No group home may be located within 300 feet of another group home.
7. Family child care home with six or fewer children.
8. Adult day care home.
9. Home Occupations, subject to the provisions of Section 405.190.
10. Public-owned museum, library, or community buildings.
11. City administrative buildings.
12. Accessory uses and structures, subject to the provisions of Article 5.

SECTION 405.300: Conditional Uses.

The following conditional uses may be permitted in an R-1 District.

1. Bed and breakfast home or inn.
2. Hospital or hospice care facilities.
3. Funeral homes or mortuaries.
4. Group child care home, child care center, nursery school.
5. Nursing home, retirement home or assisted living facility.
6. Congregate care facility.
7. Club or lodges.
8. Public utilities and facilities.
9. Public safety services.
10. Federal, State, and County government offices.
11. Telecommunication facilities, subject to the provisions of Section 405.705 (F).
12. Wind energy conversion systems.

SECTION 405.305: District Development Regulations.

Table 3
 R-1, Low-Density Residential District
 Site and Building Development Regulations

Site Planning		
Maximum Density	5 dwelling units per acre	
Minimum Lot Area	8,250 sq. ft.	
Maximum Lot Coverage	35 percent	
Minimum Lot Dimensions		
Width	75 feet	
Depth	110 feet	
Parking		
On-site spaces per DU	4 parking spaces	Note 1
Building		
Dwelling Unit Size		
Single story units	1,100 sq. ft.	Note 2
1½ and 2 story units	1,300 sq. ft.	
Minimum Setbacks		
Front	25 feet	
Interior Side Yard	7.5 feet	
Rear Yard	30 % lot depth need not be more than 30 feet	
Maximum Building Height	35 feet	

Notes:

- (1) Direct street access shall be provided for not less than two (2) spaces.
- (2) Size of dwelling excludes basements, open and screened porches, and garages

SECTION 405.310: Special Regulations.

- A. Legally Established Property Development Regulations. For “lots-of-record” established prior to adoption of this UDC, the Community Development Director or his/her authorized representative shall issue building permits to new uses and structures determined to be consistent with the original building, yard, setback and lot size requirements.
- B. Average Setback in Existing Residential Districts. See Section 405.045 (G) Miscellaneous Requirements for rules governing the ability to average setbacks.
- C. Plot Plan Required. An application for single-family building permit shall include a plot plan of the site to be built. The plot plan shall be sealed by a land surveyor licensed in the State of Missouri. See Section 405.090 Permits for plot plan submission requirements.
- D. Site Plan Required. An application for all permitted and conditional uses, except for single family structures, shall include a site plan in accordance with the provisions of Section 405.140 Site Plan Requirements.

ARTICLE 11

R-2, TWO-FAMILY RESIDENTIAL DISTRICT

Section 405.315	Purpose
Section 405.320	Permitted Uses
Section 405.325	Conditional Uses
Section 405.330	District Development Regulations
Section 405.335	Special Regulations

SECTION 405.315: Purpose.

This district is intended to provide for new and infill two-family residential development in a way to protect and preserve existing as well as future single-family development.

SECTION 405.320: Permitted Uses.

The principal uses of land in an R-2 district are as follows:

1. Any permitted use allowed in the R-1, Low-Density Residential District.
2. Two-family dwellings.
3. Accessory uses and structures as provided in Article 5.

SECTION 405.325: Conditional Uses.

The following conditional uses may be permitted in an R-2 District.

1. Any conditional use allowed in the R-1, Low-Density Residential District.

SECTION 405.330: District Development Regulations.

Table 4
 R-2, Two-Family Residential District
 Site and Building Development Regulations

Site Planning	
Maximum Density	9 dwelling units per acre
Minimum Lot Area	
Single family	8,250 sq. ft.
Two-family	4,950 sq. ft. per family per dwelling unit
Maximum Lot Coverage	35 percent
Minimum Lot Dimensions	
Width	
Single family	75 feet
Two-family	90 feet
Depth	
Single family	110 feet
Two-family	110 feet

Parking

On-site spaces per DU

Single family	4 parking spaces	Note 1
Two-family	3 parking spaces	Note 2

Building

Dwelling Unit Size Note 3

Two family 800 sq. ft. for each dwelling unit

Single family

Single story units 1,100 sq. ft.

1½ and 2 story units 1,300 sq. ft.

Minimum Setbacks

Front 25 feet

Interior Side Yard

Single family 7.5 feet

Two family 10 feet

Rear Yard

Single family 30 feet

Two family 25 feet

Maximum Building Height 35 feet or 2½ stories

Notes:

- (1) Direct street access shall be provided for not less than two (2) spaces.
- (2) Each dwelling unit shall have two garage parking spaces. A minimum driveway length of twenty (20) feet shall be required between said parking and any street right-of-way.
- (3) Size of dwelling excludes basements, open and screened porches, and garages.

SECTION 405.335: Special Regulations.

- A. Plot Plan Required. An application for single-family or duplex building permit shall include a plot plan of the site to be built. The plot plan shall be sealed by a land surveyor licensed in the State of Missouri. See Section 405.090 Permits for plot plan submission requirements.
- B. Site Plan Required. An application for all permitted and conditional uses, except for single family and duplex structures, shall include a site plan in accordance with the provisions of Section 405.140 Site Plan Requirements.
- C. Lot Split for Duplex. A two-family dwelling unit (duplex) may be divided by a lot split application as separate dwelling units under separate ownership and such ownership shall not constitute a violation of the lot and yard requirements.

ARTICLE 12

R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 405.340	Purpose
Section 405.345	Permitted Uses
Section 405.350	Conditional Uses
Section 405.355	District Development Regulations
Section 405.360	Special Regulations

SECTION 405.340: Purpose.

This district is intended to allow a mix of single-family, duplex, and multi-family dwellings or provide for new and infill multi-family residential development.

SECTION 405.345: Permitted Uses.

The principal uses of land in an R-3 district are as follows:

1. Any permitted use allowed in the R-1, Low-Density Residential District.
2. Two-family dwellings.
3. Multi-family dwellings (garden apartments).
4. A mixture of types of buildings and structures, such as detached, semi-detached, attached garden apartments, or any combination thereof.
5. Community, social or recreation buildings or facilities for tenants as part of a multi-family dwelling or project.
6. Service buildings for use by tenants only including laundry, utility or storage building and carports as part of a multi-family dwelling or project.
7. Accessory uses and structures as provided in Article 5.

SECTION 405.350: Conditional Uses.

The following conditional uses may be permitted in an R-3 District.

1. Any conditional use allowed in the R-1, Low-Density Residential District.

SECTION 405.355: District Development Regulations

Table 5
R-3, Medium Density Residential District
Site and Building Development Regulations

Site Planning

Maximum Density	13 dwelling units per acre
Minimum Lot Area	
Single-family	8,250 sq. ft.
Two-family	4,950 sq. ft. per family
Apartment	3,300 sq. ft. for the first three (3) units, plus 1,650 sq. ft. per unit thereafter

Maximum Lot Coverage	40 percent	
Parking		
On-site spaces per DU		
Single family	4 parking spaces	Note 1
Two-family	3 parking spaces	Note 2
Multi-family	See Article 25 Parking Regulations	

Building

Minimum Setbacks

Front

Single family	25 feet
Two family	25 feet
Multi-family	30 feet

Interior Side Yard

Single family	7.5 feet
Two family	10 feet
Multi-family	10 feet

Rear Yard

Single family	30 feet
Two family	25 feet
Multi-family	25 feet

Maximum Building Height

Single family	35 feet or 2½ stories
Two family	35 feet or 2½ stories
Multi-family	3 stories or 40 feet

Notes:

- (1) Direct street access shall be provided for not less than two (2) spaces.
- (2) Each dwelling unit shall have two garage parking spaces. A minimum driveway length of twenty (20) feet shall be required between said parking and any street right-of-way.

SECTION 405.360: Special Regulations.

- Site Plan Required. An application for all permitted and conditional uses, except for single family and duplex structures, shall include a site plan in accordance with the provisions of Section 405.140 Site Plan Requirements.
- Plot Plan Required. An application for single-family or duplex building permit shall include a plot plan of the site to be built. The plot plan shall be sealed by a land surveyor licensed in the State of Missouri. See Section 405.090 Permits for plot plan submission requirements.
- Dwelling Unit Size. The dwelling unit size standards in the R-2 District for single-family and two-family structures shall apply for similar structures in the R-3 District.

- D. Lot Split for Duplex. A two-family dwelling unit (duplex) may be divided by a lot split application as separate dwelling units under separate ownership and such ownership shall not constitute a violation of the lot and yard requirements.

ARTICLE 13

R-4, HIGH-DENSITY RESIDENTIAL DISTRICT

Section 405.365	Purpose
Section 405.370	Permitted Uses
Section 405.375	Conditional Uses
Section 405.380	District Development Regulations
Section 405.385	Special Regulations

SECTION 405.365: Purpose.

This district is intended to allow a mix of single-family, duplex, and multi-family dwellings or provide for new and infill multi-family residential development, subject to an approved concept plan.

SECTION 405.370: Permitted Uses.

The principal uses of land in an R-4 district are as follows:

1. Any permitted use allowed in the R-1, Low-Density Residential District.
2. Two-family dwellings.
3. Multi-family dwellings (apartments).
4. A mixture of types of buildings and structures, such as detached, semi-detached, attached garden apartments, or any combination thereof.
5. Community, social or recreation buildings or facilities for tenants as part of a multi-family dwelling or project.
6. Service buildings including laundry, utility or storage building and carports as part of a multi-family dwelling or project.
7. Accessory uses and structures as provided in Article 5.

SECTION 405.375: Conditional Uses.

The following conditional uses may be permitted in an R-4 District.

1. Any conditional use allowed in the R-1, Low-Density Residential District.

SECTION 405.380: District Development Regulations.

Table 6
R-4, High Density Residential District
Site and Building Development Regulations

Site Planning

Maximum Density	26 dwelling units per acre
Minimum Lot Area	
Single-family	8,250 sq. ft.
Two-family	4,950 sq. ft. per family

Apartment	1,650 sq. ft. per apartment unit	
Maximum Lot Coverage	40 percent	
Parking		
On-site spaces per DU		
Single family	4 parking spaces	Note 1
Two family	3 parking spaces	Note 2
Multi-family	See Article 25 Parking Regulations	

Building

Minimum Setbacks

Front

Single family	25 feet
Two family	25 feet
Multi-family	30 feet

Interior Side Yard

Single family	7.5 feet
Two family	10 feet
Multi-family	10 feet

Rear Yard

Single family	30 feet
Two family	25 feet
Multi-family	25 feet

Maximum Building Height

Single family	35 feet or 2½ stories
Two family	35 feet or 2½ stories
Multi-family	3 stories or 40 feet

Notes:

- (1) Direct street access shall be provided for not less than two (2) spaces.
- (2) Each dwelling unit shall have two garage parking spaces. A minimum driveway length of twenty (20) feet shall be required between said parking and any street right-of-way.

SECTION 405.385: Special Regulations.

- A. Site Plan Required. An application for all permitted and conditional uses, except for single family and duplex structures, shall include a site plan in accordance with the provisions of Section 405.140 Site Plan Requirements.
- B. Dwelling Unit Size. The dwelling unit size standards in the R-2 District for single-family and two-family structures shall apply for similar structures in the R-4 District.
- C. Lot Split for Duplex. A two-family dwelling unit (duplex) may be divided by a lot split application as separate dwelling units under separate ownership and such ownership shall not constitute a violation of the lot and yard requirements.

ARTICLE 14

R-5, MANUFACTURED HOME PARK DISTRICT

Section 405.390	Purpose
Section 405.395	Permitted Uses
Section 405.400	Prohibited Uses
Section 405.405	General Requirements
Section 405.410	Application Regulations
Section 405.415	Design Requirements
Section 405.420	District Development Regulations

SECTION 405.390: Purpose.

This district provides medium density manufactured home park development compatible with the character of the surrounding neighborhood. Manufactured home parks should be located in areas where services and amenities are available such as those found in conventional residential areas.

SECTION 405.395: Permitted Uses.

The principal uses of land in an R-5 district are as follows:

1. Manufactured home, either single or double wide, but this shall not be construed as motorized recreation vehicles, recreation trailers, or campers.
2. Modular home.
3. Single family residential units for management or other park purposes.
4. Accessory uses and structures as provided in Article 5.
5. Buildings and structures used for storm shelters, community buildings, storage areas, laundry, garages and similar uses.
6. Places of worship.
7. Family child care home with six or fewer children.
8. Home Occupations, subject to the provisions of Section 405.190.

SECTION 405.400: Prohibited Uses.

The following uses shall be prohibited in an R-5 district.

1. Recreational vehicles shall not be set up or occupied as a dwelling.
2. Manufactured home sales lot shall not be permitted.

SECTION 405.405: General Requirements.

- A. Minimum Acreage. A minimum area of five (5) acres shall be required for a manufactured home park.
- B. Park Ownership. A manufactured home park shall have a single tract of land under one (1) ownership.

- C. Utilities and Stormwater. All utilities, storm sewer and detention plans must be accepted by the City and recommended to the Planning and Zoning Commission for approval.
- D. Access and Minimum Frontage. Minimum frontage shall be one hundred (100) feet and located on a major thoroughfare. Principal ingress and egress shall be from said frontage.
- E. Sale of Manufactured Homes. Only resident owners may offer homes for sale in the development.
- F. Business License Required. A business license shall be required by the Manufactured Home Development from the City Clerk.
- G. Register Of Occupants Required. It shall be the duty of each licensee to keep in the park office a register containing a record of all manufactured home owners and occupants located within the manufactured home development. The register shall contain the following information:
 - 1. The name and address of each manufactured home occupant.
 - 2. The name and address of the owner of each manufactured home.
 - 3. The make, model, year and license number of each manufactured home and motor vehicle and the State, territory or country issuing such license.
 - 4. The date of arrival and departure of each manufactured home.
 - 5. Whether or not each manufactured home is a dependent or independent manufactured home.

SECTION 405.410: Application Requirements.

- A. Site Plan Required. Each application for a zoning amendment to the R-5, Manufactured Home Park District shall be accompanied with a "concept plan" as set forth in Section 405.135 (B) Concept Plan Submission Requirements.

SECTION 405.415: Design Requirements.

- A. Design Requirements for Manufactured Home Development. Each manufactured home park shall be designed in accordance with the following minimum standards:
 - 1. Street. All manufactured home spaces shall front upon a public roadway.
 - a. Shall be a minimum of twenty-eight (28) feet in width, constructed of asphalt or concrete.
 - b. Shall have concrete curb and gutter.
 - c. Shall have adequate lighting.
 - 2. Porches, steps and ramps shall be constructed and placed according to the following, but not limited to:
 - a. City Building Code.
 - b. Steps shall be placed at every means of egress.

3. Sidewalks.
 - a. Sidewalks shall not be less than thirty (30) inches in width and of poured concrete.
 - b. Sidewalks shall be provided from the front steps of each unit to the driveway for that unit.
 - c. A sidewalk of at least thirty (30) inches shall be constructed along one (1) side of each street within the manufactured home development and may or may not adjoin the curb of each street.
4. Fencing.
 - a. Shall be required along all exterior boundaries.
 - b. Construction of fences shall meet all City requirements.
 - c. Not less than five (5) feet in height, having a density of not less than seventy percent (70%).
5. Landscaping.
 - a. A ten (10) foot landscape buffer along all exterior boundaries, which shall consist of trees, shrubs, evergreens and grass.
 - b. All yards (front, side and rear) shall be seeded and mulched.
 - c. All structures (new, remodeled and additions) shall obtain appropriate permits.
6. All structures shall be placed according to the following, but not limited to:
 - a. City Building, Electrical, Plumbing, Mechanical and Fire Code.
 - (1) Placed on a permanent foundation or piers.
 - (2) Ground anchors.
 - (3) Skirting.
 - (4) Shall conform to all applicable codes.
 - b. Building setbacks.
7. No accessory structure shall be erected in any required front or side yard.
8. Parking.
 - a. Two (2) off-street parking spaces per housing unit.
 - b. All required off-street parking spaces shall be paved with a hard surface (asphalt or concrete.)
 - c. A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length.
9. A buffer zone shall be required around the outer boundary of the subject property.
10. An underground storm shelter(s) shall be provided which is sufficient to accommodate two (2) persons per manufactured home and shall be located throughout said development so that no manufactured home is

more than six hundred sixty (660) feet away from an underground storm shelter.

SECTION 405.420: District Development Regulations.

- A. District Development Regulations. Except as hereafter provided, all structures hereafter placed, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:
1. Each space shall contain an area of not less than five thousand (5,000) square feet for single-wide, six thousand (6,000) square feet for double-wide.
 2. Each space shall be clearly marked and must have a minimum street frontage of forty (40) feet; corner lots shall not be less than sixty (60) feet in width.
 3. No lot shall be less than one hundred (100) feet in depth.
 4. No manufactured home shall be located closer than twenty (20) feet from any property line bordering the manufactured home development.
 5. Minimum building setbacks shall be provided on each manufactured home space measured from the space boundaries as shown on the manufactured home development site plan, as follows:
 - a. Minimum front yard. Fifteen (15) feet
 - b. Minimum rear yard. Ten (10) feet
 - c. Minimum side yard. Ten (10) feet
 6. Each manufactured home shall be skirted within thirty (30) days after placement in a development by enclosing the open area under the unit with a metal or synthetic material that is compatible with the exterior finish of the manufactured home.
- B. Sign Regulations. Signs shall not be permitted unless required by law.

ARTICLE 15

C-O, COMMERCIAL OFFICE DISTRICT

Section 405.425	Purpose
Section 405.430	Permitted Uses
Section 405.435	Conditional Uses
Section 405.440	District Development Regulations
Section 405.445	Special Regulations

SECTION 405.425: Purpose.

This commercial district is designed to accommodate professional offices with a mix of limited retail in commercial areas as well as the conversion of existing homes to office/retail facilities. This commercial office district is also intended to provide a location for professional offices which can be located near residential neighborhoods as a transition between more intensive retail commercial zoning districts.

SECTION 405.430: Permitted Uses.

The principal uses of land in the C-O District are as follows:

1. Office and office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies.
2. Banks, savings, and financial offices without drive-thru (see also 405.435 below).
3. Other offices including, but not limited to, the following:
 - a. Accountants.
 - b. Architects, planners.
 - c. Artist studios.
 - d. Brokers.
 - e. Engineers, surveyors.
 - f. Dentists, dental laboratories.
 - g. Lawyers.
 - h. Physicians, osteopaths, health care professionals, chiropractors.
 - i. Real estate.
 - j. Insurance.
 - l. Education services; non-profit organizations.
 - m. Dwelling units in second and higher floor locations.
 - n. Information technology services and operations.
4. Publicly owned and operated community buildings, public museums, public libraries, or meeting facilities.
5. Accessory uses and structures as provided in Article 5. Accessory buildings and uses shall be constructed in a style and manner similar and sympathetic to a principal building or use.

SECTION 405.435: Conditional Uses.

The following conditional uses may be permitted in a C-O District.

1. Club or lodges.
2. Funeral home and mortuaries.
3. Nursing home, retirement home or assisted living facilities.
4. Hospital and hospice care facilities.
5. Public utilities or facilities.
6. Telecommunication facilities, subject to the provisions of Section 405.705(F).
7. Residential or outpatient facilities for the treatment of alcohol or drug abuse. Such facilities must be in reasonable conformance with the general standards of the neighborhood. No such facility may be located within three hundred (300) feet of any other such facility.
8. Group child care home, child care center, nursery school.
9. Banks, savings, and financial offices with drive-thru.
10. Retail activities as listed below:
 - a. Alterations and tailoring.
 - b. Florist shops.
 - c. Greeting cards and stationery.
 - d. Gift shops.
 - e. Health or fitness clubs.
 - f. Health related sales and services.
 - g. Ice cream and candy stores.
 - h. Interior decorating.
 - i. Internet providers.
 - j. Jewelry.
 - k. Music and musical instruments.
 - l. News and magazine shops.
 - m. Optical shops.
 - n. Pharmacy.
 - o. Photocopying and retail printing.
 - p. Photographer studio.
 - q. Picture framing.
 - r. Postal and mailing services.
12. Single-family dwellings either constructed originally as single-family structures or converted from structures originally intended for other purposes (e.g. duplexes).
13. Two-family dwellings, either constructed originally as duplexes or converted from structures originally intended for other purposes (e.g. single-family dwellings).
14. Wind energy conversion systems.

SECTION 405.440: District Development Regulations.

Table 7
C-O, Commercial Office District
Site and Building Development Regulations

Site Planning

Minimum Lot Area	8,250 sq. ft.
Maximum Lot Coverage	50 percent
Minimum Lot Dimensions	
Width	75 feet
Depth	110 feet
Parking	
On-site spaces	See Article 25 Parking Regulations

Building

Minimum Setbacks	
Front	25 feet
Interior Side Yard	10 feet
Rear Yard	25 feet
Maximum Building Height	35 feet or 2½ stories

SECTION 405.445: Special Regulations.

- A. Site Plan Required. An application for all permitted and conditional uses shall include a site plan in accordance with the provisions of Section 405.140 Site Plan Requirements.
- B. Landscape Plan and Buffer Zone Required. An application for all permitted and conditional uses shall include a landscape plan in accordance with Article 26 Landscaping Regulations.
- C. Screening Required. All mechanical equipment, trash refusal areas and roof mounted equipment must be screened from public view, and when practical located on the rear elevation of a building.

ARTICLE 16

C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

Section 405.450	Purpose
Section 405.455	Permitted Uses
Section 405.460	Conditional Uses
Section 405.465	District Development Regulations
Section 405.470	Special Regulations

SECTION 405.450: Purpose.

This commercial district is intended to provide for the continued use, expansion, and new development of small scale, low-intensity neighborhood commercial use types which serve and are in proximity to residential neighborhoods throughout the city, and to ensure compatibility with adjacent residential and commercial uses. The district is also intended to provide convenient pedestrian access within the district and to and from the surrounding neighborhoods, minimizing conflicts with the district between pedestrians and vehicles.

The uses permitted in this district shall be enclosed by structures compatible with surrounding residential architecture and no single-use building shall be larger than 15,000 square feet in floor area, unless the Planning and Zoning Commission grants an exception with an approved site plan.

SECTION 405.455: Permitted Uses.

The principal uses of land in the C-1 District are as follows:

1. Any permitted use allowed in the C-O, Commercial Office District.
2. Alterations and tailoring.
3. Ambulance service.
4. Amusement and video arcades.
5. Animal hospital or clinic, without kennel.
6. Antiques.
7. Apartments located above the first floor of a business.
8. Apparel.
9. Appliance and electronics repair.
10. Art galleries and studios.
11. Auto supplies stores.
12. Automated teller machine.
13. Automobile service station, with or without gasoline sales.
14. Automobile and vehicle, minor repair.
15. Bakeries and confectionery establishments.
16. Bar or nightclubs.
17. Barbers, hair styling and similar personal services.
18. Bed and breakfast home or inn.

19. Books and periodicals, other than adult bookstores.
20. Business supply services.
21. Cameras and photo equipment.
22. Carpeting and floor covering.
23. Caterer.
24. Computer sales and service.
25. Consumer repair service.
26. Convenience stores, with or without gasoline sales.
27. Crafts.
28. Delicatessens.
29. Discount stores.
30. Drugs and cosmetics.
31. Dry cleaners.
32. Financial institutions, including drive-through banks.
33. Florist shops.
34. Food store.
35. Furniture store.
36. Gift shops.
37. Greeting cards and stationery.
38. Hardware stores.
39. Health care clinic or offices.
40. Health or fitness clubs.
41. Health related sales and services.
42. Hobby shops.
43. Home lighting and fixtures.
44. House wares and kitchenware.
45. Ice cream and candy stores.
46. Interior decorating.
47. Internet providers.
48. Jewelry.
49. Laundromat.
50. Liquor store.
51. Locksmiths.
52. Microbrewery.
53. Music and musical instruments.
54. News and magazine shops.
55. Office supplies.
56. Optical shops.
57. Outlet stores or shops.
58. Paint and wallpaper.
59. Parking for uses on the same or adjacent parcel as the principal use.

60. Pawn shop.
61. Personal instruction.
62. Personal services.
63. Pet stores.
64. Pet care facility.
65. Pharmacy.
66. Photocopying and retail printing.
67. Photographer studio.
68. Picture framing.
69. Postal and mailing services.
70. Professional services.
71. Public safety services.
72. Publicly owned and operated community buildings, public museums, public libraries, or meeting facilities.
73. Restaurants.
74. Restaurants, drive through.
75. Restaurants, fast food.
76. Retail sales and services.
77. Shoe stores and repair shops.
78. Sporting goods and bicycles.
79. Tanning salon.
80. Taverns and bars.
81. Taxidermist.
82. Therapeutic massage enterprise.
83. Toys and hobby supplies.
84. Variety stores.
85. Veterinarian clinic, without outdoor kennels.
86. Video rental.
87. Accessory uses and structures as provided in Article 5. Accessory buildings and uses shall be constructed in a style and manner similar and sympathetic to a principal building or use.

SECTION 405.460: Conditional Uses.

The following conditional uses may be permitted in a C-1 District.

1. Car washes.
2. Clubs or lodges.
3. Club, private.
4. Funeral homes and mortuaries.
5. Outdoor commercial recreation.
6. Public utility and facilities.

7. Veterinary and small animal hospitals, with outdoor kennels.
8. Group child care home, child care center, nursery school.
9. Telecommunication facilities, subject to the provisions of Section 405.705(F).
10. Single-family dwellings either constructed originally as single-family structures or converted from structures originally intended for other purposes (e.g. duplexes).
11. Two-family dwellings either constructed originally as duplexes or converted from structures originally intended for other purposes (e.g. single-family dwellings).
12. Wind energy conversion systems.

SECTION 405.465: District Development Regulations.

Table 8
 C-1, Neighborhood Commercial District
 Site and Building Development Regulations

Site Planning	
Minimum Lot Area	7,000 sq. ft.
Maximum Lot Coverage	50 percent
Minimum Lot Dimensions	
Width	50 feet
Depth	
Parking	
On-site spaces	See Article 25 Parking Regulations
Building	
Minimum Setbacks	
Front	25 feet
Interior Side Yard	10 feet
Rear Yard	20 feet
Maximum Building Height	35 feet

SECTION 405.470: Special Regulations.

- A. Site Plan Required. An application for all permitted and conditional uses shall include a site plan in accordance with the provisions of Section 405.140 Site Plan Requirements.
- B. Landscape Plan and Buffer Zone Required. An application for all permitted and conditional uses shall include a landscape plan and buffer zone in accordance with the provisions of Article 26 Landscaping Regulations.
- C. Screening Required. All mechanical equipment, trash refusal areas and roof mounted equipment must be screened from public view, and when practical located on the rear elevation of a building.

- D. Outdoor Storage and Merchandise Display. It shall be unlawful for any owner or occupant to place, deposit, or maintain outdoor storage on any premises or property except as permitted in this section.

Retailers of both new and used merchandise shall be permitted to display outdoors. The following conditions shall apply to the display of merchandise outdoors:

1. Display of merchandise must be set back ten feet from all property lines.
2. No merchandise may be placed on a public sidewalk. Merchandise may be placed on a private sidewalk as long as all other conditions for display are met, including a four-foot clearance.
3. All merchandise shall be located within the confines of the retailer's owned or leased property.
4. No merchandise may be placed on landscaping, within three feet of either side of a working doorway or within ten feet directly in front of a working doorway.
5. Merchandise shall not be placed in a designated sight triangle or in any location which would impair a driver's view of a street.
6. Merchandise shall be displayed and maintained in a neat, clean, tidy, and orderly manner.
7. Temporary parking lot sales shall be a permitted use in business districts, as long as the sales are conducted as an extension from a permanent structure containing a retail business. In addition, minimum off-street parking requirements must be maintained, as well as any other provisions of this Code. This section shall not be construed to allow a sub-lessee to occupy a parking lot for the purpose of conducting independent sales activity.
8. The size of the outdoor display area for secondhand goods or merchandise shall be limited to ten percent of the total indoor gross floor area of the business and in no event shall exceed 100 square feet.
9. No secondhand goods or merchandise shall be displayed or stored or otherwise left outdoors during non-operating hours of the business.
10. This section shall not apply to the sale of motor vehicles, trailers, or boats.

ARTICLE 17

C, GENERAL COMMERCIAL DISTRICT

Section 405.475	Purpose
Section 405.480	Permitted Uses
Section 405.485	Conditional Uses
Section 405.490	District Development Regulations
Section 405.495	Special Regulations

SECTION 405.475: Purpose.

This commercial district is intended to provide a location for personal, professional, and business services and the general retail of the community, as well as limited wholesale businesses serving the public, and professional and business offices.

SECTION 405.480: Permitted Uses.

The principal uses of land in the C District are as follows:

1. Any permitted use allowed in the C-O, Commercial Office District.
2. Any permitted use allowed in the C-1, Neighborhood Commercial District.
3. Agricultural supplies.
4. Automobile dealers, new and used.
5. Automobile and vehicle, minor repair.
6. Baseball batting cages.
7. Bowling and skating centers.
8. Bus or cab terminal.
9. Camper trailer, sales and service.
10. Commercial printing and publishing.
11. Equipment sales and rental, excluding heavy equipment.
12. Exterminator.
13. Farm implement sales and service.
14. Farmers/produce markets.
15. Club or lodges.
16. Hotel and motels.
17. Landscape and horticultural services.
18. Libraries or museums.
19. Lumberyards.
20. Manufactured home dealers.
21. Miniature golf course.
22. Newspaper publishing.
23. Nursery, garden store.
24. Self-storage facility, subject to the provisions of Section 405.705.
25. Theaters, indoor.

26. Truck stops.
27. U.S. Post Office.
28. Video arcade.
29. Warehousing for goods related to permitted use activities in the district.
30. Welding shops.
31. Accessory uses and structures as provided in Article 5. Accessory buildings and uses shall be constructed in a style and manner similar and sympathetic to a principal building or use.

SECTION 405.485: Conditional Uses.

The following conditional uses may be permitted in a C District.

1. Adult entertainment, subject to the provisions of Title VI Business and Occupation, Section 615.010.
2. Auction business.
3. Auditoriums and exhibit halls.
4. Automobile and vehicle, major repair.
5. Camps, travel trailer and RV parks, provided that no camper shall occupy a campground for a period exceeding sixty (60) consecutive days.
6. Contractor's shop and/or yard, including construction equipment and/or materials storage area.
7. Funeral homes and mortuaries.
8. Outdoor commercial recreation.
9. Gun club, archery range.
10. Youth camps, adult and family retreat areas.
11. Fairgrounds.
12. Public utilities and facilities.
13. Radio and TV towers.
14. Recycling collection station.
15. Telecommunication facilities, subject to the provisions of Section 405.705.
16. Group child care home, child care center, nursery school.
17. New and/or used vehicle sales, including recreational or off-road vehicles and boats, subject to the following provisions:
 - a. No similar existing use is located within 1,500 feet.
 - b. The lot or tract is one (1) acre or more in size. Existing and/or used automobile sales businesses may be expanded in compliance with all other requirements.
 - c. Parking and display areas are constructed of an asphalt or concrete surface.
 - d. Parking and display areas are located at least fifteen (15) feet from a public right-of-way, or from the edge of a private road.
 - e. Parking and display areas are not constructed within required buffer areas, side yard setback, or rear yard setback.

- f. Vehicles are not displayed within parking, side or rear yard setbacks access drives, or required customer parking spaces.
 - g. A minimum six (6) feet tall opaque fence is constructed adjacent to any display area along residentially-zoned property or any residential use.
 - h. Fencing along or within any front or street side building line area shall be decorative in nature and shall not include "piping" style fencing.
 - i. New or expanded sites must comply with stormwater drainage, landscaping, screening, and other site design standards.
 - j. Sign plan to include all proposed signs, color schemes, and wall signs limited to one (1) per building façade facing a street.
- 18. Single-family dwellings either constructed originally as single-family structures or converted from structures originally intended for other purposes (e.g. duplexes).
 - 19. Two-family dwellings either constructed originally as duplexes or converted from structures originally intended for other purposes (e.g. single-family dwellings).
 - 20. Wind energy conversion systems.

SECTION 405.490: District Development Regulations.

Table 9
 C, General Commercial District
 Site and Building Development Regulations

Site Planning	
Minimum Lot Area	7,000 sq. ft.
Maximum Lot Coverage	50 percent
Minimum Lot Dimensions	
Width	50 feet
Depth	
Parking	
On-site spaces	See Article 25 Parking Regulations
Building	
Minimum Setbacks	
Front	25 feet
Interior Side Yard	10 feet
Rear Yard	20 feet
Maximum Building Height	45 feet or 3 stories

SECTION 405.495: Special Regulations.

- A. Site Plan Required. An application for all permitted and conditional uses shall include a site plan in accordance with the provisions of Section 405.140 Site Plan Requirements.
- B. Landscape Plan and Buffer Zone Required. An application for all permitted and conditional uses shall include a landscape plan and buffer zone in accordance with the provisions of Article 26 Landscaping Regulations.

- C. Screening Required. All mechanical equipment, trash refusal areas and roof mounted equipment must be screened from public view, and when practical located on the rear elevation of a building.
- D. Access to Commercial Districts. No land which is located in a residential district shall be used for a driveway, walkway or access purpose to any land which is located in any commercial district.
- E. Outdoor Storage and Merchandise Display. It shall be unlawful for any owner or occupant to place, deposit, or maintain outdoor storage on any premises or property except as permitted in this section.

Retailers of both new and used merchandise shall be permitted to display outdoors. The following conditions shall apply to the display of merchandise outdoors:

1. Display of merchandise must be set back ten feet from all property lines.
 2. No merchandise may be placed on a public sidewalk. Merchandise may be placed on a private sidewalk as long as all other conditions for display are met, including a four-foot clearance.
 3. All merchandise shall be located within the confines of the retailer's owned or leased property.
 4. No merchandise may be placed on landscaping, within three feet of either side of a working doorway or within ten feet directly in front of a working doorway.
 5. Merchandise shall not be placed in a designated sight triangle or in any location which would impair a driver's view of a street.
 6. Merchandise shall be displayed and maintained in a neat, clean, tidy, and orderly manner.
 7. Temporary parking lot sales shall be a permitted use in business districts, as long as the sales are conducted as an extension from a permanent structure containing a retail business. In addition, minimum off-street parking requirements must be maintained, as well as any other provisions of this Unified Development Code. This section shall not be construed to allow a sub-lessee to occupy a parking lot for the purpose of conducting independent sales activity.
 8. The size of the outdoor display area for secondhand goods or merchandise shall be limited to ten percent of the total indoor gross floor area of the business and in no event shall exceed 100 square feet.
 9. No secondhand goods or merchandise shall be displayed or stored or otherwise left outdoors during non-operating hours of the business.
 10. This section shall not apply to the sale of motor vehicles, trailers, or boats.
- F. Outdoor Storage in Equipment Rental Businesses. Storage areas shall be fully screened from view from adjacent residentially zoned property or residential uses by an approved treatment that may include building placement, walls, fencing, and landscaping. Such storage areas shall not be located in the front setback or buffer area.

- G. Automobile Sales and Service Stations. Businesses engaged in the sale of gasoline and oil may permit open display of merchandise commonly sold by automobile service stations, i.e., oil, batteries, tires, wiper blades, etc. No permanent open display will be permitted on sidewalks or public rights-of-way. Such display will be adequately screened from adjacent residential property.

ARTICLE 18

M, INDUSTRIAL DISTRICT

Section 405.500	Purpose
Section 405.505	Permitted Uses
Section 405.510	Conditional Uses
Section 405.515	Performance Standards
Section 405.520	District Development Regulations
Section 405.525	Special Regulations

SECTION 405.500: Purpose.

This industrial district is intended primarily for production, processing and assembly plants that are operated so that they create limited environmental problems in the way of sounds, smoke, vibrations, noise, odor, dust and glare of such operations and are completely confined within an enclosed building. The industrial district is also intended for the development of office/warehouse uses. This district is established for industrial uses which do not require large amounts of land; generate modest amounts of traffic; are consistent with the capacity and availability of public and private services; and do not permit the intermixing of residential uses.

SECTION 405.505: Permitted Uses.

The principal uses of land in the M District are as follows:

1. Auction houses.
2. Building maintenance services.
3. Building materials sales.
4. Call centers.
5. Car washes.
6. Equipment rental.
7. Equipment repair.
8. Exterminating services.
9. Freight, truck and rail terminals.
10. Indoor sports and recreation.
11. Laboratories.
12. Light manufacturing, processing, fabrication or assembling of commodities or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring prosperities, including activity requiring railroad siding or frequent pickup and delivery by motor truck, except junk or salvage.
13. Self-storage facilities, subject to the provisions of Section 405.705(B).
14. Automobile and vehicle, major repair.
15. Offices and research facilities.
16. Stations for bus passenger service.
17. Towing service.

18. Warehousing, wholesaling and storage of any commodity not otherwise hazardous or toxic including all types of merchandise requiring railroad siding or frequent pickup and delivery by motor truck, except junk or salvage.
19. Accessory uses and structures as provided in Article 5.

SECTION 405.510: Conditional Uses.

The following conditional uses may be permitted in the M District.

1. Auditoriums and exhibit halls.
2. Aviation fields or airports.
3. Camps, travel trailer and RV parks, provided that no camper shall occupy a campground for a period exceeding sixty (60) consecutive days.
4. Cemeteries, crematories and mausoleums.
5. Slaughterhouses.
6. Concrete plants, asphalt plants.
7. Contractor's shop and/or yard, including construction equipment and/or materials storage area.
8. Funeral homes and mortuaries.
9. Grain elevators and storage bins, including the sale of related items.
10. Heavy manufacturing uses including:
 - a. Acid manufacture.
 - b. Cement, lime, gypsum or plaster of Paris manufacture.
 - c. Distillation of bones.
 - d. Explosive manufacture or storage.
 - e. Fertilizer manufacture and storage.
 - f. Gas manufacture.
 - g. Garbage, offal or dead animal reduction or dumping.
 - h. Paper or pulp manufacture.
 - i. Petroleum or its products (refining of).
 - j. Smelting of tin, copper, zinc or iron ores.
 - k. Stockyards.
 - l. Wholesale storage of gasoline and L.P. gas.
11. Junk yards or salvage yards, subject to the provisions of Section 405.705(C).
12. Nursing homes, retirement home or assisted living facility.
13. Hospital.
14. Privately owned seasonal or temporary or permanent park and recreational areas such as clubs for swimming, tennis and racquetball; youth camps; adult and family retreat areas; gun clubs; archery ranges; rodeos; fairgrounds and musical festivals; amusement parks, privately owned baseball or athletic fields, race tracks.
15. Public and private sanitary landfills and resource recycling center not involving any hazardous or toxic waste material.
16. Public utilities and facilities.

17. Quarrying, mining or removal of sand, gravel or stone and the processing of the same, including asphalt and concrete plants, all of which shall be permitted by separate conditional use permits, subject to the provisions of Section 405.705(E).
18. Telecommunication facilities, subject to the provisions of Section 405.705(F).
19. Residential or outpatient facilities for the treatment of alcohol or drug abuse. Such facilities must be in reasonable conformance with the general standards of the neighborhood. No such facility may be located within three hundred (300) feet of any other such facility.
20. Riding stable and academy provided no structure housing horses shall be located nearer than five hundred (500) feet to the boundary of any residential district with "R" in its title.
21. New and/or used vehicle sales, including recreational or off-road vehicles and boats, subject to the following provisions:
 - a. No similar existing use is located with 1,500 feet.
 - b. The lot or tract is one (1) acre or more in size. Existing and/or used automobile sales businesses may be expanded in compliance with all other requirements.
 - c. Parking and display areas are constructed of an asphalt or concrete surface.
 - d. Parking and display areas are located at least fifteen (15) feet from a public right-of-way, or from the edge of a private road.
 - e. Vehicles are not displayed within parking, side or rear yard setbacks access drives, or required customer parking spaces.
 - f. A minimum six (6) foot fence is constructed along any display area adjacent or along residentially-zoned property or any residential use.
 - g. A minimum six (6) feet tall opaque fence is constructed adjacent to any display area along residentially-zoned property or any residential use;
 - h. Fencing along or within any front or street side building line area shall be decorative in nature and shall not include "piping" style fencing;
21. Wind energy conversion systems.

SECTION 405.515: Performance Standards.

The following standards shall apply to this district:

1. The entire operation shall be conducted within a fireproof building or buildings, completely enclosed by walls and roof except as otherwise permitted in this Section as accessory uses.
2. The activity shall create no noise in excess of that of normal daily traffic measured at the lot line of the premises.
3. The activity shall create no vibration for a period longer than three (3) minutes in any one (1) hour which is perceptible at the lot line of the premises.
4. The activity shall create no dust, dirt, odor or obnoxious gases, heat and unscreened glare which are perceptible at the lot line of the premises.
5. The activity shall be free from fire hazards and excessive industrial wastes.

6. Each industrial area shall have its own system of streets so that the traffic generated by any industrial use shall not flow directly onto a street within the area zoned for industry, hence to empty any street bordering such area.

SECTION 405.520: District Development Regulations.

Table 10
M, Industrial District
Site and Building Development Regulations

Site Planning	
Minimum Lot Area	10,000 square feet
Maximum Lot Coverage	70 percent
Minimum Lot Dimensions	
Width	75 feet
Depth	125 feet
Parking	
On-site spaces	See Article 25 Parking Regulations
Building	
Minimum Setbacks	
Front	25 feet
Interior Side Yard	20 feet
Rear Yard	None, unless this district abuts a residential district and then the depth of the rear yard shall be at least twenty-five (25) feet in addition to the buffer zone.
Maximum Building Height	60 feet

SECTION 405.525: Special Regulations.

- A. Site Plan Required. An application for all permitted and conditional uses shall include a site plan in accordance with the provisions of Section 405.140 Site Plan Requirements.
- B. Landscape and Buffer Plan Required. An application for all permitted and conditional uses shall include a landscape plan in accordance with the provisions of Article 26 Landscaping Regulations.
- C. Screening Required. All mechanical equipment, trash refusal areas and roof mounted equipment must be screened from public view, and when practical located on the rear elevation of a building.
- D. Outdoor Storage. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible from the street or any adjoining property.
- E. Access to Business and Industrial Districts. No land which is located in a residential district shall be used for a driveway, walkway or access purpose to any land which is located in any business or industrial district.

ARTICLE 19

P, PLANNED ZONING DISTRICT

Section 405.530	Purpose
Section 405.535	General Provisions
Section 405.540	Requirements and Standards
Section 405.545	Basic Commercial Appearance & Design Guidelines
Section 405.550	Special Regulations

SECTION 405.530: Purpose.

Any of the zoning districts designated in Section 405.250(A) of these regulations may be designated as a "Planned District" by adding the designation "P", such as "R-P-1". When such a designation is attached to a district, the owner or developer of such land shall submit a concept plan in compliance with the provisions of Section 405.135. The planned district provides for and encourages latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces. The purpose is to promote innovation and flexibility in site planning of land so the development is compatible with the site's physical characteristics, and protects the integrity and character of both residential and non-residential areas of the City.

SECTION 405.535: General Provisions.

- A. Submission Requirements. See Section 405.135.
- B. Procedures for Approval. See Section 405.135.
- C. Use Regulations. The uses permitted in any planned district shall be the same as in the corresponding regular district. For example, "R-P-1" shall be the same as in "R-1".

SECTION 405.540: Requirements and Standards.

- A. Development Regulations. The amount of open space, buffer zone, yard, parking, play areas, density and height requirements shall be determined by the Board of Aldermen upon recommendation of the Planning and Zoning Commission after review of the concept plan.

The Board of Aldermen and Planning and Zoning Commission shall use the requirements and standards found in the corresponding district as detailed in these regulations as a guide in making their determination but may permit variances from these requirements and standards in the interest of efficient land development and utilization. In reviewing such development plan, the maximum heights of buildings and structures within such planned district shall be as set out in the corresponding districts. It shall be permissible that side yards may be reduced to zero (0) in appropriate circumstances. (It shall be permissible that streets may be narrower than thirty-six (36) feet back of curb to back of curb for a collector and twenty-eight (28) feet back of curb to back of curb for a local street; however, in these instances lazy back curbs will not be allowed and high back curbs will be required along any and all property lines of all residential and commercial lots.

SECTION 405.545: Basic Commercial Appearance & Design Guidelines.

- A. The following basic guidelines reflect the core principles of attractive building design in the "P" Planned District.
1. Attractive color schemes, employing subdued colors with contrasting colors that accent architectural details such as trim, windows and entrances. Bright colors should be used sparingly and limited to accenting a building.
 2. Compatible in size and architectural character and style of buildings of the surrounding area, through the use of similar elements such as rooflines, materials colors, window design, building articulation, and other architectural details.
 3. Natural and durable materials that are economically maintained, and of a quality that will retain their appearance over time.
 4. Prominent public entries and windows focused on human scale.
 5. Facades with varying depths, relief and corners. Use of large, flat and unbroken planes should be avoided.
 6. Relate the size and proportions of new commercial structures to the scale of adjacent buildings.
- B. Building in the "P" Planned District shall be subject to the following appearance and design review guidelines:
1. Building(s) shall incorporate a building front and facade pattern that avoids the appearance of a continuous, unbroken front and shall use vertical or horizontal patterns to vary the linear nature of large storefronts. The storefront shall incorporate wood, masonry, or other attractive design materials to treat the unattractive nature of metal buildings.
 2. Outlying buildings [uses separate from the principal merchandise store] must incorporate separate landscaping design and buffering to provide an offset from the general parking lot.
 3. No more than 60% of the required parking for the principal use may be maintained in the front yard or front setback space. The remaining 40% parking requirement must be developed to the rear of the principal building.
 4. Parking lots must employ attractive landscaping and separation strips in the front yard or front setback area. The location of separation strips and the use of plant materials shall not obstruct the clear vision of traffic or pedestrians. See Article 26 Landscaping Regulations.
 5. All parking spaces must be clearly delineated and painted. Traffic flow must be directed by the uses of painted directional symbols of the surface of the parking lot, by directional signs, or both. Handicapped parking spaces shall only be located in the front of the first tier of parking spaces, or at building fronts. See Article 25 Parking Regulations.
 6. Storefront(s) must employ signage design elements that give the appearance of a unified color and scale scheme for all building, projecting, and/or flat signs and logos.

7. Specific variances and/or site plan waivers may be granted for the above requirements in the case of practical difficulties related to difficult lot design, topography, or excessively narrow lots of record.
8. Loading bays and/or docks must be located to the rear or side of all principal or accessory buildings.
9. All refuse must be stored in specially designed enclosures that have an appearance which is compatible with surrounding buildings.
10. Promote pedestrian and vehicular connectivity.
11. Minimize adverse impacts from lighting on adjacent property.

SECTION 405.550: Special Regulations.

- A. The Planned Development shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation and maintenance, and to insure that remedial measures will be available to the Board of Aldermen if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned development or of the entire community.
- B. Sidewalks shall be built to City specifications along all public and private streets, however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrians access between each use in the planned development.
- C. In Planned industrial and commercial districts, all utility lines shall be placed underground.

ARTICLE 20

PUD, PLANNED UNIT DEVELOPMENT DISTRICT

Section 405.555	Purpose
Section 405.560	Requirements Regarding Tract
Section 405.565	Use Regulations
Section 405.570	Density and Design Standards
Section 405.575	Procedure

SECTION 405.555: Purpose.

In selected instances, departures from the requirements and allowed uses of the zoning districts of this Unified Development Code may be made through the Planned Unit Development (PUD) option. The purpose of the PUD option is to permit and encourage innovative, economical and attractive development which allocates appropriate areas of improvements, open space, and recreation; which includes land uses which harmonize with natural features and constraints; and which efficiently phases and locates public and private services and facilities.

SECTION 405.560: Requirements Regarding Tract.

- A. The minimum required land area for a planned unit development shall be twenty (20) contiguous acres.
- B. The developer shall provide a sanitary sewage disposal system to collect and dispose of all sewage from all present and probable structures in the planned unit and shall be otherwise constructed and maintained in conformity with the Statutes.
- C. The developer shall provide within the planned unit development a storm drainage system which shall be of sufficient size and design as will collect, carry off and dispose of all predictable surface water runoff within the development.
- D. The developer shall provide within the planned unit development a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.

SECTION 405.565: Use Regulations.

- A. Use Regulations. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:
 1. Single-family attached or detached dwellings.
 2. Apartment buildings.
 3. Accessory private garages.
 4. Public or private park or recreation areas which may include a golf course, swimming pool, tennis court and other similar recreational uses, but which may not include any use or activity which produces noise, glare, odor, air pollution, fire hazards or other safety hazards, smoke, fumes or other things detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.

5. Municipal buildings.
6. Schools.
7. Churches.
8. Professional offices as a special exception, but not in a residential type of structure.
9. Theater for stage productions or films, but not a drive-in theater.
10. Studios of artists, sculptor, musician or photographer, but no goods or objects shall be sold or publicly displayed on the premises.
11. Neighborhood retail and service facilities.
12. Restaurants and clubs.

SECTION 405.570: Density and Design Standards.

- A. Area Limitations for Various Uses. Within a planned unit development the following percentages of the total land area shall be devoted to the specified uses:
1. A maximum of eighty percent (80%) for residential use; land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences, but it shall not include useable open space which is available for use by the general public or by persons who do not live in the residences or groups of residences immediately adjacent to it.
 2. A maximum of twenty percent (20%) for theater, retail, service, restaurant, enclosed recreational uses, professional offices and parking associated with these uses.
 3. A minimum of twenty percent (20%) for open-air recreational uses and other useable open space. "Useable open space" shall be defined as an open area designed and developed for use by the occupants of the development or by others for recreational (whether commercial, private or public), courts, gardens or household service activities such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible; the term shall not include space devoted to streets and parking.
 - a. Residential Density. The density of residences shall conform to the zoning of the district but shall not exceed ten (10) units per acre of the land within the development which is devoted to residential use, as defined in Section 405.570(A)(1) above and useable open space.
 - b. Lot Size, etc. There shall be no minimum lot size, no minimum percentage of lot coverage and no minimum lot width. However, every single-family dwelling shall have access to a public street, court, walkway or other area dedicated to public use. No structure and no group of structures (such as semi-detached dwellings or a row of town houses) shall be erected with ten (10) feet of any other structure or group of structures.

- c. Height. The height of any residential structure within a planned unit development shall not exceed thirty-five (35) feet and the height of other structures (except churches) shall not exceed forty-five (45) feet.
- d. Length. There shall be no continuous structure of town houses, attached dwellings or apartments containing more than twelve (12) dwelling units.
- e. Location of Structures. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
- f. Protection of Open Spaces. Open spaces between structures, including those spaces being used as a public or private recreational area, shall be protected by adequate covenants running with the land or by conveyances or dedications as the Planning and Zoning Commission shall specify.
- g. Roads and Parking Areas. The dimensions and construction of roads, alleys and parking areas within the development, whether or not dedication of them to the City is contemplated, shall conform to all applicable City regulations.

SECTION 405.575: Procedure.

- A. Procedure. Before a building permit is issued for land or a building in a PUD District, the developer shall adhere to the procedures for review and approval of a "concept plan" by the Planning and Zoning Commission and Board of Aldermen as defined in Section 405.135 Rezoning to Planned Zoning District.
- B. Site Plan Required. If the concept plan is approved by the Planning and Zoning Commission and Board of Aldermen, the developer shall submit a site plan in accordance with Section 405.140 Site Plan Requirements, containing all the information required by of this regulation, for any part or section of the land for which he/she expects to seek approval in the immediate future. The approval of the site plan shall follow the procedures set forth in Section 405.145 Major Site Plan.

ARTICLE 21

CBD, CENTRAL BUSINESS DISTRICT OVERLAY DISTRICT

Section 405.580	Purpose
Section 405.585	Use Regulations
Section 405.590	District Development Regulations
Section 405.595	Special Regulations

SECTION 405.580: Purpose.

This district includes the commercial uses in the central business district which provide the major focus of retail, government, business services and entertainment facilities for the entire community.

SECTION 405.585: Use Regulations.

No building, land or premises shall be used and no building or structure shall be erected or altered unless otherwise provided for in these regulations, except for the following uses:

1. Any use permitted in the base commercial district.
2. Accessory uses and structures as provided in Article 5. Accessory buildings and uses shall be constructed in a style and manner similar and sympathetic to a principal building or use.
3. Dwelling units constructed on a second (2nd) or higher story of a building in conjunction with commercial uses established on the first (1st) floor of such structures.

SECTION 405.590: District Development Regulations

Table 11
 CBD, Central Business District Overlay District
 Site and Building Development Regulations

Site Planning	
Minimum Lot Area	
Maximum Lot Coverage	100%
Minimum Lot Dimensions	
Width	20 feet
Depth	50 feet
Parking	
On-site spaces	No off-street parking spaces need be provided for property located in the Central Business District Overlay
Building	
Minimum Setbacks	No minimum yard setbacks required
Maximum Building Height	45 feet or 3 stories

SECTION 405.595: Special Regulations

- A. Site Plan Required. An application for all permitted and conditional uses shall include a site plan in accordance with the provisions of Section 405.140 Site Plan Requirements.
- B. Landscape Plan and Buffer Zone Required. An application for all permitted and conditional uses shall include a landscape plan in accordance with the provisions of Article 26 Landscaping Regulations.
- C. Screening Required. All mechanical equipment, trash refusal areas and roof mounted equipment must be screened from public view.
- D. Outdoor Storage and Merchandise Display. If such land placed in this district is adjacent to a district in which a single-family home is permitted, no article or material stored or offered for sale in connection with uses permitted above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level, provided however, no screening in excess of seven (7) feet in height shall be required. However, automobile service stations engaged in the sale of gasoline and oil may permit open display of merchandise commonly sold by automobile service stations, i.e., oil, batteries, tires, wiper blades, etc. No permanent open display will be permitted on sidewalks or public rights-of-way.

ARTICLE 22

FP, FLOODPLAIN OVERLAY DISTRICT

Section 405.600	Statutory Authorization, Findings of Fact and Purposes
Section 405.605	General Provisions
Section 405.610	Administration
Section 405.615	Provisions for Flood Hazard Reduction
Section 405.620	Floodplain Management Variance Procedures
Section 405.625	Penalties for Violation
Section 405.630	Amendments
Section 405.635	Definitions

SECTION 405.600: Statutory Authorization, Findings of Fact and Purposes.

- A. Statutory Authorization. The legislature of the State of Missouri has in Section 89.020, R.S. Mo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety and general welfare. Therefore be it ordained by the Board of Aldermen of City of Kearney, Missouri, as follows.
- B. Findings of Fact.
1. Flood losses resulting from periodic inundation. The special flood hazard areas of the City of Kearney, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
 2. General causes of the flood losses. These flood losses are caused by:
 - a. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
 - b. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
 3. Methods used to analyze flood hazards. The Flood Insurance Study (FIS) that is the basis of this Article uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
 - a. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Article is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Article. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS and illustrative materials dated April 16, 2003, as amended, and any future revisions thereto.

- b. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
 - c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 - d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
 - e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines but still subject to inundation by the base flood.
- C. Statement of Purpose. It is the purpose of this Article to promote the public health, safety and general welfare; to minimize those losses described in Section 405.600(B)(1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Article to:
- 1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
 - 2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
 - 3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

SECTION 405.605: General Provisions.

- A. Lands to which Article Applies. This Article shall apply to all lands within the jurisdiction of the City of Kearney, Missouri, identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) dated April 16, 2003, as amended, and any future revisions thereto. In all areas covered by this Article, no development shall be permitted except through the issuance of a floodplain development permit granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Section 405.580.
- B. Floodplain Administrator. The Community Development Director is hereby designated as the Floodplain Administrator under this Article.
- C. Compliance. No development located within the special flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this Article and other applicable regulations.
- D. Abrogation and Greater Restrictions. It is not intended by this Article to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article

shall prevail. All other ordinances inconsistent with this Article are hereby repealed to the extent of the inconsistency only.

- E. Interpretation. In their interpretation and application, the provisions of this Article shall be held to be minimum requirements, shall be liberally construed in favor of the Governing Body, and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
- F. Warning and Disclaimer of Liability. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This Article shall not create a liability on the part of the City of Kearney, Missouri, any officer or employee thereof for any flood damages that may result from reliance on this Article or any administrative decision lawfully made thereunder.
- G. Severability. If any Section, clause, provision or portion of this Article is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Article shall not be affected thereby.

SECTION 405.610: Administration.

- A. Floodplain Development Permit (Required). A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Section 405.605(A). No person, firm, corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.
- B. Designation of Floodplain Administrator. The Community Development Director is hereby appointed to administer and implement the provisions of this Article.
- C. Duties and Responsibilities of Floodplain Administrator. Duties of the Community Development Director shall include, but not be limited to:
 - 1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Article have been satisfied;
 - 2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
 - 3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
 - 4. Issue floodplain development permits for all approved applications;
 - 5. Notify adjacent communities and the State Emergency Management Agency prior to any alteration or relocation of a watercourse and submit

- evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
 7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
 8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
 9. When floodproofing techniques are utilized for a particular non-residential structure, the Community Development Director shall require certification from a registered professional engineer or architect.
- D. Application for Floodplain Development Permit. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:
1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
 2. Identify and describe the work to be covered by the floodplain development permit;
 3. Indicate the use or occupancy for which the proposed work is intended;
 4. Indicate the assessed value of the structure and the fair market value of the improvement;
 5. Specify whether development is located in designated flood fringe or floodway;
 6. Identify the existing base flood elevation and the elevation of the proposed development;
 7. Give such other information as reasonably may be required by the Community Development Director;
 8. Be accompanied by plans and specifications for proposed construction; and
 9. Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.

SECTION 405.615: Provisions for Flood Hazard Reduction.

- A. General Standards.
1. No permit for floodplain development shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A Zones and AE Zones, unless the conditions of this Section are satisfied.

2. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Article. If Flood Insurance Study data is not available, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
3. Until a floodway is designated, no new construction, substantial improvements or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
4. All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
 - a. Design or adequate anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - (4) All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. Storage, material and equipment.
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
6. Accessory structures. Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than four hundred (400) square feet may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure, the structure is of single-wall design, a variance has been granted from the standard floodplain management requirements of this Article, and a floodplain development permit has been issued.

B. Specific Standards.

1. In all areas identified as numbered and unnumbered A Zones and AE Zones where base flood elevation data have been provided as set forth in Subsection (A)(2), the following provisions are required:
 - a. Residential construction. New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to three (3) feet above base flood elevation.
 - b. Non-residential construction. New construction or substantial improvement of any commercial, industrial or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to three (3) feet above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 405.610(C)(9).
 - c. Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
- (2) The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Manufactured Homes.

1. All manufactured homes to be placed within all unnumbered and numbered A Zones and AE Zones on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A Zones and AE Zones on the community's FIRM on sites:
 - a. Outside of manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision;
or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to three (3) feet above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones and AE Zones on the community's FIRM, that are not subject to the provisions of Subsection (C)(2) of this Section, be elevated so that either:
 - a. The lowest floor of the manufactured home is at three (3) feet above the base flood level; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- D. Floodway. Located within areas of special flood hazard established in Section 405.605(A) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. If Subsection (D)(2) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.
4. In unnumbered A Zones, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources as set forth in Subsection (A)(2).

E. Recreational Vehicles.

1. Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days; or
 - b. Be fully licensed and ready for highway use; or
 - c. Meet the permitting, elevation and the anchoring requirements for manufactured homes of this Article.
 - d. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

SECTION 405.620: Floodplain Management Variance Procedures.

- A. Establishment of Appeal Board. The Zoning Board of Adjustments as established by the City of Kearney, Missouri, shall hear and decide appeals and requests for variances from the floodplain management requirements of this Article.
- B. Responsibility of Appeal Board.
 1. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Community Development Director, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board as defined in Subsection (A).
 2. The Board of Zoning Adjustments shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Community Development Director in the enforcement or administration of this Article.

- C. Further Appeals. Any person aggrieved by the decision of the Board of Zoning Adjustments or any taxpayer may appeal such decision to the Clay County Circuit Court as provided in Section 89.110, R.S.Mo.
- D. Floodplain Management Variance Criteria. In passing upon such applications for variances, the Zoning Board of Adjustments shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Article, and the following criteria:
1. The danger to life and property due to flood damage;
 2. The danger that materials may be swept onto other lands to the injury of others;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations, not subject to flood damage, for the proposed use;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems; streets; and bridges.
- E. Conditions for Approving Floodplain Management Variances.
1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (2) through (6) below have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
 2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State inventory of historic places or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
 3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 6. A community shall notify the applicant in writing over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
 - b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Article.
- F. Conditions for Approving Variances for Accessory Structures. Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Subsections (D) and (E) of this Section.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Section 405.615(A)(4)(b) of this Article.
3. The accessory structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structure in accordance with Section 405.615(A)(4)(a) of this Article. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
4. Any mechanical, electrical or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage

- during flood conditions in accordance with Section 405.615(A)(4)(d) of this Article.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 405.615(B)(1)(c) of this Article.
 6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Section 405.615(D)(2) of this Article. No variances may be issued for accessory structures within any designated floodway if any increase in flood levels would result during the 100-year flood.
 7. Equipment, machinery or other contents must be protected from any flood damage.
 8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
 9. A community shall notify the applicant in writing over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
 - b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Article.
 10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

SECTION 405.625: Penalties for Violation.

Violation of the provisions of this Article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute an ordinance violation. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate ordinance violation. Nothing herein contained shall prevent the City of Kearney, Missouri, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 405.630: Amendments.

The regulations, restrictions and boundaries set forth in this Article may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such

action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Kearney, Missouri. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Article are in compliance with the National Flood Insurance Program (NFIP) regulations.

SECTION 405.635: Definitions.

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

100-YEAR FLOOD: See "BASE FLOOD".

ACCESSORY STRUCTURE: The same as "APPURTENANT STRUCTURE".

ACTUARIAL RATES: See "RISK PREMIUM RATES".

ADMINISTRATOR: The Federal Insurance Administrator.

AGENCY: The Federal Emergency Management Agency (FEMA).

APPEAL: A request for review of the Floodplain Administrator's interpretation of any provision of this Article or a request for a variance.

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

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

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

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

BUILDING: See "STRUCTURE".

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

COMMUNITY: Any State or area or political subdivision thereof which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

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

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

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

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

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

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

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

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

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

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

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

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

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

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see "FLOODING").

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

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

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

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

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

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

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

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

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- a. By an approved State program as determined by the Secretary of the Interior, or
- b. Directly by the Secretary of the Interior in States without approved programs.

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

MANUFACTURED HOME: A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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

MAP: The Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

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

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

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

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

NFIP: The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY ALSO KNOWN AS AN ELIGIBLE COMMUNITY: A community in which the Administrator has authorized the sale of flood insurance.

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

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

RECREATIONAL VEHICLE: A vehicle which is:

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

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

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

SPECIAL FLOOD HAZARD AREA: See "AREA OF SPECIAL FLOOD HAZARD".

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

START OF CONSTRUCTION: Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within one hundred eighty (180) days of the permit date. The "actual start" means either the first (1st) placement of permanent construction of a structure on a site such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first (1st) alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

VARIANCE: A grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

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

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

ARTICLE 23

AQ, AQUIFER PROTECTION OVERLAY DISTRICT

Section 405.640	Application
Section 405.645	Use Regulations
Section 405.650	Performance Standards
Section 405.655	Parking Regulations
Section 405.660	District Development Regulations

SECTION 405.640: Application.

The regulations set forth in this Article or set forth elsewhere in these regulations, when referred to in this Article, are the regulations in the Aquifer Protection Overlay District ("AQ"). The regulations in this district shall be supplemental to the regulations of the underlying zoning district. The Aquifer Protection Overlay District ("AQ") is designed to safeguard the public health, safety and welfare of the customers of protected public water supplies by regulating land use and the storage of hazardous materials. The area extent of the zone is described as the land area within the City of Kearney which lies within the one (1) year capture area adjacent to existing and proposed public wells of a protected public water supply, including a two thousand six hundred forty (2,640) foot strip of land outside of the direct recharge area in locations where the direct recharge area within the one (1) year capture area impinges on the aquifer boundary. The intent of this district is to protect the community's potable water supply against contamination.

SECTION 405.645: Use Regulations.

- A. The principal uses of land in an AQ district are as follows:
1. Municipal water supply, treatment and operations facilities;
 2. Public parks, playgrounds and community centers;
 3. The permitted uses of the underlying zoning district.
- B. The following conditional uses may be permitted in an AQ District.
1. Existing residences if not already permitted.
 2. Public utility uses such as electric and telephone substations, gas regulator buildings, and electric and communication transmission towers and structures.
 3. Truck terminals.
 4. Motor vehicle service or washing stations.
- C. The following uses are prohibited within the Aquifer Protection Overlay District ("AQ").
1. The manufacture, use, transport, storage or disposal of toxic or hazardous materials as a principal activity.
 2. Sanitary and construction/demolition landfills and other commercial dump sites.
 3. Junk yards or salvage yards.
 4. Excavation, extraction, mining or processing of sand, gravel and/or limestone.

- D. The following accessory uses customarily incident to the above permitted uses and located on the same lot therewith are allowed.
1. Use and storage of hazardous substances in conjunction with municipal water supply, public parks, playgrounds and community centers.
 2. Use of hazardous substances in conjunction with any conditional use permit granted in this district shall be limited to:
 - a. Routine use of property.
 - (1) The aggregate of hazardous substances in use may not exceed twenty (20) gallons or one hundred sixty (160) pounds at any time.
 - (2) The total use of hazardous substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.
 - b. Non-routine maintenance or repair of property or equipment.
 - (1) The aggregate of hazardous substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
 - (2) The total use of hazardous substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

SECTION 405.650: Performance Standards.

- A. New or replacement septic tanks and associated drain fields for containment and disposal of human waste shall conform to existing regulations of the City.
- B. Non-public water wells shall conform to existing regulations of the City.
- C. Underground storage tanks (UST).
 1. Existing UST facilities shall comply with local, State and Federal fire and environmental UST regulations regarding tanks and pressurized lines.
 2. The City may make periodic inspections for compliance with local, State and Federal regulations and may spot check inventory records.
 3. Newly constructed or reconstructed UST installations shall have double containment for both piping and tanks. This shall be accomplished with either a below-ground vaulted tank, a double walled tank or other approved technology. All piping shall be double walled.
 4. The City shall be notified of new UST installation so that it can be inspected. Installation shall be in compliance with existing local, State and Federal fire and environmental UST regulations.
- D. Any facility (excluding households) involving collection, handling, manufacture, use, storage, transfer or disposal of hazardous materials shall prepare and have on file with the City an acceptable contingency plan designed to prevent hazardous materials from contaminating the aquifer should floods, fire or other natural catastrophes or equipment failure occur.

SECTION 405.655: Parking Regulations.

The off-street parking and loading standards within the Aquifer Protection Overlay District ("AQ") shall be those of the underlying zoning district.

SECTION 405.660: District Development Regulations.

The height, area and yard regulations within the "AQ" Aquifer Protection Overlay District shall be those of the underlying zoning district.

ARTICLE 24

SITE DEVELOPMENT STANDARDS

Section 405.665	Purpose
Section 405.670	General Site Design Review Guidelines
Section 405.675	Natural Landscape Development Standards
Section 405.680	Basic Commercial Appearance and Design Standards
Section 405.685	Vision Triangle
Section 405.690	Disabled Accessibility Standards
Section 405.695	Outdoor Lighting Standards
Section 405.700	Stormwater Management
Section 405.705	Standards for Specific Uses
	A. Motor-Vehicle-Oriented Business
	B. Self-Storage Facility
	C. Salvage Yards
	D. Kennels
	E. Quarrying
	F. Telecommunication Facilities

SECTION 405.665: Purpose.

This Article presents a set of site development standards or guidelines to assist and guide the concept plan and site plan review authority when evaluating site plans relative to site layout, improvements and engineering in the interest of public health, safety, convenience and welfare. The purpose of these standards is to promote well planned and designed use of property; a high character of community development; new development which has a positive impact on the community as a whole, and does not negatively impact neighbors, protects sensitive natural resources, and is well designed to maximize efficient use of the land and surrounding transportation system and to provide adequate stormwater management.

SECTION 405.670: General Site Design Review Guidelines.

In addition to the general purposes set forth above in Section 405.665, the following guidelines shall guide the design and preparation of concept plans and site plans.

- A. Ensure that sites subject to design review are graded and developed with due regard for the aesthetic qualities of the natural terrain and landscape, and that existing trees and shrubs are not indiscriminately destroyed.
- B. Ensure that buildings, structures and signs are properly related to their sites and are in keeping with the character of the neighborhood and surrounding sites, and are not detrimental to the orderly and harmonious development of their surroundings and of the City.
- C. Ensure that open spaces, parking areas, pedestrian walks, signs, illumination and landscaping are adequately related to the site and are arranged to achieve a safe, efficient and harmonious development.
- D. Ensure that sites are developed to achieve a harmonious relationship with existing and proposed adjoining developments, avoiding both excessive variety and monotonous repetition, but allowing, when feasible, similarity of style or originality of design.

SECTION 405.675: Natural Landscape Site Development Guidelines.

The following basic guidelines reflect the core principles of designing development (site plans and subdivision plats) in accordance with the natural features of a site. The site design shall follow the following design guidelines.

- A. Topography and Site Planning. Land development and infrastructure planning that includes lot layout, building placement, and roads need to recognize the existing topographic conditions and be located in a manner that minimizes the need for significant cut and fills. Modification to the existing topographic conditions should be limited as much as possible. See Hillside Development.
- B. Significant Natural Features. Existing stands of mature trees should be retained, protected and replaced, where possible, to ensure the health and integrity of the natural environment and topography.
- C. Stream Buffer Setbacks. Existing riparian areas should be preserved and protected through the creation of a conservation easement on each side of the stream. The Planning and Zoning Commission shall determine the appropriate buffer setback distance on the site plan.

SECTION 405.680: Basic Commercial Appearance & Design Guidelines.

- A. Building Design Guidelines. The following basic guidelines reflect the core principles of attractive building design in the "P" Planned District.
 - 1. Attractive color schemes, employing subdued colors with contrasting colors that accent architectural details such as trim, windows and entrances. Bright colors should be used sparingly and limited to accenting a building.
 - 2. Compatible in size and architectural character and style of buildings of the surrounding area, through the use of similar elements such as rooflines, materials colors, window design, building articulation, and other architectural details.
 - 3. Natural and durable materials that are economically maintained, and of a quality that will retain their appearance over time.
 - 4. Prominent public entries and windows focused on human scale.
 - 5. Facades with varying depths, relief and corners. Use of large, flat and unbroken planes should be avoided.
 - 6. Relate the size and proportions of new commercial structures to the scale of adjacent buildings.
- B. Building Appearance Guidelines. Building in the "P" Planned District shall be subject to the following appearance and design review guidelines:
 - 1. Building(s) shall incorporate a building front and facade pattern that avoids the appearance of a continuous, unbroken front and shall use vertical or horizontal patterns to vary the linear nature of large storefronts. The storefront shall incorporate wood, masonry, or other attractive design materials to treat the unattractive nature of metal buildings.

2. Outlying buildings [uses separate from the principal merchandise store] must incorporate separate landscaping design and buffering to provide an offset from the general parking lot.
3. No more than 60% of the required parking for the principal use may be maintained in the front yard or front setback space. The remaining 40% parking requirement must be developed to the rear of the principal building.
4. Parking lots must employ attractive landscaping and separation strips in the front yard or front setback area - separation strips must be at least 4' in width. The location of separation strips and the use of plant materials shall not obstruct the clear vision of traffic or pedestrians.
5. All parking spaces must be clearly delineated and painted. Traffic flow must be directed by the uses of painted directional symbols of the surface of the parking lot, by directional signs, or both. Handicapped parking spaces shall only be located in the front of the first tier of parking spaces, or at building fronts.
6. Storefront(s) must employ signage design elements that give the appearance of a unified color and scale scheme for all building, projecting, and/or flat signs and logos.
7. Specific variances and/or site plan waivers may be granted for the above requirements in the case of practical difficulties related to difficult lot design, topography, or excessively narrow lots of record.
8. Loading bays and/or docks must be located to the rear or side of all principal or accessory buildings.
9. All refuse must be stored in specially designed enclosures that have an appearance which is compatible with surrounding buildings.
10. Promote pedestrian and vehicular connectivity.
11. Minimize adverse impacts from lighting on adjacent property.

SECTION 405.685: Vision Triangle.

On all corner lots in all districts, no use of land shall commence or no structure or vegetation shall hereafter be constructed, structurally altered, extended, enlarged or moved after the effective date of these regulations unless it also conforms to the requirements of the vision triangle as defined by these regulations. In all residentially zoned districts, the two (2) sides forming the lot line intersection shall be a minimum distance of thirty (30) feet from the center of the lot line intersection and in all other zoning districts such distance shall be a minimum of twenty (20) feet (except that there shall be no vision triangle requirements in the Central Business District).

SECTION 405.690: Accessibility for the Handicapped.

Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The Federal Americans with Disabilities Act Accessibility Guidelines

(ADAAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled.

SECTION 405.695: Outdoor Lighting Standards.

- A. Outdoor Lighting Standards. The following basic guidelines are intended to ensure appropriate lighting while minimizing its undesirable side effects.
1. All exterior lights shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass, and glare across the property lines and or disability glare at any location on or off the property.
 2. All parking area lighting shall be full cut-off type fixtures.
 3. All building lighting for security or aesthetics shall be full cut-off or a shielded type, not allowing any upward distribution of light. Flood lighting is discouraged, and if used, must be shielded.
 4. Outdoor commercial or industrial lighting adjacent to residential property shall be installed to ensure that no direct light source shall be visible at the property line at ground level or above.

SECTION 405.700: Stormwater Management.

All development shall control any stormwater drainage which occurs off the property according to adopted City standards which are currently "Storm Drainage Systems and Facilities of Division V, Design Criteria of the Kansas City Metropolitan Article of the American Public Works Association (APWA)".

SECTION 405.705: Standards for Specific Uses.

- A. Motor Vehicle-Oriented Business (MVOB). A proposed use or building that meets the definition of a motor vehicle oriented business (MVOB) shall be subject to the following screening criteria to determine if it should be permitted in the location proposed by the applicant:
1. Location Requirements. The proposed use/building shall not be permitted unless the following location requirements are met or exceeded as set forth below:
 - a. Determine if the use/building is located in high-hazard street segments. High-hazard segments shall be determined as follows:
 - (1) Accident. Locations of high-hazard segments of the City's street system shall be determined using the following formula:
$$\text{Accident Rate} = (\text{Number of Accidents}) \times (1,000,000)$$

$$(\text{Average Daily Traffic}) \times (\text{Section Length}) \times (365 \text{ Days/Year})$$

Accident Rate will be in Units of: Number of accidents occurring in a year per one million (1,000,000) miles traveled.

- (2) Analyzed roadway segments shall be compared to the latest published accident data by the Missouri Highway Transportation Department (MHTD). In the event the analyzed road segment exceeds State average rates, the proposed use/building shall be denied. Said presumption may be rebutted by applicant through substantial and competent evidence adduced on the record as a whole before the Board of Aldermen.
 - b. The driveway must be at least one hundred (100) feet from any other MVOB driveway located on the same side.
2. Access Requirements. The proposed use/building shall not be permitted unless the access requirements for driveways is met or exceeded as set forth below:
 - a. Must be one hundred sixty (160) feet from another driveway on same side.
 - b. Must be two hundred (200) feet from another driveway on opposite side if left turn movements could potentially conflict.
 - c. Must be one hundred sixty (160) feet from nearest public street.
 - d. Must not have access to adjoining arterial if access available through shopping center or service road.
 - e. Must have two hundred seventy-five (275) feet of sight distance either direction.
 - f. Two-way access must have minimum thirty (30) feet throat width. One-way access must have minimum fifteen (15) feet throat width. Must have a minimum radius of fifteen (15) feet.

If an island is used in a two-way driveway, clearance width of two (2) feet should be added on both sides of island.
3. Congestion impact Requirements. The proposed use/building shall not be permitted unless the congestion impact is determined to be acceptable applying the following criteria:
 - a. Determine:
 - (1) Trip generation rate as shown in Institute of Transportation Engineer Trip Generation Handbook 5th Edition for:
 - (a) Midday P.M. peak;
 - (b) P.M. peak; and
 - (c) Saturday midday peak based on generated trips per unit of measure.
 - (2) Number of access drives (combination of one (1) entrance and exit).
 - (3) Existing volumes on adjacent arterial.
 - b. Determine vehicles per hour per access drive for all three (3) peak hour categories based on the following equation:

- trips/hour X number of units of measure access drives
- c. Determine if vph/access drive for all three (3) peak hour categories falls within acceptable limits based on existing volumes on adjacent arterial.
 - d. Peak period traffic volumes shall be updated by scientifically conducted traffic counts on not less than an annual basis.
- B. Self-storage Facility. If a site plan is for a structure containing separate, individual, private storage spaces of varying sizes leased or rented on individual leases for varying periods of time or any similar storage facility (commonly referred to as a self-service storage facility or mini-warehouse), then the site plan must meet the following criteria:
1. Size Requirements. The maximum height shall not exceed thirty (30) feet and the minimum setback from all lot lines shall be thirty (30) feet.
 2. Exterior Screening. The exterior view of the premises shall be controlled as follows:
 - a. Commercial District.
 - (1) If the exterior surface of the structure is stucco, brick or rock, the required fence or wall may be transparent with minimal landscaping to provide screening as set out in Article 26 Landscaping Regulations.
 - (2) If the exterior surface of the structure is other than stucco, brick or rock, the required fence or wall in combination with landscaping shall provide for a ninety percent (90%) opaque screening from all directions.
 - b. Industrial District. Minimal landscaping in order to provide screening as set out in Article 26 Landscaping Regulations is required.
 - (1) If the property is adjacent to any residential zoning district ("R-A", "R-1", "R-2", "R-3", "R-4" "R1P", "R2P", "R3P") or non-retail district ("C-O", "C-OP"), the adjacent property line with its required fence and landscaping shall provide for a ninety percent (90%) opaque screening from that direction.
 3. General Requirements. The proposed use shall not be permitted unless the following general requirements are met or exceeded as set forth below:
 - a. Master lighting plan outlining in detail all lighting elements.
 - b. Master landscape plan outlining in detail all landscaping and materials.
 - c. No structure, fence or wall shall be located within the required setback.
 - d. All buildings or areas used for storage or necessary driveways shall be enclosed with a minimum six (6) foot fence or wall.
 - e. No commercial, wholesale or retail sales or miscellaneous or garage sales shall be conducted.
 - f. No auctions with the exception of abandoned property limited to the abandoned storage unit items only.

- g. No servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment shall be allowed.
- h. No manufacturing or assembly of any kind shall be allowed.
- i. No business establishment of a transfer and storage business type of any kind shall be allowed.
- j. No noxious or offensive use because of odors, dust, noise, fumes or vibration of any kind shall be allowed.
- k. No power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment of any kind shall be operated.
- l. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete.
- m. All lights shall be shielded to direct light onto the uses established and away from adjacent property, but it may be of significant intensity to discourage vandalism and theft.
- n. The property shall be maintained by owner or operator for removal of trash and debris.
- o. No outside self-service storage shall be allowed unless the property is entirely zoned industrial.
- p. If a residential structure is allowed to be maintained, it shall be deemed an accessory use only and shall be newly constructed or remodeled to be compatible with the exterior of the storage units and be entirely contained within the fenced or walled area, and the residential structure shall be used for an on-site manager and not as rental property.

C. Salvage Yards.

- 1. The junk yard or salvage yard occupies a minimum lot size of ten (10) acres.
- 2. All such uses shall be located at least three hundred (300) feet from a boundary line.
- 3. All such uses shall be completely surrounded on all sides by a fence or wall at least eight (8) feet high. The fence or wall shall be of uniform height, uniform texture and color and shall be so maintained as to insure maximum safety to the public, obscure the junk or salvage from normal view of the public and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other materials within the yard. No scrap, junk or other salvaged materials may be piled so as to exceed the height of this enclosing fence or wall.
- 4. No materials shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the fence or wall.
- 5. No hazardous or toxic materials shall be stored or handled in a junk yard or salvage yard unless they are located in such use(s) on a temporary basis not to exceed ninety (90) days until other disposal can be arranged.

D. Kennels.

1. The kennel occupies a minimum lot size of five (5) acres.
2. No kennel building or runs shall be located nearer than two hundred (200) feet to any property line.
3. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the animals.
4. The kennel shall have adequate measures to prevent odor, dust, noise or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.
5. All State licensing and operation requirements are met.

E. Quarrying. (including mining or removal of sand, gravel or stone and the processing of the same, including asphalt and concrete plants).

1. All quarries and mining operations and asphalt and concrete plants shall be screened by a method approved by the City when the same are visible from any public road.
2. The applicant shall provide a method for dust abatement on all unpaved interior roads.
3. Where applicable, a maintenance agreement between the applicant and the City shall be required to maintain the roads that provide the ingress/egress to the operation.
4. A plan for reclamation of the site shall be prepared and submitted as a part of the application. The plan shall indicate a timetable for the reclamation to the proposed use of the site in a general plan of the proposed use. The reclamation plan submitted shall be binding only to the extent that said plan shows the intent of the applicant for reclamation. The actual reclamation plan may be amended at such time that the applicant is ready to begin such reclamation; however, the amended plan must be approved by the City before reclamation work may begin. Said approval shall require a public hearing under the same procedures as the original conditional use permit.
5. All areas quarried or mined shall not endanger the lateral support of abutting or adjoining properties. A minimum setback of one hundred (100) horizontal feet from any road right-of-way and thirty (30) horizontal feet from all other property lines, measured on the surface, must be maintained free of any quarrying or mining activity, either surface or subsurface.
6. No building, equipment, quarry products or other materials shall be erected or stored within one hundred (100) feet of any property or right-of-way line.
7. The applicant's operation shall be inspected by the City or its designate on or before July first (1st) of every third (3rd) year following approval of the conditional use permit or at any other time that might be warranted for compliance with the above listed requirements and if found to be in violation shall have the permit removed if the non-compliance is not corrected within sixty (60) days of written notice from the City or its designate itemizing the violations and corrective measures necessary for compliance.

F. Telecommunication Facilities.

1. Purpose and Intent. The intent of these regulations is to provide a uniform and comprehensive set of standards for the development of commercial wireless telecommunications facilities and the installation of antennas and:
 - a. To protect and promote public health, safety, community welfare, and aesthetic quality, while not unduly restricting the development of needed telecommunications facilities and encouraging managed development of telecommunications infrastructure.
 - b. To protect the visual character of the city from the potential adverse effects of telecommunication facility development.
 - c. To allow wireless telecommunications providers an opportunity to partner with city government or public utility companies to create wireless telecommunication facilities which act as community identity features.
 - d. To promote collocated, concealed, and visually unobtrusive wireless telecommunications facilities.
2. Exemptions. The following wireless communication facilities are exempt from the requirements of this section as specified below.
 - a. A wireless communication facility is exempt if the rules and regulations of the Federal Communication Commission (FCC) specifically provide that the antenna is exempt from local regulation.
3. General Development Standards.
 - a. All telecommunication facilities shall comply with all applicable requirements of the current Building Codes as adopted by the City and shall be consistent with the standards and guidelines of this Article.
 - b. All conditional use permit applications for telecommunication facilities shall include a description of services proposed and documentation certifying applicable licenses or other approvals required by the Federal Communication Commission to provide services proposed in connection with the application.
 - c. All conditional use permit applications shall include a map and narrative description of all telecommunication sites existing, proposed or planned by the applicant in the city and within a one-mile radius of the City border. Such applications shall also include an analysis of all reasonable and technically feasible alternative locations and/or facilities (including co-locations) which could provide the proposed communication service.
 - d. All conditional use permit applications for wireless telecommunication facilities shall include a propagation map. The propagation map will identify the existing coverage area and the proposed coverage area for the new wireless facility.
 - e. To minimize the overall visual impact, new wireless telecommunication facilities shall be co-located with existing facilities, with other planned new facilities, and with other facilities such as water tanks, light standards, and other utility structures whenever feasible and

aesthetically desirable. To facilitate co-location when deemed appropriate, conditions of approval for conditional use permits shall require all service providers to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site when found to be feasible and aesthetically desirable. The applicant shall agree to allow future co-location of additional antennas and shall not enter into an exclusive lease for the use of the site.

4. Development Standards for Towers.

- a. The tower must be located a distance of its vertical height from any habitable structure (except broadcast studio), public road, park, historic structure or monument, or cemetery.
- b. Submission of an acceptable agreement to remove the tower and any antenna within 180 days after cessation of use together with a sufficient performance bond, letter of credit, or other financial assurance, if required by the Board of Aldermen.
- c. Applicant must show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need, and will accommodate co-located antennae requested by public and private concerns.
- d. The applicant must demonstrate that a tower proposed to be located in a residential area, or an area planned for residences, cannot reasonably be located in a non-residential area [for valid technical reasons].
- e. The applicant must demonstrate that the proposed communications device(s) cannot be co-located on an existing tower, existing building, water tower, or other structure [for valid technical reasons].

ARTICLE 25

PARKING REGULATIONS

Section 405.710	Purpose
Section 405.715	Application
Section 405.720	Parking Facilities Design Standards
Section 405.725	Parking Space and Aisle Standards
Section 405.730	Physically Disabled Parking Standards
Section 405.735	Parking Facilities Requirements
Section 405.740	Parking Requirements
Section 405.745	Off-Street Loading Requirements

SECTION 405.710: Purpose.

The purpose of this Article is to ensure that all existing and future land uses are accompanied by a sufficient amount of off-street parking and loading areas to allow for easy access, convenience, and free flow of traffic. In the enforcement of this Article, it is understood that a balance shall be sought between meeting these objectives and not requiring an amount of parking in excess of that realistically necessary for the associated use.

SECTION 405.715: Application.

- A. No land shall be used and no building shall be erected, enlarged, or used in any district in the city, except as provided here, unless off-street parking and loading facilities are provided in accordance with the requirements of this Article.
- B. Structures and land uses in existence or for which building permits have been issued at the date of adoption of this Unified Development Code shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed.
- C. Whenever there is an alteration of a structure, addition to a structure, or a change or extension of use which increases the parking requirements by twenty-five (25) percent or more according to the standards of this Article, whether such increases occur at one time or in successive stages, the total parking required for the entire structure or use shall be provided in accordance with the requirements of this Article.
- D. The parking of any vehicle shall not occur on lawn areas, unpaved public right-of-ways or other unpaved locations in District "R-R", "R-1", "R-2", "R-3" and "R-4". Parking shall be limited to areas that are hard-surfaced and shall generally be located in close relationship to the garage or otherwise vehicle orientated portion of the premises so that the lawn area may be maintained in grass, trees and shrubs. Parking of trucks, in excess of one (1) ton or more, or buses in any zoning area with a "R" (residential) designation is prohibited; provided that said vehicles may be parked in conjunction with deliveries, trucks may be parked in an enclosed garage, construction trucks may be parked when construction work is actually in progress in connection with the premises, and trucks may be parked on the premises in connection with any emergency.

SECTION 405.720: Parking Facilities Design Standards.

- A. Compact to Standard Stall Ratio. The maximum ratio of compact stalls to standard stall in any parking area shall not exceed 1 to 3. Compact stall dimensions shall be minimum 8 x 15 feet.
- B. Grading. Driveways and parking space shall be smoothly graded, adequately drained and constructed with suitable subgrade base.
- C. Drainage. All off-street parking, loading areas, and access drives shall be planned, engineered, and constructed to ensure proper drainage of surface water.
- D. Surface Materials. All off-street parking, loading areas, and access drives shall have a durable and dust free surface paved with asphaltic or concrete pavement. All parking facilities shall be constructed with paving in accordance with City standards.
- E. Curbing. All off-street driving, loading, and parking areas shall be constructed with poured-in-place concrete curb except for single and two-family dwellings.
- F. Striping. All parking stalls shall be striped substantially. An exception is given for a private garage or parking area for the exclusive use of a single-family or two-family dwelling.
- G. Lighting Illumination Requirements. See Article 24, Site Development Standards, Section 405.695 Outdoor Lighting Standards.
- H. Landscaping. See Article 26, Landscaping Regulations, Section 405.760 (D) Parking Lot.
- I. Cross Access Encouraged. Applicants for commercial and industrial developments should be encouraged to provide cross-access to adjacent non-residential properties for convenience, safety and efficient circulation of motor vehicles.
- J. Stacking Spaces for Drive-Through Facilities.
 - 1. A stacking space shall be an area measuring eight (8) feet by twenty (20) feet with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.
 - 2. Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:
 - a. For each drive-up window of a bank or financial institution, business service, or other drive-through not listed, a minimum of five stacking spaces shall be provided.
 - b. For each service window of a drive-through restaurant or fast food restaurant, a minimum of seven stacking spaces shall be provided.

SECTION 405.725: Parking Space and Aisle Standards.

- A. Parking space sizes and aisle widths shall comply with the requirements of Table 12, unless modifications are recommended in accordance with the required site plan review under Article 4.

Table 12
Minimum Parking Space Dimensions

Parking Space Angle	Minimum Parking Space Width	Minimum Parking Space Length	Parking Lot Aisle Width	
			One-Way	Two-Way
90°	9 feet	20 feet	24 feet	24 feet
60°	9 feet	20 feet	19 feet	20 feet
45°	9 feet	20 feet	14 feet	20 feet
0°	8 feet	22 feet		

- B. Parking spaces shall be oriented such that any vehicle exiting a parking space is not required to back onto any public street. Wheel or bumper blocks shall be provided, located, and arranged so that no part of any parked vehicle extends beyond the boundaries of the parking area and to ensure that the vehicle overhang does not obstruct sidewalks or other walking areas.

SECTION 405.730: Physically Disabled Parking Standards.

- A. A portion of the required off-street parking spaces shall be specifically designated, located and reserved for use by persons with physical disabilities in accordance with the American with Disabilities Act Accessibility Guidelines for Buildings and Facilities.

Table 13
Minimum Required ADA Parking Spaces

Total Spaces in Parking Lot	Required Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
3001 to 400	8
401 to 500	9
501 to 1000	2% of total

SECTION 405.735: Parking Facilities Requirements.

- A. Storage of Inoperable or Unlicensed Vehicles. See Article 215 Nuisances, Article IV. Leaving Disabled or Damaged Motor Vehicle or Junk on Street Private Property.

- B. Location of Parking Facilities. All parking spaces required to serve structures or uses shall be located on the same zoning lot as the structure or use served unless a conditional use permit is obtained under Article 4.
- C. Maintenance of Parking Facilities. Parking facilities shall be kept clean, plowed and free from rubbish, debris, and snow. All plant materials shall be maintained in a healthy condition and whenever necessary shall be replaced with new plant materials to ensure continued compliance with any applicable screening requirements. All surfaces, lighting, fences, barriers, and walls shall be maintained in good repair and whenever necessary shall be replaced.

SECTION 405.740: Parking Requirements.

- A. When a determination of the number of off-street parking spaces results in a requirement of a fractional space, the fraction of one-half (½) or less may be disregarded and a fraction in excess of one-half (½) shall be counted as one (1) parking space.

Table 14
Summary of Parking Requirements

Residential Uses		
Single family residence.	Four (4) parking spaces per dwelling unit	Direct street access shall be provided for not less than two spaces.
Two-family residence.	Three (3) parking spaces per dwelling unit.	Each dwelling unit shall have two garage parking spaces.
Multi-family residence.	Two (2) off-street parking spaces shall be provided for each apartment dwelling unit, condominium dwelling houses, and town-homes or attached row houses.	
Civic Uses		
Assembly halls and auditoriums.	One (1) parking space per three (3) seats or one (1) parking space for each one hundred (100) square feet of usable floor area if no fixed seating exists.	
Churches, temples, theaters, athletic fields and other seating facilities.	One (1) parking space per four (4) seats.	
Community center, dance or music studios, personal services establishments and retail shops.	One (1) parking space for each two hundred (200) square feet of floor area plus one (1) for each four hundred (400) square feet of floor area in excess of two thousand (2,000) square feet	
Elementary and junior high schools.	One (1) space for each faculty and staff person plus for places of assembly.	

Libraries.	One (1) parking space per two (2) employees plus one (1) parking space per five hundred (500) square feet of service floor area.	
Secondary and post-secondary schools:	One (1) parking space for every four (4) persons based on the maximum design capacity for pupils, faculty and staff plus for places of assembly.	
Commercial		
Apartment hotels, boarding houses, hotels and motels.	One (1) parking space per two (2) employees plus one (1) parking space per guest room or residence unit plus one (1) space for each ten (10) guest units.	Restaurant and/or assembly space shall be separately calculated.
Automobile car wash.	One (1) holding space for each car washing stall plus one (1) drying space for each car washing stall	
Automobile service stations and repair garages.	One (1) parking space for each employee plus two (2) spaces for each service bay plus one (1) for each five hundred (500) square feet of floor area	
Barber and beauty shops	Two (2) parking spaces for each operator	
Bowling alleys.	Five (5) parking spaces for each lane.	Restaurant and/or assembly space shall be separately calculated
Cartage, express, parcel delivery and freight terminal establishments.	One (1) parking space for each two (2) employees plus one (1) parking space for each vehicle maintained on the premises	
Child care centers and preschools.	One (1) parking space for each employee plus one (1) for each bed	
Financial institutions.	One (1) space for each two hundred (200) square feet of gross floor area	
Golf courses, miniature golf courses, driving ranges.	Two (2) per hole or driving range position	
Hospitals, sanitariums or homes for convalescent or aged.	One (1) parking space per three (3) beds plus one (1) parking space per staff and visiting doctor	
Laundromats or dry cleaning shop.	One (1) space for each washing machine	
Medical and dental clinics or offices.	One (1) parking space for each two hundred (200) square feet of floor plan	

Mortuaries and funeral homes.	One (1) parking space per two (2) employees plus (1) parking space per (3) seats
Outdoor and indoor sales.	One (1) parking space for each one thousand (1,000) square feet of open sales lot area plus one (1) parking space for each four hundred (400) square feet of indoor sales area plus one (1) parking space for each service bay and employee
Restaurants and cafeterias including drive-in establishment.	One (1) parking space per one hundred (100) square feet of floor area
Swimming pools and clubs.	One (1) parking space for each thirty-eight (38) square feet of water area
Taverns or clubs including those serving alcoholic or cereal malt beverages.	One (1) parking space per employee plus one (1) parking space per one hundred (100) square feet of floor area
Retail business.	One (1) off-street parking space shall be provided for each two hundred (200) square feet.
Office.	One (1) off-street parking space shall be provided for each two hundred (200) square feet.
Industrial Uses	
Industrial establishment	One (1) for each employee, based on estimated maximum daily or maximum eight (8) hour shift requirements in a twenty-four (24) hour period
Manufacturing or industrial establishment	Two (2) off-street parking spaces for each one thousand (1,000) square feet of floor area, plus any additional space to be determined by the Planning and Zoning Commission for storage of trucks or other vehicles used in connection with such industry.
Administrative offices associated with another permitted industrial use.	Two and one-half (2½) off-street parking spaces for each one thousand (1,000) square feet of floor area.
Offices, office/warehouses and laboratories.	Four (4) off-street parking spaces for each one thousand (1,000) square feet of floor area.

B. Each structure used for manufacturing or industrial purposes shall provide two (2) off-street parking spaces for each one thousand (1,000) square feet of floor area,

plus an additional space to be determined by the Planning and Zoning Commission for storage of trucks or other vehicles used in connection with such industry.

- C. Administrative offices associated with another permitted use shall provide two and one-half (2½) off-street parking spaces for each one thousand (1,000) square feet of floor area.
- D. Offices, office/warehouses and laboratories shall provide four (4) off-street parking spaces for each one thousand (1,000) square feet of floor area.)
- E. Any use not included in the parking requirements of this Section shall be determined by the Planning and Zoning Commission.

SECTION 405.745: Off-Street Loading Requirements.

- A. For every building, structure or part thereof intended or used for manufacturing, warehousing, retailing, wholesaling or other uses involving receipt or distribution of vehicles, materials, supplies or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services.
- B. Such loading and unloading space shall be an area at least fourteen (14) feet by fifty (50) feet with eighteen (18) foot height clearance and shall be provided according to the following table:

Table 15
 Minimum Requirements for Loading Spaces

Kind of Class or Use		Number of Loading Spaces Required
Number of square feet of gross floor area (except floor area below the ground story) in buildings used for retail and wholesale manufacturing and storage, etc.		
3,000	to 24,999 (incl.)	1
25,000	to 84,999	2
85,000	to 154,999	3
155,000	to 234,999	4
235,000	to 324,999	5
325,000	to 424,999	6
425,000	to 534,999	7
535,000	to 634,999	8
635,000	to 774,999	9
775,000	to 924,999	10
Number of square feet of gross floor area (except floor area below the ground story) in office buildings, hotels, hospitals and institutions.		
3,000	99,999	1
100,000	334,999	2



335,000	624,999	3
625,000	944,999	4
945,000	1,299,999	5
1,300,000	1,695,000	6

ARTICLE 26

LANDSCAPING REGULATIONS

Section 405.750	Purpose
Section 405.755	General Requirements
Section 405.760	Non-Residential Landscaping
Section 405.765	Downtown Landscaping Requirements
Section 405.770	Timing for Establishing Landscaping
Section 405.775	Maintenance and Enforcement

SECTION 405.750: Purpose.

The intent of this Article is to provide shade and to enhance the aesthetic qualities of the city; to encourage the use of landscape vegetation to visually soften paved areas and hard architectural lines, to ensure the preservation and/or replenishment of trees native to the region. The desired aesthetic quality will be achieved through the landscaping requirements, set in this Article, that apply to urban developments. Specifically, these regulations are intended to increase the compatibility of adjacent uses requiring a buffer or screen between uses, to minimize the harmful impact of noise, dust, debris, motor vehicle headlight glare, or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use.

SECTION 405.755: General Requirements.

All previous land areas shall be brought to finished grade and planted in sod or seeded grass, native grasses, or other appropriate ground covers. A minimum number of trees, shrubs, ground cover, and/or sodded areas will be planted in accordance with the Article regulations, pertaining to each project, which shall be determined by the design criteria for the project relating to visual safety, species and landscape function. A landscape and screening plan shall be required as part of the site plan application for new construction or structural alteration of buildings in all zoning districts excluding single-family or duplex structures. Landscaping shall be installed prior to issuance of a certificate of occupancy.

- A. Plant Units. Many of the landscaping standards of this Section are expressed in terms of the number of "plant units" required. Table 16 provides a breakdown of plant unit equivalencies. Greater plant unit value is assigned to native plants and the preservation of existing trees.

Table 16
 Summary of Plant Unit Equivalencies

Type of Plant Material	Size of Plant Material	Equivalent Plant Units	Native Plant Incentive	Preservation of Existing Tree
Deciduous Tree	2.0" caliper	6.5	8.5	+3
Ornamental Tree	1.5" caliper	6	8	+3
Ornamental Tree	1.5" caliper	6	8	+3
Upright Evergreen	4' min. height	2.5	3.25	+2
Shrub	18"-24" spread	1	1.25	N/A
Perennial/ Ornamental	1 gallon	1	1.25	N/A

- B. Plant Quality. Plants installed to satisfy the requirements of this Section shall conform to or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Nursery and Landscape Association. Plants shall be nursery-grown and adapted to the local area.
- C. Encouraged and Discouraged Plants. The Community Development Department shall keep on file a list of encouraged and discouraged plants.
- D. Existing Trees. Table 16 gives additional plant units for existing trees that are preserved during construction. In the event that those trees that were intended to be preserved have to be removed during construction, additional trees will be planted to achieve the required number of plant units.

SECTION 405.760: Non-Residential Landscaping.

- A. Open Space. The open space landscaping standards shall apply to all development.
 - 1. Plant Units Required. At least two (2) plant units shall be provided for each one thousand (1,000) square feet of lot area or fraction thereof.
 - 2. Location of Plant Units. Plant units required pursuant to this Section shall be installed in the area between the adjacent street and the primary building structure to the maximum extent possible.
 - 3. All land areas not covered by buildings or to be left unpaved shall be brought to finished grade and planted in sod, seeded or planted in native grasses or other appropriate ground covers.
- B. Street Frontage. At least seven (7) plant units shall be provided for every thirty (30) feet of street frontage.
- C. Buffering and Screening.
 - 1. For all buildings except single-family and two-family dwellings, all exterior trash storage containers shall be screened so that they are not visible from off the property. A permanent masonry or frame enclosure, compatible to the

primary structure, shall be provided for dumpsters and exterior trash storage containers, to the greater of two (2) feet above the height of the trash storage container, or six (6) feet above the ground. A detailed drawing of enclosure and screening methods to be used in connection with trash bins on the property shall be included on the site plan or landscape plan.

2. For all buildings, except residential structures, a solid screen fence or wall shall be provided, not less than six (6) feet in height, along all side and rear property lines which are common to property zoned or used for residential purposes, except that such screening shall not extend in front of the building line or adjacent dwellings and shall not be required where such screening exists on the abutting residential property. This height requirement is in addition to the buffering required by Table 17.
3. Table 17 shall determine buffering between adjacent zone types.

Table 17
Required Buffer Types Between Zones

Proposed Development Zoning	Adjacent Zoning			
	Residential Estate to Low Density Residential	Medium to High Density Residential	Commercial	Industrial
Residential Estate to Low Density Residential	--	--	--	--
Medium to High Density Residential	A	--	--	--
Commercial	C	B	--	--
Industrial	C	C	--	--

Table 18
Buffer Requirements

Buffer Type	Buffer Width	Number of Plant Units ¹	Mix of Plant Material
A	35 feet	35	Deciduous, ornamental and evergreen Trees
B	35 feet	45	Deciduous, ornamental and evergreen trees
C	35 feet	55	Fence/wall or berm, plus deciduous, ornamental and evergreen trees

¹ per 100 feet of buffer length

4. Location of Buffers. Transition buffers shall be located along those portions of a site that are adjacent to and along those portions adjoining lots with a residential zoning classification. In the case of modifications or additions to an existing building or site, buffers shall only be required along those portions of the site that are directly affected by the proposed improvements as determined by the City.

5. Use of Buffers. Required buffers shall be reserved solely for open space and landscaping. No proposed building addition, structure, parking or storage area or any other type of physical land improvement shall be located in a required buffer, provided that driveways or roads may cross a required buffer if necessary to provide access to the building site. Sidewalks, paths and project identification signs may also be located within required buffers.
 6. Responsibility for Installing Buffers. The developing property shall always be responsible for providing required transition buffers. In those cases where a landscape buffer that complies with the standards of this Section is already in place--whether on the site of the developing property or on the site of the adjacent property--the developer may not be required to install another landscape buffer. The developer of a subdivision or other developing site shall only be responsible for ensuring that the intervening landscape buffer complies with the standards of this Section. Landscape buffers required for subdivisions shall be placed in easements.
 7. Berming. The use of berms in buffering shall not be required, nor prohibited.
- D. Parking Lot. These parking lot landscaping standards shall apply to all off-street parking areas containing more than five (5) off-street parking spaces. They shall not apply to vehicle/equipment storage lots, vehicle and equipment sales lots or multi-level parking structures.
1. Relationship to other Landscaping Standards. Landscaping provided to meet the open space or buffer landscaping standards of this Section shall not be counted towards meeting a project's parking lot landscaping requirements.
 2. Minimum Plant Units. At least twenty (20) plant units shall be provided for each ten (10) parking spaces within an off-street parking area. All landscaping areas that are not dedicated to trees shall be landscaped with grass, groundcover, shrubs or other appropriate landscape treatment. Sand or pavement shall not be considered appropriate landscape treatment.
 3. Location. Parking lot landscaping shall be reasonably dispersed throughout off-street parking areas.
 4. Planting Areas. The interior dimensions of any planting area used to satisfy parking lot landscaping standards shall be sufficient to protect plant materials and to ensure proper growth. Planting areas that contain trees shall be at least seven (7) feet wide, and all planting areas shall be protected by raised curbs or wheel stops to prevent damage by vehicles and vehicle overhang.

SECTION 405.765: Downtown Landscaping Requirements.

Due to its prominence within the City, heightened landscape standards shall be used for downtown. Downtown is the geographical area delineated by the Central Business District (CBD) overlay district.

- A. For off-street parking lots, thirty (30) plant units shall be provided for every ten (10) parking spaces.
- B. At least 75% of plant units within downtown shall be ornamental trees or Perennial/Ornamental shrubs.
- C. All other requirements shall be consistent with the non-residential requirements.

SECTION 405.770: Timing for Establishing Landscape.

- A. A landscaping and screening plan shall be required upon application for a building permit for new construction or structural alteration of buildings, in accordance with the approved site plan.
- B. All landscaping material will be established and healthy before the issue of certificate of occupancy. A temporary occupancy certificate may be issued prior to installation of required landscaping if written assurances and financial guarantees are submitted ensuring that planting will take place when planting season arrives. The amount of the financial guarantee shall be equal to two (2) times the estimated cost of the plant material based on written cost estimates provided by the developer. All landscaping will be established in a generally healthy state within one (1) year of certificate of occupancy being issued.
- C. Landscaping plans will not be required for any modification to existing structures that does not increase the building footprint or intensity of use. Full compliance with the adopted landscaping code is required once a previously built development expands to 200% of its building footprint and/or intensity of use compared to its use at the time this landscaping code was adopted. Partial compliance with the adopted landscape code is required for any parking and/or building expansion less than 200% of the building footprint and/or intensity of use. The required number of plant units will be calculated proportionally, based on the size of the building expansion and number of additional parking spaces to be constructed.

SECTION 405.775: Maintenance and Enforcement.

Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan.

ARTICLE 27 SIGN REGULATIONS

Section 405.780	Purpose
Section 405.785	Scope
Section 405.790	Severability
Section 405.795	Definitions
Section 405.800	Permits
Section 405.805	Maintenance
Section 405.810	Prohibited Signs and Locations
Section 405.815	General Standards
Section 405.820	Political Signs
Section 405.825	Temporary or Banner Signs
Section 405.830	Non-Conforming Signs
Section 405.835	Billboards
Section 405.840	Signs Permitted in Residential Districts
Section 405.845	Signs Permitted in Commercial and Industrial Districts
Section 405.850	Signs Permitted in Central Business District Overlay District

SECTION 405.780: Purpose.

- A. Public Safety. The purpose of this Article is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building in order to protect pedestrians and motorists from damage or injury caused by improperly situated signs, promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City of Kearney.
- B. Appearance. The purpose of the Article is also intended to create a more attractive economic and business climate within the office, commercial and manufacturing areas of the community by enhancing and protecting the physical appearance of the community; and, preserve and promote the natural beauty of the City of Kearney.
- C. It is the intent of the City of Kearney not to unduly restrict outdoor advertising signs. However, placement and construction of outdoor advertising signs should do the following:
 - 1. Be compatible with surrounding land uses;
 - 2. Preserve property values of surrounding properties;
 - 3. Should protect existing businesses which are adequately identified and advertised from a proliferation of signs which reduce the effectiveness of individual signs;
 - 4. Should not distract adjoining residences;
 - 5. Should not distract nor reduce sight distance for vehicular traffic.

SECTION 405.785: Scope.

The regulations of this Article shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation and removal of all signs within the City of Kearney not located within a building. Any sign not expressly permitted by

these regulations shall be prohibited. The regulations of this Article related to the location of signs, by function and type, within zoning districts and shall be in addition to the building codes regulating the proper installation of signs.

SECTION 405.790: Severability.

If any provisions of this Article is held to be invalid or inapplicable to any sign or signs, it is intended that the invalid part or parts be severed from the remaining provisions in order to continue in force and in effect as many provisions of this Article as possible. It is specifically intended that severance occur, if necessary, that will allow the application of restrictions on the height, size, type, number, and location of signs.

SECTION 405.795: Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

ABANDONED SIGN: A sign structure and its supporting members that has ceased to be used for a period of six months for the display of sign copy advertising a current activity or business.

BILLBOARD: An off-premises sign, including both the supporting structural framework and attached sign faces, used principally for advertising a business activity, use, product, or service unrelated to the primary use or activity of the property on which the sign is located; excluding off-premise directional or temporary real estate signs.

BUILDING CODE: The Building Code currently adopted by the City, including all applicable volumes and standards.

DIRECTOR OF COMMUNITY DEVELOPMENT: The officer or other person charged with the administration and enforcement of this Article or his/her duly authorized representative.

DIRECTIONAL SIGN: Any on-premise sign that is designed and erected solely for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic within the site limited to 4 square feet in size and, at entrance/exit drives, limited to one directional sign located at entrance/exit drives.

DISPLAY SURFACE: The area made available by the sign structure for the purpose of displaying the advertising message.

DOUBLE-FACED SIGN: A sign constructed to display its message on the outer surface of two identical and opposite parallel planes.

ELECTRICAL CODE: The Electrical Code currently adopted by the City, including all applicable volumes and standards.

ELECTRIC SIGN: Any sign containing or using electrical wiring.

GROUND OR MONUMENT SIGN: A sign placed at or near ground level not exceeding six (6) feet in height and generally having no clearance under it.

HOLIDAY DECORATION SIGN: Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

ILLUMINATED SIGN: Any sign which is illuminated by an external or internal light source which is visible.

OFF-SITE SIGN: Any sign which is not located on the same property or lot as the use, object, project, place, activity, service or person to which it refers.

PERMANENT SIGN: A sign that is permanently affixed to a building surface, roof, ground, parapet or overhang.

POLE SIGN: Any sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

POLITICAL SIGN: Any sign of any kind solely promoting, supporting or opposing any candidate, office, issue or proposition to be voted upon at any public election or other political issue not voted upon.

PORTABLE SIGN: A temporary sign that is not permanently affixed to one (1) location and has the capability of being moved from one site to the next.

PROJECTING: The distance by which a sign extends beyond the building line.

SIGN: Any object, device, display or structure or part thereof, situated outdoors, which is used to advertise, identify, display, direct, attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters figures, design, symbols, fixtures, colors, illumination or projected images.

SIGN AREA: The area of the smallest rectangle which completely encloses the display surface of the sign, including any framing, trim or molding.

SIGN STRUCTURE: Any structure which supports or is capable of supporting any sign as defined in this Article.

STRUCTURE: That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

TEMPORARY or BANNER SIGN: A promotional sale sign, event sign, fund-raising sign, or similar signs displayed no more than (30) days. Temporary signs include, but are not limited to, banners constructed of vinyl or fabric; sandwich signs, fabric attached to or advertising messages painted on wood, and portable signs.

WALL SIGN: Any sign attached, erected, painted or projected against the wall of a building or structure including marquees.

SECTION 405.800: Permits.

- A. **Permit Required.** No sign shall hereafter be erected without obtaining a required sign permit. Applications for sign permits shall provide the information necessary for a proper determination that the proposed sign conforms to the requirements established in this Unified Development Code.
- B. **Planning and Zoning Commission Review.** New or expanded permanent signs and replacement/reface of existing pole signs require a site plan review by the Planning and Zoning Commission prior to submittal of a sign permit application.

- C. Permit Application and Site Plan Requirements. The following information shall accompany a sign permit and concept plans (See Section 405.135) and site plans (See Section 405.140).
1. Plans and specifications showing the location on the lot or building face, support of sign, and type of illumination.
 2. A scale drawing showing sign faces, exposed surfaces and the proposed message and design, accurately represented as to size, area, proportion and color.
 3. A calculation of the total amount of sign area presently existing on the property.
 4. The applicant's attestation that the sum of the areas of the requested sign or signs and the existing signs does not exceed the maximum allowed by the provisions of this Article.
 5. Other information as deemed necessary by the Planning and Zoning Commission or Board of Aldermen.
- D. Permit Expiration. If a sign for which a permit is granted is not erected within ninety (90) days from the date of issuance of said permit, said permit, unless renewed by resubmittal of a sign permit application, shall be deemed void.
- E. Permit Fees. A sign permit fee shall be paid in an amount as established by the Board of Aldermen.
- F. Signs Not Requiring Permits. Painting, repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon, unless a structural change is made, shall not require a permit, nor shall the following signs require a sign permit:
1. Any sign placed or painted on the inside of a building or outside of any vehicle.
 2. Nameplates attached directly to the wall of a building or structure.
 3. Municipal signs, legal notices, trespassing signs or signs to aid safety.
 4. Information or direction signs containing no advertising copy.
 5. Real estate signs advertising the sale, rental or lease of the premise.
 6. Tablets constructed of bronze, brass, stone or other incombustible materials, when built or attached to the walls of a building; provided that such tablet bears only the name of the owner, the name or use of the building, or reading material commemorating a person or event.
 7. Signs announcing the name of the architect, engineer or contractors of a building under construction, alteration or repair and signs announcing the character of the building enterprise or the purpose for which the building is intended.
 8. Signs to advertise public or civic welfare or charitable enterprises placed on posts, poles or buildings limited to 30 square feet. Such signs shall be removed within 5 days following the event.
 9. All political signs. Such signs shall be removed within 5 days following the event.

10. Holiday decoration signs, garage sale, yard sale, residential moving sales, auctions, direction signs for parties, reunions or weddings limited to 4 square feet. Such signs shall be removed within 5 days following the event.
11. These exceptions shall not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance and its compliance with the provisions of this Article or any other law or ordinance regulating the same. All such signs shall be placed on private property and behind the existing or proposed right-of-way.

SECTION 405.805: Maintenance.

- A. The owner of any property on which any sign is placed and the person maintaining the sign shall be responsible, individually and jointly, for the condition of the area in the vicinity of the sign and shall be required to keep it clean, sanitary and free from noxious or offensive substance.
- B. If any sign is or becomes insecure or in danger of falling or otherwise unsafe, the Director of Community Development or his/her authorized representative shall notify the person or persons maintaining the same to make the sign safe and secure or to remove same. In the event that the sign is not made secure or removed, the City may remove same at the cost of the one obtaining the permit. The standard shall be the current edition of the Uniform Sign Code.
- C. Abandoned signs shall be torn down within thirty (30) days of written notice by the City.

SECTION 405.810: Prohibited Signs and Locations.

- A. Signs installed without a sign permit, unless classified as a sign not requiring permit.
- B. Signs erected or maintained without the consent of the owner of the real property or the person or entity in legal possession of the real property.
- C. Rotating, animated, moving or flashing signs. This provision does not prohibit the static display of an electronic reader board or LED sign that may change to the next message at no faster than 2 second intervals.
- D. No private sign or its supporting structure shall interfere with the lines of vision between a motorist and any official traffic sign or signal or other vehicles approaching any street intersection. The determination as to such sign interference with traffic safety shall rest with the City.
- E. No private sign shall display flashing intermittent lights resembling those customarily used by emergency vehicles or traffic signals and shall use no dominating or emphasizing word that might be misconstrued to be a public safety warning, traffic sign or signal.
- F. No sign of any type used for advertising purpose shall be located between any side of a building and any interior property line which is adjacent to any residential zoning district.
- G. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.

- H. No sign of any type shall be located within the City, State or Federal right-of-way or shall be attached to utility poles or other appurtenances which exist within easements or City, State or Federal right-of-way.

SECTION 405.815: General Standards.

- A. Materials. Except for flags, and in certain cases temporary signs, all signs shall be constructed of permanent materials, permanently attached to the ground, a building, or another structure. Specifically, signs may be constructed from wood, plastic, metal and/or masonry materials, or materials permitted after review by the Planning and Zoning Commission and/or Board of Aldermen.
- B. Design Guidelines.
1. Compatibility of Sign Design. Monument signs should be designed to be consistent with the architectural style of the main building or buildings upon the site. This includes incorporating construction materials or color.
 2. Continuity of Sign Design. Multiple signs located within a single development, or complex should have a common design established through the use of similar sign colors and materials, sign supports, method of illumination, sign cabinet or other configuration of sign area, shape of sign and components, and letter style and size.
- C. Illumination.
1. Location and Design of Light Source. Whenever an external artificial light source is used for a sign, such source shall be located, shielded and directed so as not to be directly visible from any public street or private residence.
 2. Direct Glare. All artificial illumination shall be designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.
- D. Electrical Elements. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the officially adopted building code.
- E. Structural Elements. The construction and structural components of all signs shall be in accordance with the standards and regulations of the officially adopted building code.
- F. Sign Area Calculation.
1. Sign area for signs contained entirely within a cabinet or mounted on a wall or monument shall be calculated by measuring the entire area of the cabinet.
 2. Sign area for letters or symbols painted or mounted directly on walls or monument signs or on the sloping portion of a roof shall be calculated by measuring the smallest single rectangle which will enclose the combined letters and symbols.
 3. Only one side of any double-faced sign shall be counted in calculating maximum sign area.

- G. Signs on Lots with Multiple Users. Where more than one user occupies a lot or tract, the owner of the lot or tract shall be responsible for allocating permitted signage among such users.
- H. Traffic Safety.
 - 1. Confusion with Traffic Signals. No sign shall be maintained at any location where by reason of its position, size, shape, content, color, or illumination it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, sign or device, or where it may interfere with, mislead or confuse traffic.
 - 2. Obstruction of Site Triangle. No sign, nor any part of sign, shall interfere with the vision triangle. (See Section 405.685 Vision Triangle)
- I. Signs in Rights-of-Way. Except as provided in this paragraph, no sign except governmental signs authorized in this Section shall be placed in or extend into or over any public property or right-of-way.

SECTION 405.820: Political Signs.

- A. Political Signs on Public Property or Right-of-Way. No political sign shall be placed in or on any public property or within the right-of-way.
- B. Political Signs in Residential Areas. Political signs located in any area zoned for and predominantly developed for residential use shall not exceed two (2) feet by (2) feet on each side.
- C. Political Signs in Other Areas. Political signs located in any area zoned for use other than residential or in any area not then predominantly developed for residential use may be 32 square feet, other than on a billboard.
- D. Exceptions. The provisions of this Section shall not apply to billboards, notices posted by order of any court or notices to the public required by law to be posted in public places.
- E. Sign Removal. Political signs affiliated with an election or event shall be removed within five (5) days following the event.
- F. Fee Not Required. Sign permit fee is not required for political signs.

SECTION 405.825: Temporary or Banner Signs.

- A. For each business or property there shall be permitted, upon approval of a sign permit application, the display of one (1) temporary or banner sign for a period of time between one (1) and thirty (30) days, as requested by the applicant on the sign permit application.
- B. No permit for additional temporary or banner signs shall be issued within a number of days matching the same length of time of posting allowed under the previous permit for temporary sign or banner. No temporary sign shall exceed fifty (50) square feet in area. All signs shall be placed on private property at least five (5) feet behind the existing or proposed right-of-way and outside the sight distance triangle along any street or driveway intersection.

- C. Temporary signs shall meet all other requirements of this Article and may be issued by the Director of Community Department without Planning and Zoning Commission approval.

SECTION 405.830: Non-Conforming Signs.

- A. Retention of Nonconforming Signs. A nonconforming sign may continue except as otherwise provided in or authorized by this Section or unless such sign becomes an abandoned sign.
- B. Alterations. A nonconforming sign may not be enlarged in any way to include larger supporting structures; sign face area, or height. A change in the information on the face is allowed if the change does not increase the area of the sign face.
- C. Replacement. Nonconforming signs shall only be replaced with conforming signs or a sign that is more conforming.

SECTION 405.835: Billboards.

- A. Conditional Use.
 - 1. A billboard may be permitted as a conditional use in areas zoned for a "C" General Commercial District or "M" Industrial District under the following criteria:
 - a. The lot has a minimum frontage of 200' bordering a public right-of-way on I-35.
 - b. The proposed sign structure would be located at least 1,400 feet in any direction from an existing off-site, billboard sign.
 - 2. Required Findings For Conditional Use.
 - a. Billboards or off-site signs shall be in harmony with the general character of the building, and shall relate to other on-premise signs in terms of location, scale, and color.
 - b. Billboards or off-site signs shall not dominate a particular site or result in an over concentration of advertising devices.
 - d. Billboards or off-site signs shall be placed with due regard for the property rights of adjacent land owners and shall be erected, to the greatest degree possible, away from property lines.
 - c. Billboards or off-site signs shall not obscure, conflict, or project over another sign.
- B. Siting Criteria for All Billboards.
 - 1. The billboard must not be larger than 300 sq. ft. on a single sign surface.
 - 2. The sign shall have a maximum of two faces.
 - 3. The total billboard height shall be limited to 40 feet.

4. The billboard/sign shall not be lighted internally and all external lighting shall be constant in color and intensity. No part of the sign device shall be animated, move, flash or produce noise.
5. All billboards shall be a unipole (single supporting member), metal construction.
6. Billboards shall be erected 200 feet or more from any residence located in a residential zone.
7. The supporting pole for the sign shall not be located closer than 30 feet to any principal structure, and no part of the structure shall project over an accessory use or another sign.
8. No part of the billboard shall project over a right-of-way, either public or private, and no part of the structure shall be located closer than 40 feet to the intersection of two or more public streets.
9. All applicants must possess a valid permit from the State of Missouri prior to erecting a billboard.

SECTION 405.840: Signs Permitted in Residential Zoning Districts.

Table 19 Residential Zoning District Signage					
Permitted Type of Sign	Quantity	Illuminated	Maximum Area	Maximum Height	Comments
Nameplate mounted on building indicating the name and/or location of occupants of a residence.	1	Yes Indirect	2 sq. feet		Sign is limited to wall sign.
Temporary For sale or For Rent sign.	1	No	8 sq. feet	5 feet	
Temporary banner sign indicating special events, functions, or seasonal activities.	1	No			See Section 405.825
Temporary construction sign identifying the names of architects, engineers, builders, tenants, or agents of the premises of a building being constructed. Double-faced is permitted	1	No	16 sq. feet	8 feet	Sign shall be removed upon completion of the building.
Temporary subdivision or apartment sign identifying information pertinent to an undeveloped or developing subdivision or apartment. Double-faced is permitted	1	No	32 sq. feet	12 feet	Sign shall be removed upon completion of the subdivision or building.
Permanent subdivision or apartment development identification sign.	Approved by site plan	Yes Indirect	50 sq. feet	6 feet	Sign is limited to monument sign type.
Non-residential identification signs for places of worship, day care, community/government buildings, funeral homes, clubs, nursing homes, retirements home, and schools.	Approved by site plan	Yes Indirect	50 sq. feet	6 feet	Sign is limited to monument sign type.
Permanent institutional bulletin board sign identifying a religious organization, school, library, community center, or similar institutional or community service use's names or names of persons connected with it, and greetings, announcements or event or activities occurring a the institution or similar message.	1	Yes Indirect	40 sq. ft	8 feet	Sign can be free-standing or wall sign.
Permanent on-site directory signs for apartment complexes or similar uses.	Approved by site plan	Yes Indirect	50 sq. feet	6 feet	Sign can be free-standing or wall sign.
Notes:					
1. All free-standing signs shall maintain a minimum 5 foot setback from the existing or proposed right-of-way.					

SECTION 405.845: Signs Permitted in C-0, C-1, C Commercial and M Industrial Zoning Districts.

Table 20 Commercial Signage for C-O, C-1, C, and M Zoning Districts					
Permitted Type of Sign	Quantity	Illuminated	Maximum Area	Maximum Height	Comments
Temporary For sale or For Rent/Lease sign.	1	No	16 sq. feet	8 feet	Sign permit shall expire one year from the date of issuance. See Note 8
Temporary construction sign identifying the names of architects, engineers, builders, tenants, or agents of the premises of a building being constructed. Double-faced sign is permitted	1	No	32 sq. feet	12 feet	Sign shall be removed upon completion of the building.
Permanent ground or monument sign identifying the name of a development, individual business or multiple tenants. Double-faced sign is permitted.	1 sign per property line along a street	Yes Indirect	50 sq. ft. per sign	6 feet	See Note 1,2,and 8.
Permanent wall sign identifying individual business.	1 sign per each wall	Yes Indirect	10 % of total wall area	NA	See Note 3, 4 and 5.
Permanent wall signs for businesses in a multi-tenant building	1 sign per business per adjacent wall	Yes Indirect	10 % of total wall area	NA	See Note 3, 4, and 5.
In lieu of a ground or monument sign, a freestanding pole sign is permitted for each street frontage of the lot, provided corner lots with a street frontage of less than 100 feet on each street shall be permitted only one pole sign identifying individual or multiple tenants. Double-faced sign is permitted.	1 sign per property line along a street. See note on corner lots.	Yes Indirect	80 sq. ft.	Limited to the peak of the roof of the structure.	See Note 3, 7, and 8.
Multi-tenant developments that have more than 300 feet of street frontage on one street may have one additional freestanding pole sign for each 300 feet of street frontage, or portion thereof. Such signs shall be separated from one another by a minimum of 150 feet, if located on the same street frontage	1 per lot or tract frontage. See notes on corner lots.	Yes Indirect	On lots with 300 feet or more of frontage, the sign area for individual free-standing signs may be combined provided the sign area does not exceed 250 sq. feet.	Limited to the peak of the roof of the structure.	See Note 3, 7 and 8.
Awning or canopy signs may be permitted in lieu of a wall sign. No sign shall project above, below, or beyond the physical dimensions of an awning or canopy.	1 sign per awning or canopy	Yes Indirect	10 % of total wall area.	NA	

Permanent on-site directory signs.	1 sign located at entrance/exit drive	Yes Interior Illumination	4 sq. ft.		See Note 6 and 8.
<ol style="list-style-type: none"> 1. New monument signs where none existed shall be approved by the Planning and Zoning Commission and Board of Aldermen at time of Minor Site Plan Review. The Planning and Zoning Commission and Board of Aldermen may require monument signs have an enclosed base and landscaping. 2. Changeable copy or electronic message board is allowed on a monument sign. 3. New wall or pole signs where none existed shall be approved by the Planning and Zoning Commission and Board of Aldermen at time of Minor Site Plan Review. 4. No sign which projects beyond the wall on which it is located shall be erected with less than eight (8) foot clearance above grade. 5. A wall sign may project above the top wall by a maximum of three (3) feet. 6. New on-site directory signs where none existed shall be approved by the Director of Community Development at time of Staff Level Plan Review 7. Lot or tract that borders within 200 feet the I-35 right-of-way shall be allowed a pole sign with a maximum height of 40 feet and a maximum size of 150 square feet. 8. All free-standing signs shall be placed on private property and at least five (5) feet behind the existing or proposed right-of-way. 					

SECTION 405.850: Signs Permitted in CBD Downtown Business Overlay District.

The Downtown Business Overlay District is the historic downtown district and is oriented toward pedestrian traffic. Individual uses do not usually provide off-street parking, and the buildings generally have no front or side yards. Signs should be designed and located to communicate with pedestrians at the street level. Signs should provide clear and understandable identification for buildings, businesses, and parking. Signs should be carefully designed and located so as to respect the visual integrity of historic architecture including building scale, proportions, surface texture, and decorative ornamentation. Because of the unique character and historic nature of this zoning district, all signage will be subject to review and approval by the Planning and Zoning Commission.

APPENDIX A - TABLE OF USES BY ZONING DISTRICT

Summary Table of Uses									
P--Permitted Use C--Conditional Use	Residential Districts					Commercial Districts			Industrial District
Residential Uses	R-R	R-1	R-2	R-3	R-4	C-O	C-1	C	M
Single-family dwellings	P	P	P	P	P				
Two-family dwellings	--	--	P	P	P				
Multi-family dwellings	--	--	--	P	P				
Town homes or attached row houses	--	--	--	P	P				
Manufactured home	--	--	--	--	--				
Mobile home	--	--	--	--	--				
Modular home	--	--	--	--	--				
Group homes	P	P	P	P	P				
Home occupation	P	P	P	P	P				
Bed & Breakfast home or inn	C	C	C	C	C				
Boarding house or lodging house									
Adult day care facility	P	P	P	P	P				
Family child care home	P	P	P	P	P				
Group child care home	--	C	C	C	C				
Child care center	--	C	C	C	C				
Nursery school	--	C	C	C	C				
Federal, State, County offices	--	C	C	C	C				
Funeral homes or mortuaries	--	C	C	C	C				
Hospice	--	C	C	C	C				
Hospital	--	C	C	C	C				
Congregate care facility	--	C	C	C	C				
Nursing home, assisted living facility	--	C	C	C	C				
Public or Civic Uses	R-R	R-1	R-2	R-3	R-4	C-O	C-1	C	M
Cemetery									

Public and private schools	P	P	P	P	P				
Places for religious worship	P	P	P	P	P				
Golf courses	--	P	P	P	P				
Publicly owned and operated community buildings, public museums, public libraries, or meeting facilities.	--	P	P	P	P				
City administrative buildings	--	P	P	P	P				
Federal, State, and County offices	--	C	C	C	C				
Public parks and recreation buildings or facilities	P	P	P	P	P				
Public safety services	C	C	C	C	C				
Public utilities and facilities	C	C	C	C	C				
Club or lodges	--	C	C	C	C				
Fairgrounds									
Telecommunication facilities	C	C	C	C	C				
Agricultural Business & Support Uses									
Farming/agricultural activities									
Fish hatcheries, apiaries, aviaries									
Fishing lakes and picnic groves									
Forests and wildlife reservations									
Riding stables; riding tracks									
Kennels									
Wineries									
Commercial Uses									
Adult entertainment						--	--	C	
Agricultural supplies						--	--	P	
Alterations and tailoring						C	P	P	
Ambulance service						--	P	P	
Amusement and video arcades						--	P	P	
Animal hospital or clinic							P	P	
Antiques						--	P	P	

Apartments above the first floor						--	P	P	
Apparel						--	P	P	
Appliance and electronics repair						--	P	P	
Art galleries and studios						--	P	P	
Auction business						--	--	C	
Auditoriums and exhibit halls						--	--	C	
Auto supplies stores						--	--	P	
Automated teller machine						--	P	P	
Automobile dealers, new and used						--	--	P	
Automobile service station, with or without gasoline sales						--	P	P	
Automobile and vehicle, major repair							--	P	
Automobile and vehicle, minor repair							P	P	
Bakeries and confectionery establishments						--	P	P	
Bar or nightclubs						--	P	P	
Barbers, hair styling and similar personal services						--	P	P	
Baseball batting cages						--	--	C	
Bed and breakfast home or inn						--	P	P	
Books and periodicals, other than adult bookstores						--	P	P	
Bowling and skating centers						--	--	P	
Bus or cab terminal						--	--	P	
Business support services						--	P	P	
Cameras and photo equipment						--	P	P	
Camps, travel trailer, or RV parks						--	--	C	
Camper trailer, sales and service						--	--	P	
Car washes						--	C	P	
Commercial Uses	R-R	R-1	R-2	R-3	R-4	C-O	C-1	C	M
Carpeting and floor covering						--	P	P	
Caterer						--	P	P	
Club, private							C	P	

Club or lodges						C	C	P	
Commercial printing and publishing						--	--	C	
Computer sales and service						--	P	P	
Consumer repair service						--	P	P	
Contractor's shop and/ or yard, including construction equipment and/or materials storage area						--	--	C	
Convenience stores, with or without gasoline sales						--	P	P	
Crafts						--	P	P	
Delicatessens						--	P		
Discount stores						--	P	P	
Drugs and cosmetics						--	P	P	
Dry cleaners						--	P	P	
Equipment sales and rental, excluding heavy equipment						--	--	P	
Exterminator						--	--	P	
Fairgrounds						--	--	C	
Farm implement sales and service						--	--	P	
Farmers/produce markets						--	--	P	
Financial institutions, including drive-through banks						C	P	P	
Florist shops						C	P	P	
Food storage lockers						--	--	P	
Food store						--	P	P	
Funeral homes and mortuaries						C	C	P	
Furniture store						--	P	P	
Gift shops						C	P	P	
Commercial	R-R	R-1	R-2	R-3	R-4	C-O	C-1	C	M
Greeting cards and stationery						C	P	P	
Gun club, archery range						--	--	C	
Hardware stores						--	P	P	
Health care clinic or offices						P	P	P	

Health or fitness clubs						C	P	P	
Health related sales and services						--	--	P	
Hobby shops						--	P	P	
Home lighting and fixtures						--	P	P	
Hotel and motels						--	P	P	
House wares and kitchenware						C	P	P	
Ice cream and candy stores						C	P	P	
Interior decorating						C	--	P	
Internet providers						C	P	P	
Jewelry						--	C	P	
Landscape and horticultural services						--	P	P	
Laundromats						C	P	P	
Libraries or museums						--	--	P	
Liquor store						--	--	P	
Locksmiths						--	P	P	
Lumberyard						--	--	P	
Manufactured home dealer						--	P	P	
Microbrewery						--	P	P	
Miniature golf course						C	P	C	
Music and musical instruments						C	--	P	
News and magazine shops						--	P	P	
Newspaper publishing						--	P	P	
Nursery, garden store						--	P	P	
Office supplies						P	--	P	
Offices						C	P	P	
Commercial	R-R	R-1	R-2	R-3	R-4	C-O	C-1	C	M
Optical shops						--	P	P	
Outdoor commercial recreation						--	--	P	
Outlet stores or shops						--	P	P	
Paint and wallpaper						--	P	P	
Parking for uses on the same or adjacent parcel as the principal use						--	P	P	

Pawn shop						--	--		
Pet stores						--	P	P	
Pet care facility						--	P	P	
Pharmacy						C	P	P	
Photocopying and retail printing						C	P	P	
Photographer studio						C	P	P	
Picture framing						C	P	P	
Places for religious worship						--	--	P	
Plumbing, HVAC, electrician shop						--	--	P	
Postal and mailing services						C	P	P	
Printing services						--	--	P	
Private club									
Professional services						--	P	P	
Public safety services						--	P	P	
Public utilities and facilities						C	C	P	
Publicly owned and operated community buildings, public museums, public libraries, or meeting facilities.						C	P	P	
Radio and TV towers						--	--	C	
Recycling collection station						--	--	C	
Restaurant						--	P	P	
Restaurant, drive through						--	C	P	
Restaurant, fast food									
Retail sales and services						--	P	P	
Commercial	R-R	R-1	R-2	R-3	R-4	C-O	C-1	C	M
Roofing, siding, and sheet metal work						--	--	C	
Schools and other educational facilities						--	--	P	
Self-storage facility						--	--	P	
Shoe stores and repair shops						--	P	P	
Sporting goods and bicycles						--	P	P	
Tanning salon							P	P	
Taverns and bars						--	P	P	

Taxidermist						--	P	P	
Technical schools and training facilities						--	--	P	
Telecommunication facilities						--	C	C	
Theaters, indoor						--	--	P	
Therapeutic massage enterprise						--	P	P	
Toys and hobby supplies						--	P	P	
Truck stops						--	--	C	
U.S. Post Office						--	--	P	
Variety stores						--	P	P	
Vehicle and equipment sales and service						--	--	P	
Veterinarian clinic, with outdoor kennels						--	C	P	
Veterinarian clinic, without outdoor kennels						--	P	P	
Video arcade						--	--	P	
Video rental						--	P	P	
Warehousing for goods related to permitted use activities in the district						--	--		
Welding shops						--	--	C	
Youth camps, adult and family retreat areas						--	--	C	
Industrial Uses	R-R	R-1	R-2	R-3	R-4	C-O	C-1	C	M
Auction houses.									
Building maintenance services.									
Building materials sales.									
Call centers.									
Car washes.									
Equipment rental.									
Equipment repair.									
Exterminating services.									

Freight, truck and rail terminals.									
Indoor sports and recreation.									
Laboratories.									
Light manufacturing, processing, fabrication or assembling of commodities or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring prosperities, including activity requiring railroad siding or frequent pickup and delivery by motor truck, except junk or salvage.									
Self-storage facilities.									
Automobile and vehicle, major repair.									
Offices and research facilities.									
Auditoriums and exhibit halls.									
Aviation fields or airports.									
Camps, travel trailer and RV parks, provided that no camper shall occupy a campground for a period exceeding sixty (60) consecutive days.									
Cemeteries, crematories and mausoleums.									
Slaughterhouses.									
Concrete plants, asphalt plants.									
Contractor's shop and/or yard, including construction equipment and/or materials storage area.									
Funeral homes and mortuaries.									
Grain elevators and storage bins, including the sale of related items.									
Heavy manufacturing uses including:									
Acid manufacture.									
Cement, lime, gypsum or plaster of Paris manufacture.									

Distillation of bones.									
Explosive manufacture or storage.									
Fertilizer manufacture and storage.									
Gas manufacture.									
Garbage, offal or dead animal reduction or dumping.									
Paper or pulp manufacture.									
Petroleum or its products (refining of).									
Smelting of tin, copper, zinc or iron ores.									
Stockyards.									
Wholesale storage of gasoline and L.P. gas.									
Junk yards or salvage yards, subject to the provisions of Section 405.705.									
Nursing homes, retirement home or assisted living facility.									
Hospital.									
Privately owned seasonal or temporary or permanent park and recreational areas such as clubs for swimming, tennis and racquetball; youth camps; adult and family retreat areas; gun clubs; archery ranges; rodeos; fairgrounds and musical festivals; amusement parks, privately owned baseball or athletic fields, race tracks.									
Public and private sanitary landfills and resource recycling center not involving any hazardous or toxic waste material.									
Public utilities and facilities.									
Quarrying, mining or removal of sand, gravel or stone and the processing of the same, including asphalt and concrete plants, all of which shall be permitted by separate conditional use permits, subject to the provisions of Section 405.705.									

Radio and television towers.									
Residential or outpatient facilities for the treatment of alcohol or drug abuse. Such facilities must be in reasonable conformance with the general standards of the neighborhood. No such facility may be located within three hundred (300) feet of any other such facility.									
Riding stable and academy provided no structure housing horses shall be located nearer than five hundred (500) feet to the boundary of any residential district with "R" in its title.									
Wind energy conversion systems.									