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31-1 GENERAL PROVISIONS.

An ordinance to regulate the location of residences, businesses, trades, industries, and other urban uses; to regulate the location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the percentage of lot occupancy; to regulate and determine the area of yards and other open spaces surrounding the buildings; and for said purposes divide the city into districts; to provide a method of administration; and to prescribe the penalties for the violation of its provisions.

(A) Title.

This ordinance shall be known as the Zoning Ordinance of the City of Grandview, Missouri.

(B) Purpose.

The Zoning Ordinance is adopted for the following purposes:

- (1) To promote the public health, safety, morals, comfort, convenience, prosperity, and general welfare of the community;
- (2) To lessen congestion in the streets;
- (3) To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city;
- (4) To encourage reasonable flexibility of development design through appropriate innovation;
- (5) To isolate or control the location of unavoidable nuisance producing uses;
- (6) To foster a more rational pattern of relationship between residential, office, commercial, and industrial uses for the mutual benefit of all;
- (7) To provide adequate light, air, and open spaces;
- (8) To prevent the overcrowding of land;
- (9) To avoid undue concentration of population;
- (10) To facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements;
- (11) To protect existing uses from harmful encroachment by incompatible uses;
- (12) To provide for the elimination and encouragement of the elimination of those uses of land, buildings, and structures which are contrary to the intent and purposes of this title or which are adversely affecting the character, development, and taxable value of property in each district; and
- (13) To define the powers and duties of the administrative officers and bodies, as provided for in this title.
- (14) To preserve features of historical significance;
- (15) To secure safety from fire, panic, and other dangers.

(C) Authority.

The establishment of the Zoning Ordinance of the City of Grandview, Missouri is done under the authority of Chapter 89 of Missouri State Statutes, as amended.

(D) Relationship to Other Laws.

Where conditions imposed by any provision of this Ordinance upon the use of land, buildings, or structures are either more restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.

(E) Administration.

This Ordinance shall be administered by the Director of Community Development or designee(s).

(F) Penalties for Violation and Civil Remedies.

Persons or firms violating any provisions of the Ordinance shall be prosecuted under Section 31-26 of this Ordinance.

(G) Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this article should be declared invalid for any reason whatsoever, such decisions shall not affect the remaining portions of this article, which shall remain in full force and effect.

31-2 RULES OF INTERPRETATION.

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the purposes of this Ordinance, and the provisions shall be interpreted in accordance with the following:

(A) Minimum Requirements.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.

(B) Relationship to Private Agreements.

This Ordinance is not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement or legal relationship; provided, however, that where the regulations of the Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement of legal relationship, the regulations of this Ordinance shall govern.

(C) Unlawful Uses.

No building, structure, or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any respect that, said unlawful building, structure or use is in conflict with the requirement of this Ordinance, said building, structure, or use remains unlawful hereunder.

(D) Not a Licensing Ordinance.

Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.

(E) Cumulative Provisions.

The provisions of this Ordinance are cumulative and additional limitation upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.

31-3 DEFINITIONS

In the interpretation of this Ordinance, the following words and terms are to be used and interpreted as defined in this Section 31-3. Additionally, definitions are provided in other sections of this Ordinance which are tailored specifically for that section.

Accessory Building: A subordinate building, located on the same lot as the main building, or a portion of the main building, the use of which is clearly incidental to and customarily found in connection with the main building or principal use of the land.

Accessory Use: A use which is clearly incidental to and customarily found in connection with the principal use of the premises and which is located on the same lot as the principal use.

Adult Entertainment Establishments: See Chapter 2A of the Grandview Code of Laws entitled “Adult Oriented Entertainment”.

Alley: A public right-of-way which affords a secondary means of access to abutting properties, not to be considered a street.

All-Terrain Vehicles: For the purpose of this ordinance, the term “all-terrain vehicle” shall include all three-wheeled and four-wheeled vehicles designed primarily for use over terrain other than paved streets.

Alteration: Alteration, as applied to a building or structure, is a change or re-arrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another shall be considered as an alteration.

Amendment: A change in the wording, context, or substance of this Ordinance, or a change in the zone boundaries upon the zoning map, which map is a part of this Ordinance, when adopted by ordinance by the Board of Aldermen in the manner prescribed by law.

Amusement Center: A facility providing three (3) or more coin or token-activated machines or devices for use by patrons as games of skill or entertainment.

Area, Project:

Gross Project Area: Total Project Area.

Net project area: Total project area less land allocated to public street right-of-way, private streets, parking areas and any land allocated to specified non-project uses such as schools and churches when determining the “net residential project area” to be used as a basis for calculating the number of permitted dwelling units for a Planned Development.

Automated Bank Teller: A machine or device for the dispensing and collecting of money and/or to provide other banking activities to a customer without an attendant; automated teller machine or ATM.

Baby Sitting: A residential accessory use permitted as a home occupation providing temporary supplemental parental care for non-related children where such care is provided within a dwelling

unit by the permanent resident thereof; the number of such children shall not exceed that which is permitted by and licensed by the Missouri Department of Social Services, Division of Family Services.

Basement: Any floor level below the first story in a building, except that a floor level in the building having only one floor level shall be classified as a basement unless such floor level qualifies as first story.

Bed and Breakfast Establishment: Any place of lodging that provides 4 or fewer rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Building: Any roof-covered structure used or intended for supporting or sheltering any use or occupancy.

Building Height: The vertical distance from the average existing grade measured at the front wall of the building to the highest point of the underside of the ceiling beams for a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

Building Line: See Setback.

Bulk Regulations: An indication of maximum size and minimum setbacks of buildings and their location with respect to one another including minimum area; minimum lot frontage; maximum coverage; minimum front, side, and rear yard; and maximum building height.

Business Services: Laundries, custodian service, dry cleaners, floor waxing service, linen supply, janitorial services, diaper service, lighting maintenance service, carpet and upholstery cleaning, news syndicates, equipment rental/leasing, photofinishing laboratories, trading stamp service, commercial testing laboratories, auctioneering service, automobile shows, bottle exchanges, fire extinguisher service, invalid supplies rental, packaging/labeling service, sign painting/lettering service, swimming pool cleaning/maintenance, water softening service, parking lot maintenance service, snow removal service, pet grooming, advertising agencies, outdoor advertising, services, shopping news advertising, blueprinting service, photocopying service/duplicating/mimeographing, commercial photography, arts and graphics, window cleaning service, disinfecting and exterminating services, building cleaning service, office cleaning, chimney cleaning service, and similar services not listed.

Car Wash, Full Service: A building or section thereof containing facilities for washing motor vehicles, using production line methods or mechanical devices and does not include customer self service.

Car Wash, Self Service: A building or section thereof containing facilities for washing motor vehicles by providing spaces, water and hand-held equipment for washing of motor vehicles by the customer.

Certificate of Occupancy: A certificate issued upon completion of construction, alteration, or change in occupancy or use of a building or land. Said certificate shall acknowledge compliance with all the requirements of this Ordinance and all other regulations of the City.

Charitable/Welfare Institution: Institution dedicated to providing services, goods and/or financial assistance to needy persons. Such institutions may be public or quasi-public.

Check Cashing Establishment: An establishment engaging primarily in the business of cashing checks, warrants, drafts, money orders, or other negotiable instruments or commercial paper for a fee. The classification does not include a state or federally chartered bank, savings association, credit union, or industrial land company. Further, this classification does not include Section 500 Companies as defined herein or those establishments selling consumer goods where the cashing of checks or money orders is incidental to the main purpose of the business. (Ord. # 5796, 07/27/04)

Clinic, Medical: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include an apothecary or pharmacy.

Commission: Shall mean the Planning Commission of the City of Grandview, Missouri.

Community Service Organization: A non-profit voluntary association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building or premises, or portion thereof, the use of such building management of such private club are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal and State Laws and Municipal Ordinances.

Conditional Use: A “conditional use” means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration, as provided for in this Ordinance, of the impact of such use upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be granted. See Sections 31-5(D) and 31-26(F).

Consumer Credit Loan Business: An establishment as defined and regulated under §367.100 et seq. of the Revised Missouri Statutes as promulgated and as may be amended or modified from time to time. Consumer Credit Loan Business also includes an establishment engaged in making loans in exchange for a security agreement, a lien on personal property or by the assignment of wages, salary or other compensation. This classification does not include Title Loan Businesses as defined herein. (Ord. # 5796, 07/27/2004)

Contractor's Shop/Storage Yard: An outdoor area used primarily for the keeping of raw materials, or heavy and/or light equipment and vehicles, or products, or supplies, or merchandise used in the contractor's construction business and related contractor's activities.

Convenience Store: A small store serving persons in adjacent areas and limited to the sale of limited grocery items, magazines, newspapers, and other limited items where gasoline sales may or may not be permitted in accordance with the zoning district in which it is located. A convenience store shall, under no circumstances, be construed so as to allow the location of an indoor or outdoor restaurant where the consumption of food products on the premises is encouraged.

Day-Care Center or Nursery School: A commercial establishment regularly providing temporary supplemental parental care or educational instruction as licensed by the Missouri Department of Health.

Deck: A flat floored roofless structure.

Demolition Debris Landfill: A place where debris resulting from demolition of a building or excavation of a construction site is allowed to be dumped by issuance of a Temporary Use Permit.

Density: The number of dwelling units developed on an acre of land. As used in this Ordinance, all densities are stated in dwelling units per net acre devoted to residential use, exclusive of publicly owned land in streets, alleys, parks, playgrounds, school yards or other public lands and open spaces.

Department Store: Any retail store offering multiple lines or categories of merchandise.

Display Lot/Area, Outdoor: An area set aside as an accessory use for the exhibit of merchandise which is for sale on the premises. Merchandise exhibited outside must be permanently anchored in the ground or brought into an enclosed area at the close of the business day. Such merchandise exhibited outside may not include any items defined as a vehicle within this section. Further, merchandise display areas may not be located on any public right-of-way and must meet all requirements of the zoning district in which it is located.

Drive-In Restaurant: See Restaurant, Carry-Out.

Duplex: See Dwelling, Two-Family.

Dwelling, Single Family Attached: A building designed exclusively to contain one (1) dwelling unit, the main body of which will not be less than twenty (20) feet in width, sharing a common wall with another dwelling unit.

Dwelling, Single Family Detached: A building designed exclusively to contain one (1) dwelling unit, the main body of which will not be less than twenty (20) feet in width.

Dwelling, Two Family: A building designed exclusively to contain two (2) dwelling units.

Dwelling, Multiple Family: A building designed exclusively to contain three (3) or more dwelling units, but not including townhouses.

Dwelling Unit: A building or portion of a building which is exclusively arranged as living quarters for and limited to occupancy by not more than one family; a separate, independent living quarter consisting of one or more connected rooms with permanently installed bathroom and kitchen facilities.

Easement: The conveyance of a right of use of property for a specific purpose by a property owner to the public, a corporation, a person, or any other entity.

Erosion Hazard Area: Any area so designated on the Official Zoning Map which is prone to or has a history of moderate to severe erosion and is, or potentially is, a threat to adjoining properties.

Family: A family is defined as follows:

- (a) Any number of people occupying a single dwelling unit living together as a single housekeeping unit, related by blood, marriage or formal adoption plus not more than (2) additional people not so related; or
- (b) Not more than three (3) unrelated people living together in one single dwelling unit; or
- (c) Not more than six (6) foster children plus two (2) additional persons acting as foster parents and any number of other persons related by blood, marriage or formal adoption to one or both of the foster parents. The foster home must be licensed by the Missouri Division of Family Services or the Missouri Department of Mental Health.

The number of family members cannot exceed the floor area occupancy limits contained in Article VIII, Chapter 6, of the Grandview Code of Laws.

Fence: A structure bounding an area of land and designed either to limit access to the area or to screen such area from view or both, including hedges or walls. For the purposes of screening outdoor storage areas, a fence shall be defined as being constructed of wood, metal, masonry, or similar materials. The screen fence shall provide 100% opacity over the entire screen surface at a minimum height of six (6) feet above the grade of the land on which the fence is erected.

Flammable or Explosive Materials: Any substance which decomposes through detonation or which burns intensively. In addition, any substance which is considered an “explosive” or a “flammable liquid” as defined in the Grandview Fire Code shall be considered a “flammable or explosive material”.

Floodway (FW): The channel of a river or other watercourse and the adjacent portion of the floodplain that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. The floodway boundaries shall be as determined by the Federal Emergency Management Agency and as described in Chapter 11-A of the Grandview Code of Laws, entitled, “Flood Damage Prevention”.

Foster Children: Foster children are children being provided foster care and are unrelated to either the foster parent or guardian by blood, marriage or adoption. The foster home in which the foster children live must be licensed by the Missouri Division of Family Services or the Missouri Department of Mental Health.

Frontage: The distance a property abuts on a street measured along the street right-of-way line.

Garage, Residential: A structure accessory to a one or two family dwelling in which one or more cars are parked or stored, but not to be used solely for the storage of materials. For purposes of this ordinance, garages include carports.

Garden, Commercial: A plot of ground where fruit, herbs, flowers, vegetables or other plants are grown intended for sale on the premises.

Garden, Non-Commercial: A plot of ground where fruit, herbs, flowers, vegetables or other plants are grown and for which the owner or operator derives no compensation on the site.

Gas Stations: Building and premises where gasoline, oil and minor auto accessories may be supplied and dispensed at retail. A gas station is not a service station. For other services in addition to the sale of gasoline, see "Service Station".

Greenhouse, Commercial: A building constructed primarily of glass or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants intended for sale on the premises.

Greenhouse, Non-Commercial: A building constructed primarily of glass or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants but not for sale on the premises.

Group Home: Any living quarter(s) which provides seven days a week responsibility for room, board, and supervision of developmentally disabled people with the exception of: (a) single-family homes providing services to a relative; (b) nursing homes or boarding homes; and (c) independent living (apartment) programs that have no staff residing in the same facility. See Section 31-25 of this Ordinance.

Hazardous Materials: Such materials as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, unstable materials, hyper-golic materials, and pyrophoric materials, as defined in the Grandview Fire Code and any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means.

Home Occupation: Any occupation or profession conducted entirely within a dwelling unit by the inhabitants thereof which is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the residential character thereof.

Hospice: A freestanding building serving as a medical and residential facility for terminally ill people, providing in-patient services and support services for families of the residents and patients.

Hospital: An institution providing medical or surgical care on an in-patient or out-patient basis. Such institution may include the sale of drugs on the premises, ambulance and emergency services, and medical offices for health practitioners.

Hotel: A public lodging facility containing six (6) or more guest rooms designed for occupancy for sleeping purposes by guests on a compensation basis and usually serving meals and providing other services.

Housing for the Elderly and Persons with Disabilities: A dwelling designed, maintained, and operated for exclusive occupancy by elderly and persons with disabilities who constitute an elderly family as defined by the regulations of the United States Department of Housing and Urban Development and providing that one dwelling unit may be used for a resident manager who shall be exempt from occupancy age limitations.

Intensification of Use: An intensification of a use shall be any change, alteration, extension, expansion or enlargement of a use, or use and structure in combination, where the off-street parking requirements of this ordinance would be calculated at a higher ratio and/or would require that additional off-street parking spaces be provided.

Intermediate Care Facility: As defined in RSMo Section 198.006(8), any premises utilized for the purpose of providing 24-hour accommodations of 3 or more unrelated residents who are under the daily supervision of a licensed nurse and under the direction of a licensed physician.

Kennel: The keeping of more than four (4) dogs or cats or combination thereof each of which is over the age of four (4) months.

Laundromat: A business premises providing for the self-service washing, drying and cleaning of clothes or linens by retail customers.

Livestock: Shall include but is not limited to hogs, horses, mules, asses, cattle, goats, or sheep.

Loading Space: A paved space (asphalt or concrete) within the main building or on the same lot, providing for the loading or unloading of trucks.

Lodging House: Any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor, or otherwise.

Lot: A parcel of land occupied or to be occupied by a building and its accessory buildings or by a residential, business, or industrial group and accessory buildings, together with such open spaces as are required under the provisions of this Ordinance and having not less than the minimum area required by this Ordinance and for a lot in the district in which it is located and having its principal frontage upon a public street.

Lot Coverage: That portion of a lot covered by principal and accessory uses and/or buildings expressed as a percentage of a lot area.

Lot Depth: The average horizontal distance from the front street line to the rear property line.

Lot Frontage: The distance that a lot adjoins a street as measured along the adjoining street right-of-way line.

Lot Line: The legal, platted boundary of a lot or parcel of land.

Lot of Record: A City-approved lot or tract which has been recorded in the office of the Jackson County Recorder of Deeds; a lot or parcel described by metes and bounds, the description of which has been so recorded without City approval prior to January 1, 1978 and with City approval after January 1, 1978; or lot upon which the City has issued a building permit.

Lot Types:

1. Corner Lot: A lot located adjoining the intersection of two or more streets.

2. Flag Lot: A lot situated at the end of a cul-de-sac or which, because of special circumstances, has less than the required frontage abutting a street and is accessible only by a drive but which otherwise conforms to the definition of a lot.
3. Interior Lot: A lot, other than a corner lot, with only one frontage on a street.
4. Through Lot: A lot, other than a corner lot, with frontage on more than one street.
5. Zoning Lot: A zoning lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
 - (a) A single lot of record;
 - (b) A portion of a lot of record;
 - (c) A combination of complete lots of record, of complete lots of record and portions of lots of record;
 - (d) A parcel of land described by metes and bounds and recognized by the City of Grandview as a lot of record; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Machine Shop: A work shop, including tool and die shops, that turns, shapes, planes, mills or otherwise reduces or finishes by machine-operated tools.

Modular Structure: A manufactured residential structure built to a nationally-recognized and accepted construction standard published by the International Code Council and its subsidiaries and the unit is inspected and certified at the factory that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures, as required of a manufactured home –residential design [See Section 31-8A (B)(8)], and shall be permanently situated on a concrete foundation.

Manufactured Home: A factory built single family structure which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards, and is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling. A manufactured home may be located only in the R-1M, Single Family Residential District provided it conforms with all the standards contained in the R-1M District.

Motel: A public lodging facility containing six (6) or more guest rooms designed for occupancy for sleeping purposes by guests on a compensation basis.

Motor Freight Terminal: A building or area in which freight brought by motor truck is received, assembled, or stored and dispatched for routing by motor truck which may include motor truck storage.

Neighborhood: A particular community, district, or area that is delineated by demographic, fixed physical and/or natural or topographic features which give it a distinctive sense of place. A neighborhood can be residential, commercial, industrial, or a combination of any or all of these land uses.

Non-Conforming Use, Building or Yard: A use, building or yard existing legally at the time of the passage of this Ordinance or any amendment thereto which does not, by reason of design, use or dimensions, conform to the regulations contained in this Ordinance for the district in which it is situated [See Section 31-25(A)].

Nuisances: The following acts, matters, etc. are declared to be nuisances as defined in Chapter 16, Section 16-2 of the Grandview Code of Laws: Substances emitting noxious odors; animal carcasses; hides; slaughterhouses in offensive condition; establishments emitting noxious odors; liquid refuse; vegetables emitting noxious odor; matters causing injury, inconvenience or annoyance to the public; acts injuring, annoying or inconveniencing the public; advertising devices over streets; and trash, junk etc. on streets, lots, etc; dangerous buildings as defined in Chapter 6, Section 6-11; litter as defined in Chapter 23 Section 23-1; damaged, disabled, etc. vehicles or junk as defined in Chapter 23, Section 23-13; rank weeds, thickets and noxious plants defined in Chapter 23, Section 23-21; and violation of parking and storage of vehicles in residential districts as defined in Chapter 31, Section 31-22(F).

Nursery, Commercial: An area where plants (as trees and shrubs) are grown for transplanting, for use as stocks for budding and grafting, or for sale.

Nursery School: See Day-Care Center.

Nursing Facility, Skilled: As defined in RSMo Section 198.006(17), any premises utilized for the purpose of providing 24-hour accommodation, board, and skilled nursing care for 3 or more unrelated residents under the supervision of a professional nurse.

Nursing or Convalescent Home: An establishment providing full-time housing and care for the aged or physically infirm and not involving surgery, obstetrical services, or other major medical services more commonly provided in hospitals or clinics. Such establishment may involve usual convalescent or chronic care including bedside nursing care, administration of medicines or special diets, application of bandages or dressings, and similar procedures.

Office, General: A business establishment, or portion thereof, where consulting, record keeping, bookkeeping and clerical work are performed, but not to include medical offices or clinics.

Office, Medical: A business establishment of physicians, dentists, and other health practitioners furnishing medical services to individuals, and lawfully established for medical and dental consultation with minor lab services on an out-patient basis.

Open Space: That part of a lot not devoted to buildings, structures, parking or loading areas, driveways or any principal or accessory uses.

Open Space, Usable: An area of land, water, or combination of land and water which may include complementary structures and improvements within the site, excluding space devoted to parking, designed and intended for common use and enjoyment.

Parking Space, Off-Street: A permanently surfaced dust free area (concrete, asphaltic concrete) enclosed or unenclosed, to store one automobile, to which an automobile has direct access from a permanently surfaced driveway.

Pawn Shop: An establishment as defined and regulated under Chapter 13-1 of the Code of Laws of the City of Grandview and Chapter 367 of the Revised Missouri Statutes as promulgated and as may be amended or modified from time to time. Pawn Shop also includes an establishment engaged in the buying or selling of new or secondhand merchandise and in the business of offering loans to clients collateralized by personal property. (*Ord. # 5796, 07/27/2004*)

Personal Services: Dating service, debt counseling to individuals, escort service, genealogical investigation service, marriage counseling, shopping service, tax return preparation service, consumer credit reporting agencies, adjustment and collection agencies, address list compilers, addressing service, mailing list compilers, mailing service, court reporting service, letter writing service, public stenographers, stenographic service, typing service, employment agencies, temporary help supply service, management, consulting and public relations service, detective agencies and protective services, business brokers, interior decorating service, messenger service, notary publics, repossession service, tax collection agencies, telephone solicitation service, clothing/costume rental, dressmaking service/seamstress, quilting for individuals, reducing salons/weight control clinics, and similar services not listed.

Planned District: A district with development characterized by a unified site development plan which may provide for a mixture or combination of residential, recreation and open space, and commercial uses, in accordance with the provisions of this Ordinance. See Section 31-19.

Premises: A lot, together with all improvements thereon.

Principal Permitted Use: A main or predominant use maintained on a lot or premises. In some districts, maintenance of more than one principal permitted use on a lot or premises may be permitted.

Recreation, Indoor: A facility for relaxation, diversion, amusement or entertainment in which participants or customers are charged for use of the facilities, devices or equipment. All such activity shall occur within the building or structure.

Recreation, Outdoor: A facility for relaxation, diversion, amusement or entertainment in which participants or patrons customarily pay a fee for the use of facilities, devices or equipment. All or most of such activities shall occur on the exterior but within the property of the facility.

Recreational Vehicles: Any units designed for living or sleeping purposes, permanently equipped with wheels or permanently placed upon a wheel device for the purpose of transporting from place to place. This shall include but is not limited to camping trailers, campers, tent trailers, motor homes and tent campers.

Recycling Collection Point: An accessory use or structure that serves as a drop-off point for recyclable materials. The temporary storage of such items is permitted, but no processing is allowed.

Recyclable Material: Recyclable materials are “feedstock” used for direct conversion to manufactured products. Materials permitted to be collected at recycling collection points are materials such as cans, bottles, plastic, paper and newsprint. Materials not permitted are garbage or other putrescent substances. Tires, oil and batteries are approved recyclable materials only if these products are related to the principle permitted use of the site zoning such as an automobile service station or auto body or repair shop.

Residential Care Agency Facility for Children: As defined and regulated in RSMo Section 210.481 through 210.565, any residential premises which provides seven days a week responsibility for room, board, and supervision of children who have behavioral and/or medical difficulties with staff residing in the same facility.

Residential Care Facility: As defined in RSMo Section 198.006(15) and (16), any premises utilized for the purpose of providing 24-hour accommodations for 3 or more unrelated residents who require either protective oversight or health care and medical supervision. Such facility care may be under the direction of a licensed physician. The facility provides for short-term illness or recuperation care.

Residential or Outpatient Facilities for the Treatment of Alcohol and Drug Abuse: A facility used for the treatment of substance abuse. Such facility may include the treatment of patients who are parolees or persons convicted of alcohol or drug offenses.

Restaurant, Carry Out: Any business establishment or portion thereof designed and constructed to have the food consumed away from the restaurant.

Restaurant, Drive-In: Any business establishment or portion thereof designed and constructed where some or all of the food is consumed on the restaurant premises but outside the restaurant structure, usually within a motor vehicle parked on the restaurant premises.

Restaurant, Sit Down: Any business establishment or portion thereof designed and constructed for the consumption of food solely within the building.

Retail Sales: The sale of merchandise for direct consumption or use by the purchaser as an ultimate consumer.

Reverse Vending Machine: Reverse vending machines are mechanical devices that accept one or more types of empty beverage containers and issue a cash refund or redeemable coupon.

Right-of-Way: The land opened, reserved, or dedicated for a street, sewer, water line, walk, drainage course or other public purpose.

Rooming House: See definition for “Lodging House”.

Sales Lot/Area, Outdoor: An area utilized as a principal use for the display of merchandise that is for sale. Such lot shall be paved (asphalt or concrete) and shall not be located within the required yard areas for the zoning district in which it is located. Areas utilized as a sales area or lot may not interfere with the required off-street parking and such area must meet all requirements of the zoning district in which it is located. This definition shall include vehicle sales lot or areas.

Salvage Yard or Junk Yard: An outdoor fenced area used primarily for the collection, storage and/or sale of waste paper, scrap metal, or discarded machinery or vehicles that are not in operating condition and/or for the sale of parts therefrom. Salvage yards or junk yards must meet the same requirements of an outdoor storage lot/area as defined in this section and must meet all requirements of the zoning district in which it is located to include screening requirements.

Section 500 Company: An establishment as defined and regulated under §408.500 et seq. of the Revised Missouri Statutes and Title 4, Chapter 11 of the Missouri Code of State Regulations as promulgated and as may be amended or modified from time to time. Section 500 Company also includes an establishment making unsecured loans of \$500 or less to customers by accepting post-dated checks for the amount of the loans and fees on a short term basis. This classification does not include Check Cashing Establishment as defined herein. (*Ord. # 5796, 07/27/2004*)

Service Stations: Any premises providing motor fuels, tires, accessories, lubricants and maintenance repair services at retail direct to the motorist consumer. Service stations shall not include major automotive repair such as tire recapping, body work, frame straightening, welding, painting or storage of non-operable vehicles.

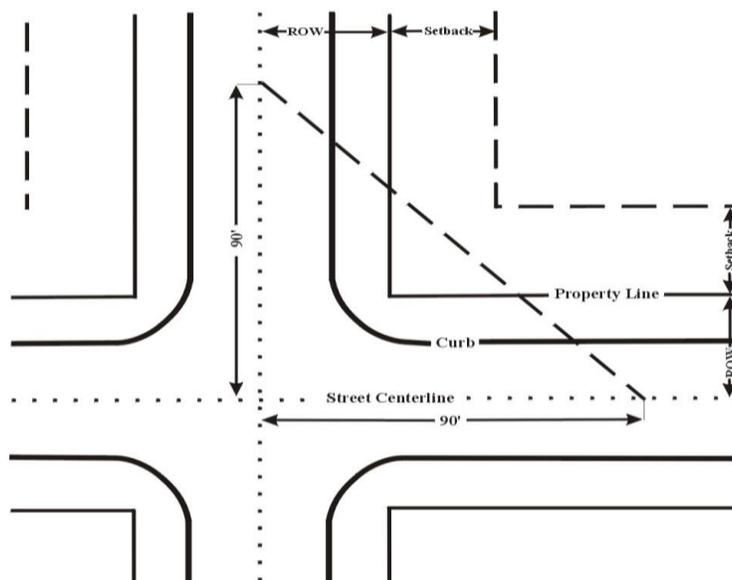
Setback: The minimum required horizontal distance between a property line and the nearest portion of a structure that is not specifically excluded from compliance with established setbacks as noted in Section 31-5(J).

Shopping Center, Neighborhood: A group of commercial establishments with off-street parking on the property that are planned and developed as an architectural unit, with a primary trade area of the neighborhood(s) in which it is located.

Shopping Center, Regional: A group of commercial establishments with off-street parking on the property that are planned and developed as an architectural unit, a centrally managed facility requiring a highway or arterial location for their most beneficial operation; the market area of which includes the metropolitan area.

Sign: See Section 31-24.

Sight Triangle: A triangular-shaped area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision below a height of three feet (3') above the grades at the back of the curb of the intersecting streets. The hypotenuse of the triangle is drawn by connecting points along the center lines of the intersecting streets which points are ninety (90) feet from the intersection point of the center lines of the two intersecting streets.



Storage Lot/Area, Outdoor: An outdoor fenced area used primarily for the keeping of raw materials, equipment, products or merchandise which are a necessary part of the sales, manufacturing or other activity on the premises. Such areas may be gravel surfaced except that all vehicular use areas must be a paved surface as required by Section 31-22(G) of this Ordinance. Additionally, private driveways exiting directly from a public street which provides access to such storage lots/areas shall be permanently surfaced with either asphaltic concrete or portland cement concrete. Further, storage lots/areas must meet all requirements of the zoning district in which it is located and must be screened as required. This definition shall not include the storage of inoperable vehicles.

Storage Building (Shed), Residential: An accessory structure or building or portion thereof for storage of materials exclusive of vehicles.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above the usable or unused under-floor space is more than six feet (6') above grade as defined herein for more than 50 percent of the total perimeter or is more than twelve feet (12') above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, First: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet (4') below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight feet (8') below the grade, as defined herein, at any point.

Street: A right-of-way dedicated to the public providing vehicular and pedestrian access to adjacent properties.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground. Structures include, but are not limited to, buildings, walls, fences, billboards, poster panels, above ground storage tanks, and similar uses. Excluded are

public sidewalks, public pavement and public improvements such as utility poles, street light fixtures, and street signs.

Structural Alterations: Any changes 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 this regulation, the following shall not be considered a structural alteration:

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

Tattoo and Body Piercing Studio: Any place where persons are tattooed or body pierced for consideration or where tattooing or body piercing is regularly conducted whether or not it is in exchange for compensation, but excepting licensed medical practitioners (see Chapter 27-B of the Grandview Code of Laws).

Tavern: An establishment in which the primary function is the consumption of alcoholic beverages on the premises, including establishments commonly known as cocktail lounges and night clubs.

Temporary Use: See Section 31-5(E).

Terrace: A raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.

Title Loan Business: An establishment as defined and regulated under §367.500 et seq. of the Revised Missouri Statutes as promulgated and as may be amended or modified from time to time. Title Loan Business also includes an establishment engaged in the loaning of money in return for possession or legal right to the title of the client's automobile or other titled personal property. (*Ord. # 5796, 07/27/2004*)

Tow Lot: An outdoor fenced area utilized for the business operation of towing disabled or abandoned motor vehicles and temporary storage (90 days maximum) of said vehicles unless as directed by any other governmental agency of authority, and not including sale, rental, salvage, dismantling, or repair of vehicles. A tow lot shall be screened in accordance with this Ordinance. Surface of said area shall be gravel and said area shall meet all requirements of the zoning district in which it is located. For the purposes of this Ordinance, a tow service shall be considered as a tow lot.

Townhouses: Any series of two or more laterally attached single family dwelling units in which each dwelling unit has separate access, utilities service and in which no dwelling unit is placed on top of another.

Transient Merchant: The words "transient merchant", as used herein, shall include, but shall not be limited to, any person who sells products or produce from a wagon, automobile, vehicle, railroad car, or truck.

Use: The purpose or activity for which land and/or the buildings thereon are designed, arranged, or intended or for which it is occupied or maintained.

Used Auto Sales and Service: The use of land primarily for the display or sale of used automobiles, trucks, or vans, including the service of vehicles.

Variance: A modification of the specific regulations of this Ordinance in accordance with the terms of Section 31-27 of this Ordinance.

Vehicle: A vehicle shall be broadly interpreted to mean any implement of conveyance designed or used for the transportation of people or materials on land, water or air, including but not limited to automobiles, trucks, boats, bicycles, motorcycles, snowmobile, airplanes, helicopters, trailers, campers, wagons, etc.

Wholesale Establishment: A business establishment engaged in selling to retailers or distributors rather than to consumers.

Yard Area: A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.

Yard Area, Required: A required open space which is unoccupied and unobstructed by any structure or portion thereof from the natural ground level to the sky, except as otherwise provided in this ordinance, between the building setback line and the most parallel property line.

Yard, Front: The required yard extending between side lot lines across the front of a lot adjoining a street. In the case of corner lots and through lots, front yards shall be required at all frontages of the lot. The depth of required front yard(s) shall be measured at right angles to the front property line. The required front yard line shall be parallel to the front property line.

Yard, Rear: The required yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of required rear yards shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel to the rear property line.

Yard, Side: The yard extending from the required front yard setback line to the rear property line. In the case of through lots, side yards shall extend from the required front setback lines. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards. Width of a required side yard shall be measured in such manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel to the side property line.

Yard, Special: A required yard other than the required front yard so oriented that neither the terms "side yard" nor "rear yard" clearly apply. In such cases, the Director of Community Development shall determine, based on topography, location, orientation and pattern or adjacent structures and development, which yard requirement is more appropriate.

Zero Lot Line Dwelling Unit: A development approach in which a freestanding building is sited on one or more lot lines with no yard on the zero lot line side in order to increase the amount of usable open space on the remaining area of the lot. Zero lot line dwellings areas are designed with no

windows facing the zero lot line side and are internally oriented to an enclosed, private courtyard or patio.

Zones or Districts: Sections of the City for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land, and open space are herein established.

Zoning District Map: Known as the “official zoning district map”, an integral part of this Ordinance. It is also referred to herein as a “zone map”, “official zone map”, and “district map”.

31-4 ZONING DISTRICTS.**(A) Names of Zoning Districts.**

The City of Grandview is hereby divided into Zoning Districts as follows:

- (1) P-1, Conservancy District.
- (2) AG, Agricultural District.
- (3) R-1A, Single Family Residential District.
- (4) R-1, Single Family Residential District.
- (5) R-1M, Single Family Residential District.
- (6) R-2, Single and Two Family Residential District.
- (7) R-3, Multi-Family Residential District.
- (8) OS, Office/Service District.
- (9) C-1, Neighborhood Shopping Center District.
- (10) C-2, General Commercial District.
- (11) C-3, Downtown Commercial District
- (12) CS, Commercial Service and Wholesale District
- (13) I-1, Light Industrial District
- (14) I-2, Heavy Industrial District.
- (15) PD, Planned District.

(B) Establishment of Zones by “Official Zoning District Map”.

The boundaries of said Zoning Districts are shown upon the map attached hereto and made a part of this Ordinance, said map being designated as the “Official Zoning District Map” and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if said zoning district map and all such notations, references, and other information shown thereon were fully set forth or described herein.

(C) Identification and Location of Official Zoning District Map.

The Official Zoning District Map shall be identified by the signature of the Mayor, attested by the City Clerk together with the date of adoption of this Ordinance. The Official Zoning District Map shall be located in the office of the Community Development Department.

(D) Changes in Boundaries.

Changes in the boundaries of the districts shall be made by ordinance adopting an amended zoning district map, or part of said map, or units or a part of said zoning district map, which said amended maps, or parts of units of parts, when so adopted, shall become a part of this Ordinance.

(E) Uncertainty in Boundaries.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, incorporated herein, the following rules shall apply:

- (1) The district boundaries are the centerlines of streets, alleys, waterways or floodway boundaries, and railroad rights-of-way, unless otherwise indicated; and where the designation of a boundary line on the zoning map coincides

with the location of a street, alley, waterway or floodway boundaries, or railroad right-of-way, the centerline of such street, alley, waterway or floodway boundaries, or railroad right-of-way shall be construed to be the boundary line of such district;

- (2) Where the district boundaries do not coincide with the location of streets, alleys, waterways or floodways hereof, or railroad rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district;
- (3) Where public street or alley is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the classification of the property to which it reverts; and
- (4) Where the district boundaries do not coincide with the location of streets, alleys, waterways or floodways thereof, or railroad rights-of-way or with lot lines, the district boundaries shall be determined by the use of the scale shown on the zoning map.

31-5 APPLICATION OF DISTRICT REGULATIONS.

Regulations within each district shall be applied uniformly to each class of structure or land.

(A) Conformance with Standards.

- (1) Use Regulations. No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof, shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- (2) Classification of Uses Not Listed Within the District Regulations. In the case where a use is not specifically listed under any of the permitted, conditional, temporary, or accessory uses under the district regulations of the individual districts, the Director of Community Development shall determine the appropriate district or districts where such use shall be allowed based on a comparison of other uses which most closely resemble the unlisted use. In the event the person or firm disagrees with the determination of the Director of Community Development, such determination may be appealed to the Zoning Board of Adjustment.
- (3) Conformance with Bulk and Yard Regulations. No building or other structure shall hereinafter be erected or altered to: (a) exceed the height or bulk; (b) accommodate or house a greater number of facilities; (c) have narrower or smaller yards or other open spaces than herein permitted; or in any other manner contrary to the provisions of this Ordinance.
- (4) Yards, Open Space, and Off-Street Parking. No part of a yard, open space, off-street parking, or loading space required in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, off-street parking, or loading space for any other building.
- (5) Reduction of Required Lots and Yards Prohibited. No yard lot existing on the effective date of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein.
- (6) Approval of Lot Sizes and Future Usage. All lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance and shall be approved in conformance with the City's Subdivision Ordinance except as may be otherwise specifically provided in this Ordinance:
 - (a) No building, structure, or part thereof, shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied, arranged, or designed for use of occupancy of a zoning lot which is smaller in area than the minimum lot area or minimum lot

width; or shallower than the minimum lot depth required in the zoning district in which the building, structure or land is located; and

- (b) No existing building or structure shall hereafter be remodeled so as to conflict, or further conflict, with the lot area per dwelling unit requirements for the zoning district in which the building or structure is located.

(B) Modification of Required Front Yards.

Whenever forty percent (40%) or more on a front foot basis of all property on one side of a street between two intersection streets has been built up with buildings having front yards of more or less depth than required by this ordinance, and provided the majority of such front yards do not vary more than six feet (6') in depth, then the average depth of front yards of such majority of buildings shall establish the required front yard depth for all such block, provided that this provision shall in no case reduce the required front yard to less than ten feet (10').

If, however, after site plan review, the Director of Community Development determines that this section does not appropriately establish the front yard setback so that visual continuity and harmony are created within the block face in question, then the Director may establish the appropriate front yard setback.

(C) Principle Permitted Uses.

No building, structure, or part therefore, shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied, operated or designed for use or occupancy except for a use that is listed as a Principal Permitted Use or Accessory Use under the District Regulations for the Zoning District in which the building, structure or land is located. No Principal Permitted Use already established on the effective date of this Ordinance shall be altered, modified or enlarged so as to conflict with, or further conflict with, the regulations for the zoning district in which such use is located.

(D) Conditional Uses.

No use of building, structure or land that is designated as a Conditional Use in any zoning district shall hereafter be established, and no existing conditional use, or part therefore, shall hereafter be changed to another Conditional Use in such district, unless a Conditional Use Permit has been secured in accordance with the provisions of Section 31-26(F) of the Ordinance. Any established use on the effective date of this Ordinance that would be classified as a Conditional Use in the district in which it is located, has all the rights of an approved Conditional Use and does not require any additional approval or review. No Conditional Use already established on the effective date of this Ordinance shall be altered, modified or enlarged so as to conflict with, or further conflict with, the regulations applicable to the zoning district in which such use is located.

(E) Temporary Uses.

Within any district established by this ordinance, temporary uses shall be permitted as listed within the zoning district in which the proposed temporary use is located, but only provided that:

- (1) A site plan, indicating the proposed use, length of stay, off-street parking, and traffic circulation be submitted with the appropriate filing fee as

established in Section 31-28 and approved by signature of the Community Development Director except otherwise provided for in the District Regulations;

- (2) The use is of a limited and temporary duration, not to exceed six (6) months unless the applicant requests and receives approval for a temporary use exceeding six (6) months. In the event a temporary use permit is approved for more than six (6) months, the Director of Community Development may establish a periodic review schedule to ensure compliance with conditions made a part of the temporary use permit.
- (3) The use will serve a public need or contribute to the public convenience and welfare;
- (4) The use bears some functional or other beneficial relationship to a permitted use within the district and has the written approval of the property owner; and
- (5) The use will not be likely to interfere with the appropriate use and enjoyment of nearby properties that may be affected by its operation.

The following temporary uses shall be exempted from the requirements of this section, provided the use is permitted in the zoning district in which the temporary use is requested, and the use shall occur for no longer than 45 days:

- (1) Activities associated with community events operated by the owner/occupant and/or non-profit organizations;
- (2) Businesses having a permanent location with a current occupational license to prepare and sell food; and
- (3) Sale of Christmas trees; and
- (4) Any of the above uses for which attendance of more than 100 persons in any one-day shall comply with all provisions of this section. (*Ord. # 6116, 08/28/2007*)

(F) Accessory Buildings, Structures, and Uses.

No accessory building, structure or use, or temporary building, structure or use, shall hereafter be built, moved or remodeled, established, altered or enlarged unless such accessory building, structure or use is permitted by and in conformance with the provisions of Section 31-20 of this Ordinance, and all other regulations or requirements pertaining to the district in which such building, structure or use is located.

(G) Exemptions from Regulations.

The following structures or uses are exempt from the regulations of this Ordinance and shall be permitted in any district:

- (1) Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar equipment for transmission or distribution to customers of telephone or other communication services, electricity, gas, steam or water, or the collection of sewage or surface water, operated or maintained by a public utility, but not including substations located on or above the surface of the ground;
- (2) Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way;
- (3) Permanent or Portable Basketball goals or similar structures, provided they are set back a minimum of 15 feet from the back edge of the curb (or edge of the street where no curbing exists); and
- (4) Building or trailer for storage of materials and/or equipment necessary for construction authorized by a valid building permit, provided the location of the building or trailer has been approved by the Building Official, and provided it is removed within 30 days of issuance of the temporary or permanent certificate of occupancy for the construction project.

(H) Exempted Buildings, Structures, and Uses of the City.

All buildings, structures, or uses owned or operated by the City of Grandview shall also be exempted from the use regulations of this Ordinance and shall be permitted in any district provided that:

- (1) A site plan is submitted and approved in accordance with the provisions of Section 31-21 of the Ordinance; and
- (2) The building or structure conforms to all other provisions of this ordinance, the building code, and all other local, state and federal building and accessibility requirements.

(I) Structures Permitted Above the Height Limits.

The following may exceed the prescribed height limit provided they are required for a use permitted in the district in which they are erected or constructed: chimneys, cooling towers, condensers, elevator bulkheads, belfries, stacks, ornamental towers, monuments, cupolas, domes, spires, and other necessary mechanical appurtenances and their protective housing, and provided that a parapet wall is used to screen such appurtenances from view. Parapet walls shall not be calculated in the overall height of the structure they serve.

Ground-based transmission towers may be erected to a height not to exceed 60' unless the building height for the particular district exceeds 60'. A minimum setback of one-third the height of the tower shall be maintained from all property lines. Towers shall meet Federal Communications Commission and Federal Aviation Administration requirements.

Churches, however, may be erected to a height not exceeding seventy-five feet (75'), provided that such buildings shall provide at least one additional foot of yard space on all sides for each additional foot by which such building exceeds the maximum height limit of the district in which it is located.

(J) Obstructions Permitted in Required Yards.

All minimum yards required by this Ordinance shall be open, unobstructed space except as permitted as follows:

- (1) All Required Yards: Awnings, shutters, canopies, arbors, and trellises; chimneys projecting not more than twenty-four inches (24") into the required yard; flag poles; steps necessary for access to a building or lot; approved fences and walls; and hedges and other vegetation.
- (2) Required Front Yards: Bay windows, oriels, or balconies, or unenclosed unroofed or roofed porches projecting not more than ten feet (10') into the required front yard; overhanging eaves and gutters projecting into the required front yard not more than one-third the distance to the front property line from an exterior wall; off-street parking, except that ten feet (10') of clear visibility shall be maintained on corner lots in accordance with Section 31-3 entitled "Sight Triangle".
- (3) Required Rear Yards: Accessory uses, buildings or structures as permitted by this Ordinance; off-street parking spaces, balconies, breezeways, unenclosed roofed or unroofed porches, terraces and decks, and bay windows projecting not more than five feet (5') into the required rear yard; overhanging eaves and gutters projecting into the required rear yard not more than one-third the distance to the rear property line from an exterior wall.
- (4) Required Side Yards: Accessory uses, buildings or structures as permitted by this Ordinance; overhanging eaves and gutters projecting into the required side yard not more than one-third the distance to the side property line from an exterior wall; open off-street parking, except as provided for in Section 31-22(F) of this Ordinance.

(K) Number of Buildings, Structures and Uses Permitted Per Lot.

- (1) R-1 and R-2 Residential Districts: Within R-1 and R-2 residential districts, only one principal permitted use or building shall be located on a single zoning lot. In addition, no residential building shall be located on the same zoning lot with any other use except permitted accessory uses.
- (2) Other Districts: In other districts, any number of buildings, structures or uses permitted by this Ordinance may be established, provided that the individual district regulations can be met.
- (3) Planned Districts: Planned districts (PD) are exempt from the provisions of (1) and (2) above.

(L) Continuing Maintenance Required for Off-Street Parking, Yards, and Open Space.

The maintenance of any off-street parking space required by this Ordinance shall be a continuing obligation of the owner of the property to which such requirements apply. No

yard, open space, lot area, or off-street parking area required by this Ordinance for any building, structure, or use shall, by virtue of change of ownership or any other reason be used to satisfy any yard, open space, lot area, or off-street parking area required for any other building structure, or use, except as may be otherwise specifically provided for herein. In addition, no yard or lot existing at the effective date of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein for the district in which such yard or lot is located.

(M) Fences.

- (1) **Residential Districts:** On any residential lot, fences may be erected to a height of six feet (6') in all yards, except that fences erected in required front yards shall not exceed four feet (4') in height. Proposed fence heights that exceed the six foot (6') limitation that are used in conjunction with an approved accessory use may be permitted after approval from the Director of Community Development. However, all fences, regardless of height, shall not be placed within any Sight Triangle as defined in Section 31-3 of this Ordinance.
- (2) **Other Districts:** Fences surrounding school yards or located in other zoning districts shall not be subject to a height limitation. However, all fences, regardless of height shall not be placed within any Sight Triangle as defined in Section 31-3 of this Ordinance.
- (3) **Electric Fences and Barbed Wire:** Electric fences and barbed wire fences shall not be permitted below six feet (6') in height except on AG, Agricultural zoned properties for purposes of containing livestock.

(N) Lots and Buildings to Front on Public or Approved Private Street.

All lots created after the effective date of this Ordinance shall front upon a public street or an approved private street, and no building shall be hereafter erected or constructed except upon such a lot. Private streets must be included as part of a PD, Planned District.

(O) Setback Requirement for Communications/Transmission Towers.

Transmission towers, including but not limited to towers used for radio, television, microwave, and cellular communications, shall be set back from all property lines at a minimum distance equal to the height of the tower.

(P) Satellite Receiving Dish Antenna-All Districts.

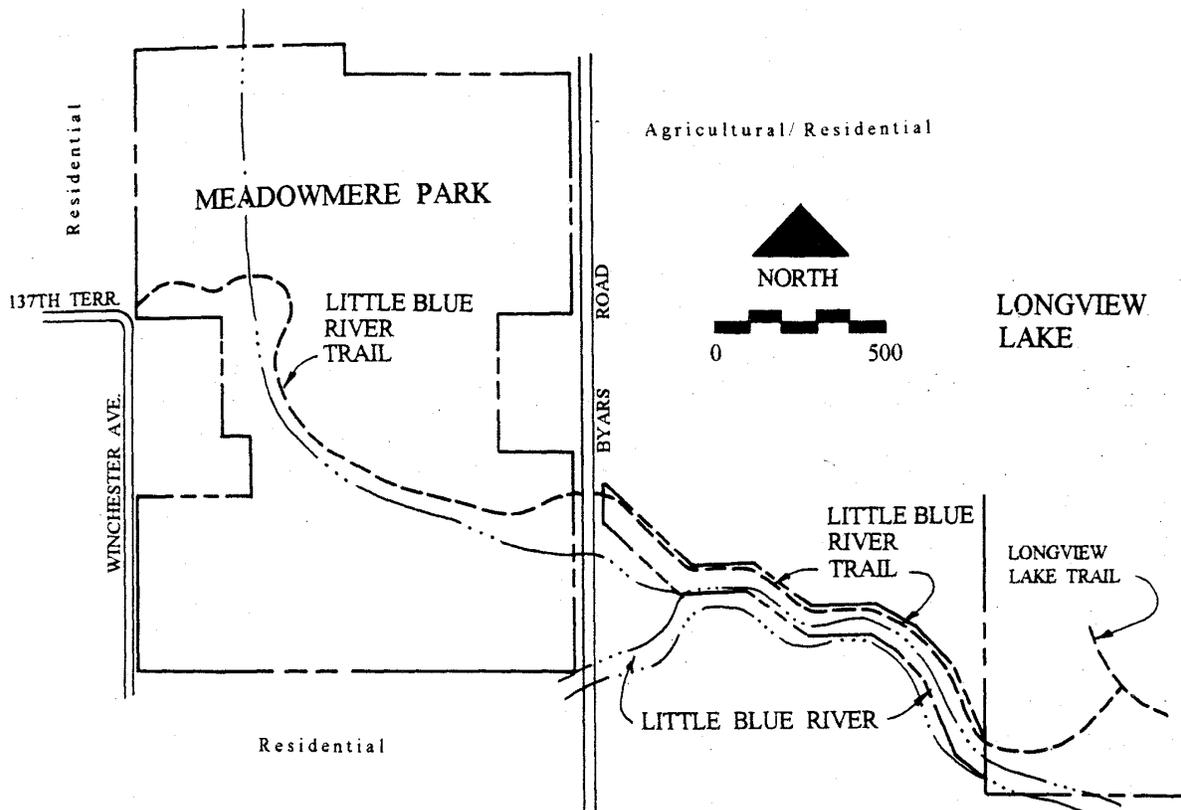
- (1) No satellite receiving dish antenna shall be utilized as a sign and all antenna greater than one meter (39") in diameter shall be screened from view from surrounding public streets to the greatest extent possible while still permitting reception of an acceptable quality signal.
- (2) Satellite receiving dish antenna in multiple family, office, commercial or industrial districts greater than one meter (39") in diameter may be either ground-mounted or building-mounted. Ground-mounted antenna in these districts shall not exceed thirty feet (30") in overall height and shall be located

behind the required minimum building setbacks applicable to the principle structures in that district. Building mounted satellite receiving dish antenna in these districts shall not exceed more than thirteen feet (13') above the roof surface and shall be screened from view from surrounding public streets to the greatest extent possible while still permitting the reception of an acceptable quality signal. Any mast exceeding twelve feet (12') in height used to support a ground or building mounted antenna needs to meet the building code standards required to adequately support such antenna.

- (3) Satellite receiving dish antenna placed in the AG, R1-A, R-1, R-1M, R-2, and R-3 districts shall adhere to the requirements contained in those sections of this Ordinance.

31-6 P-1, CONSERVANCY DISTRICT.

(A) Intent. The Conservancy District is established to preserve and perpetuate in an open state certain areas, such as lakes and waterways, wetlands and marshes, flood plains and stream beds, certain agricultural lands, slopes, and other areas of aesthetic value which, because of their unique physical features, are deemed desirable and functional as natural drainageways, waterways, floodway, water retention and erosion control areas, natural habitat for plant and animal life, green belts and governmental uses beneficial to the community. The regulations of the Conservancy District are intended not only to preserve and perpetuate certain open space land and water areas for uses consistent with the intent and purpose of this Ordinance and the Comprehensive Plan, but to also protect the community from the costs which may be incurred when unsuitable development occurs in certain areas. Development in the Conservancy District is limited in character, although certain agricultural and recreational uses are permitted when controlled by specific limitations. The floodway boundary, as determined by the Federal Emergency Management Agency, shall be the boundary of the Conservancy District for property not owned by the City of Grandview.



(B) Principal Permitted Uses. Land shall be used and buildings shall be erected, altered, enlarged, or used for only one or more of the following uses consistent with Chapter 11A of the Grandview Code of Laws entitled "Flood Damage Prevention":

- (1) Agricultural uses including grazing and raising of crops

- (2) Field crops and fruit farming.
 - (3) Forestry.
 - (4) Governmental buildings and uses, non-commercial.
 - (5) Harvesting of wild crops.
 - (6) Horses, stabling, grazing, riding, livestock and animals of wildlife and fish and the practice of forestry and agriculture.
 - (7) Non-residential buildings and structures used for the raising of wildlife and fish and the practice of forestry and agriculture.
 - (8) Parks, parkways, and other recreation areas.
 - (9) Railroads, public utilities or quasi-public utilities.
- (C) Accessory buildings and uses to the specific uses permitted shall be permitted.
- (D) **Conditional Uses Permitted.** The following conditional uses are permitted subject to the permit approval provisions of this ordinance upon approval by the Board of Aldermen of a conditional use permit:
- (1) The Planning Commission shall consider and make recommendations to the Board of Aldermen concerning all development plans and facilities in the Conservancy Districts in the best interests and general welfare of the City of Grandview. Any building or structure, encroachment upon, filling, or the destruction of drainage channels, slopes, flood plains, or conservancy areas, without approval of the Board of Aldermen as regulated under this Section, is a violation of this ordinance.
 - (2) No use permitted shall be located on a lot of less than two (2) acres.
 - (3) No structure shall be located less than twenty five feet (25') from any property line. (*Ord. # 6116 08/28/2007*)

31-7 AG, AGRICULTURAL DISTRICT

(A) Intent: The agricultural district is established to preserve, in agricultural uses, lands suited to future urban development pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development. Change of zoning from agriculture to any other zoning district shall be made only when compatible with the Comprehensive Plan. All residential development within this district is encouraged to comply with Section 31-25(L), Residential Overlay District Development Guidelines.

(B) Principal Permitted Uses: The following uses shall be permitted in the AG District:

- (1) Agricultural use, including the raising of field crops and fruit orchards, grazing and stabling of livestock, horticulture, dairy farming, forestry, animal husbandry, and similar farming activities. If horses, then no more than one per acre.
- (2) Churches.
- (3) Non-commercial nursery.
- (4) Operation of snowmobiles, all terrain vehicles, and motorized dirt bikes with the expressed written permission of the property owner(s) provided said vehicles shall not be driven closer than five hundred feet (500') to any residence not on the subject property.
- (5) Public or private park, golf courses, or similar natural recreation areas.
- (6) Railroads and public or quasi-public utilities including substations.
- (7) Single family dwelling provided it is located on a lot of three (3) acres or more.

(C) Accessory Permitted Uses: The following uses shall be permitted as accessory uses as provided in Section 31-20 of this Ordinance:

- (1) Barbed wire fences when used for livestock containment.
- (2) Barns, sheds and similar structures.
- (3) Clubhouse or shelter house necessary to the operation of park, golf course of similar natural recreation area.
- (4) Home occupations.
- (5) Seasonal sale of products raised on site.
- (6) Satellite receiving dish antenna, provided that:
 - (a) Not more than one (1) dish greater than one meter (39 inches) in diameter shall be placed on any lot less than one-half acre in area.

- (b) Dishes shall not exceed ten feet (10') in diameter or, if roof mounted, six feet (6') maximum diameter.
- (c) Dishes shall only be permitted in rear yards, except that on corner lots dishes shall be allowed in interior side yards. Exceptions to this requirement are allowed for dishes one meter (39") in diameter or less where the reception of an acceptable quality signal is not possible. In such instances, the owner may locate the dish in the front yard provided it is mounted to the main structure and not visible from the street to the extent possible.
- (d) Dishes shall be made of noncombustible and corrosive resistant material and erected in a secure, wind resistant manner.
- (e) Dishes shall not be used as signs or billboards (off-premises signs).

(D) Conditionally Permitted Uses: The following conditional uses are permitted in the AG District subject to the permit provisions of this Ordinance upon approval by the Board of Aldermen of a conditional use permit:

- (1) Dog/horse racing track.
- (2) Equestrian riding academy or school, to include riding trails and training arenas, provided that the parking group requirements can be met. This shall not include the stabling or grazing of horses as a principal permitted agricultural use.
- (3) Kennels, provided that the group requirements can be met.
- (4) Commercial nursery, minimum 40-acre parcel size required.
- (5) Oil and gas wells.

(E) Bulk Regulations:

AG DISTRICT BULK REGULATIONS	Lot Area	Lot Width in Feet	Lot Coverage as % of Lot Area	SETBACKS (in feet)			Bldg. Height in Ft.
				Front Yard	Rear Yard	Side Yard	
PERMITTED USES							
SINGLE FAMILY (DETACHED)	3 acres	150		25	30	7	45
ALL OTHER PERMITTED USES	3 acres	150		25	30	7	45
ALL CONDITIONAL USES							

(Ord. #6116, 08/28/2007)

- 1. See Building Codes for additional standards on setbacks.

(F) Landscaping and Screening Requirements: See Section 31- 23 of this Ordinance.

(G) Temporary Uses: The following use shall be permitted as a temporary use in the AG District in accordance with Section 31-5(E) of this Ordinance:

- (1) Concrete batch plants together with related accessory uses and storage.
(Ord. #6250, 12/09/2008)

31-7A R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT

(A) Intent. This district is intended to provide for a larger minimum lot size, low density, single-family detached residential development. All residential development within this district is encouraged to comply with Section 31-25(L), Residential Overlay District Development Guidelines.



(B) Principal Permitted Uses: Only the following uses shall be principal permitted uses in the R-1A District:

- (1) Churches.
- (2) Group homes, Residential Care Agency Facility for Children. See Section 31-25(C) of this Ordinance.
- (3) Non-commercial nurseries and gardens.
- (4) Public or private parks, golf courses, or similar natural recreation area.
- (5) Public and private/parochial schools approved by Missouri State Board of Education (K-12).
- (6) Railroads and public or quasi-public utilities including substations.
- (7) Dwelling, single family detached.

(C) Accessory Permitted Uses: The following uses shall be permitted as accessory uses as provided in Section 31-20 of this Ordinance:

- (1) Detached garages (720 square feet maximum/one per dwelling unit).
- (2) Fences.

- (3) Firewood Storage (outside storage of firewood shall be permitted in rear yards and also in required side yards if the storage area is more than fifty (50) feet beyond the street property line. No wood storage shall be permitted in the required front yard setback area. Weeds shall be cut and wood stored in a manner which shall assure continuous rodent control. No more than three (3) full cords of wood may be stored outside at any one time).
- (4) Garage or rummage sales, maximum of 4 per calendar year no longer than 3 consecutive days per sale.
- (5) Home Occupations.
- (6) Non-commercial gardens and nurseries.
- (7) Non-commercial greenhouses.
- (8) Off-street parking and storage of vehicles.
- (9) Readily movable sports, recreation, or outdoor cooking equipment.
- (10) Satellite receiving dishes.
 - (a) Not more than one (1) dish greater than 39 inches in diameter shall be placed on any lot less than one-half acre in area.
 - (b) Dishes shall not exceed ten feet (10') in diameter or, if roof mounted, six feet (6') maximum diameter.
 - (c) Dishes shall only be permitted in rear yards, except that on corner lots dishes shall be allowed in interior side yards. Exceptions to this requirement are allowed for dishes one meter (39") in diameter or less where the reception of an acceptable quality signal is not possible. In such instances, the owner may locate the dish in the front yard provided it is mounted to the main structure and not visible from the street to the extent possible.
 - (d) Dishes shall be made of noncombustible and corrosive resistant material and erected in a secure, wind resistant manner.
 - (e) Dishes shall not be used as signs or billboards (off-premises signs).
- (11) Storage Building (224 square feet maximum/one per dwelling unit). Principal permitted uses other than residential shall have storage building permitted as part of the site plan review process.
- (12) Solar collectors.
- (13) Swimming pools (see a, b, and c below), tennis courts, and similar permanent facilities.

- (a) No portion of a swimming pool outside a building shall be located at a distance less than three feet (3') from any side or rear property line or building line. This shall also include all pumps, filters, and pool water disinfecting equipment.
 - (b) All outdoor in-ground swimming pools shall be completely enclosed by a fence not less than six feet (6') in height with a gate at all fence openings or points of entry into the pool area. Such gate shall have self-closing and self-latching devices placed at the top of the gate. Swimming pools constructed above the ground either totally or partially shall be protected by a fence at least six feet (6') in height if the sidewalk or any part of the surrounding deck area is less than six feet (6') above gate. Should such a pool be so constructed so as to provide by its design a six foot (6') barrier above grade at all points on the swimming pool, no fence is needed, but access ladders to said pools shall be so arranged as to not be accessible when the pool is not in use.
 - (c) Before the construction or placement of any swimming pool or its related fence, all required permits shall be obtained from the Building Official. Further, design and construction of either shall be in accordance with Chapter 6 of the City Code and shall be approved by the Building Official.
- (14) Wind generators (see Section 31-20 (C) (3)).
- (15) Chicken coop and attached fenced enclosure.
- (a) No person shall keep more than four (4) chickens per lot, except that on lots greater than one-half acre in size, up to six (6) chickens may be kept. Roosters shall not be kept.
 - (b) Chickens shall be kept in the chicken coop or attached fenced enclosure at all times and shall not be permitted to run at large.
 - (c) The coop shall be fully enclosed, roofed, well ventilated, and wind proof. The coop and enclosure shall be maintained in a clean and sanitary condition at all times.
 - (d) Coop structures shall maintain a twenty (20) foot side setback and a thirty (30) foot rear setback. The minimum distance between the coop structure and the nearest dwelling unit shall be twenty (20) feet.
 - (e) Coop structures shall be approved by the Community Development Department prior to the commencement of construction and shall be inspected by the Community Development Department on a regular basis.
 - (f) Chickens may be kept for non-commercial purposes only.

(Ord. No. 6527, 03/27/2012)

(D) Conditionally Permitted Uses: The following conditional uses are permitted subject to the permit approval provisions of this Ordinance upon approval by the Board of Aldermen of a conditional use permit:

- (1) Bed and breakfast establishments, provided that:
 - (a) A site plan has been submitted, reviewed, and approved by the City Site Plan Review Team as to adequate ingress and egress traffic movements prior to Commission review.
 - (b) The parking group requirements can be met.
 - (c) All licenses have been issued or have been applied for awaiting the outcome of the Commission's decision.
 - (d) Must meet all applicable local, state and federal regulations.
- (2) Cemetery or mausoleum.
- (3) Charitable/welfare institution.
- (4) Horses, the stabling, grazing and riding of provided that:
 - (a) A minimum lot size of 2 acres shall be provided and a maximum of 1 horse or pony per acre shall be allowed.
 - (b) Stabling, grazing, and riding of the horse(s) shall be setback according to the bulk regulations hereunder or as determined to be in the best interests of the adjacent residential properties and the public.
 - (c) Area set aside for stabling, grazing, and riding shall be enclosed with a secure fence and in accordance with Section 31-5 (M) of the zoning ordinance.
 - (d) A site plan shall be submitted, reviewed, and approved by the City Site Plan Review Team which has determined the location of the stabling, grazing, and riding of the horse(s) will not create a nuisance or health hazard to the adjacent property owners and the public.
 - (e) Such use shall be allowed only for the use and enjoyment of the occupants of the property and shall not be allowed as a commercial use.
 - (f) The majority of the property owners within 185 feet of the applicant's property shall sign a petition supporting the proposed conditional use permit application.

- (5) School of Private Instruction, provided that:
 - (a) A site plan has been submitted, reviewed, and approved by the City Site Plan Team as to adequate ingress and egress traffic movements prior to Commission review.
 - (b) The parking group requirements can be met.
 - (c) Signage shall be limited to one non-illuminated wall-mounted sign not to exceed four (4) square feet in area.
 - (d) Must meet all applicable local, state, and federal regulations.
- (6) Oil and gas wells.

(E) Bulk Regulations:

R-1A DISTRICT BULK REGULATIONS	Lot Area in Sq. Ft. x 1000	Lot Width in Feet	Lot Coverage As % of Lot Area	SETBACKS*			Bldg. Height In Feet
				Front Yard	Rear Yard	Side Yard	
PERMITTED USES							
SINGLE FAMILY (DETACHED)	10	80	40	25	30	10	40
GROUP HOME	10	80	40	25	30	10	40
CHURCH	20	100	40	25*	30*	20*	40*
CONDITIONAL USES							
CEMETERY/MAUSOLEUM	(Per Site Plan Review)						
OFF-STREET PARKING LOT	(Per Site Plan Review)						
HORSES, GRAZING, STABLING AND RIDING OF (1 AC/HORSE)	2 Acres			75**	100**	75**	40
ALL OTHER CONDITIONAL USES	10	80	40	25	30	10	40

1. See Building Codes for additional setback standards.
2. See Section 31-5(B) for modification of front yard setback.

* Plus one additional foot of setback for every foot in height above forty feet (40') with no part to exceed seventy-five feet (75') in height

** Subject to site plan review of potential nuisance to adjacent residential and the public.

- (F) Parking Requirements:** See Section 31-22 of this Ordinance.
- (G) Signs:** See Section 31-24 of this Ordinance.
- (H) Landscaping and Screening Requirements:** See Section 31-23 of this ordinance.

31-8 R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

(A) Intent. This district is intended to provide for low density a single family detached residential development. All residential development within this district is encouraged to comply with Section 31-25(L), Residential Overlay District Development Guidelines.



(B) Principal Permitted Uses: Only the following uses shall be principal permitted uses in the R-1A District:

- (1) Churches.
- (2) Group homes, Residential Care Agency Facility for Children. See Section 31-25(c) of this Ordinance.
- (3) Non-commercial nurseries and gardens.
- (4) Public or private parks, golf courses, or similar natural recreation area.
- (5) Public and private/parochial schools approved by Missouri State Board of Education (K-12).
- (6) Railroads and public or quasi-public utilities including substations.
- (7) Dwelling, single family detached.

(C) Accessory Permitted Uses: The following uses shall be permitted as accessory uses as provided in Section 31-20 of this Ordinance:

- (1) Detached garages (720 square feet maximum\one per dwelling unit).
- (2) Fences.
- (3) Firewood Storage (outside storage of firewood shall be permitted in rear yards and also in required side yards if the storage area is more than fifty (50) feet beyond the street property line. No wood storage shall be permitted in the required front yard setback area. Weeds shall be cut and wood stored in a manner which shall assure continuous rodent control. No more than three (3) full cords of wood may be stored outside at any one time).

- (4) Garage or rummage sales, maximum of 4 per calendar year no longer than 3 consecutive days per sale.
- (5) Home Occupations.
- (6) Non-commercial gardens and nurseries.
- (7) Non-commercial greenhouses.
- (8) Off-street parking and storage of vehicles.
- (9) Readily movable sports, recreation, or outdoor cooking equipment.
- (10) Satellite receiving dishes.
 - (a) Not more than one (1) dish greater than 39 inches in diameter shall be placed on any lot less than one-half acre in area.
 - (b) Dishes shall not exceed ten feet (10') in diameter or, if roof mounted, six feet (6') maximum diameter.
 - (c) Dishes shall only be permitted in rear yards, except that on corner lots dishes shall be allowed in interior side yards. Exceptions to this requirement are allowed for dishes one meter (39") in diameter or less where the reception of an acceptable quality signal is not possible. In such instances, the owner may locate the dish in the front yard provided it is mounted to the main structure and not visible from the street to the extent possible.
 - (d) Dishes shall be made of noncombustible and corrosive resistant material and erected in a secure, wind resistant manner.
 - (e) Dishes shall not be used as signs or billboards (off-premises signs).
- (11) Storage Building (224 square feet maximum/one per dwelling unit). Principal permitted uses other than residential shall have storage building permitted as part of the site plan review process.
- (12) Solar collectors.
- (13) Swimming pools (see a, b, and c below), tennis courts, and similar permanent facilities.
 - (a) No portion of a swimming pool outside a building shall be located at a distance less than three feet (3') from any side or rear property line or building line. This shall also include all pumps, filters, and pool water disinfecting equipment.

- (b) All outdoor inground swimming pools shall be completely enclosed by a fence not less than six feet (6') in height with a gate at all fence openings or points of entry into the pool area. Such gate shall have self-closing and self-latching devices placed at the top of the gate. Swimming pools constructed above the ground either totally or partially shall be protected by a fence at least six feet (6') in height if the sidewalk or any part of the surrounding deck area is less than six feet (6') above gate. Should such a pool be so constructed so as to provide by its design a six foot (6') barrier above grade at all points on the swimming pool, no fence is needed, but access ladders to said pools shall be so arranged as to not be accessible when the pool is not in use.
 - (c) Before the construction or placement of any swimming pool or its related fence, all required permits shall be obtained from the Building Official. Further, design and construction of either shall be in accordance with Chapter 6 of the City Code and shall be approved by the Building Official.
- (14) Wind generators (see Section 31-20 (C) (3)).
- (15) Chicken coop and attached fenced enclosure.
- (a) No person shall keep more than four (4) chickens per lot, except that on lots greater than one-half acre in size, up to six (6) chickens may be kept. Roosters shall not be kept.
 - (b) Chickens shall be kept in the chicken coop or attached fenced enclosure at all times and shall not be permitted to run at large.
 - (c) The coop shall be fully enclosed, roofed, well ventilated, and wind proof. The coop and enclosure shall be maintained in a clean and sanitary condition at all times.
 - (d) Coop structures shall maintain a twenty (20) foot side setback and a thirty (30) foot rear setback. The minimum distance between the coop structure and the nearest dwelling unit shall be twenty (20) feet.
 - (e) Coop structures shall be approved by the Community Development Department prior to the commencement of construction and shall be inspected by the Community Development Department on a regular basis.
 - (f) Chickens may be kept for non-commercial purposes only.
(*Ord. No. 6527, 03/27/2012*)

(D) Conditionally Permitted Uses: The following conditional uses are permitted subject to the permit approval provisions of this Ordinance upon approval by the Board of Aldermen of a conditional use permit:

- (1) Bed and breakfast establishments, provided that:

- (a) A site plan has been submitted, reviewed, and approved by the City Site Plan Review Team as to adequate ingress and egress traffic movements prior to Commission review.
 - (b) The parking group requirements can be met.
 - (c) All licenses have been issued or have been applied for awaiting the outcome of the Commission's decision.
 - (d) Must meet all applicable local, state and federal regulations.
- (2) Cemetery or mausoleum.
- (3) Charitable/welfare institution.
- (4) Horses, the stabling, grazing and riding of provided that:
- (a) A minimum lot size of 2 acres shall be provided and a maximum of 1 horse or pony per acre shall be allowed.
 - (b) Stabling, grazing, and riding of the horse(s) shall be setback according to the bulk regulations hereunder or as determined to be in the best interests of the adjacent residential properties and the public.
 - (c) Area set aside for stabling, grazing, and riding shall be enclosed with a secure fence and in accordance with Section 31-5 (M) of the zoning ordinance.
 - (d) A site plan shall be submitted, reviewed, and approved by the City Site Plan Review Team which has determined the location of the stabling, grazing, and riding of the horse(s) will not create a nuisance or health hazard to the adjacent property owners and the public.
 - (e) Such use shall be allowed only for the use and enjoyment of the occupants of the property and shall not be allowed as a commercial use.
 - (f) The majority of the property owners within 185 feet of the applicant's property shall sign a petition supporting the proposed conditional use permit application.
- (5) School of Private Instruction, provided that:
- (a) A site plan has been submitted, reviewed, and approved by the City Site Plan Team as to adequate ingress and egress traffic movements prior to Commission review.
 - (b) The parking group requirements can be met.

- (c) Signage shall be limited to one non-illuminated wall-mounted sign not to exceed four (4) square feet in area.
- (d) Must meet all applicable local, state, and federal regulations.
- (6) Oil and gas wells.

(Ord. No. 6116, 08/28/2007)

(E) Bulk Regulations:

R-1 DISTRICT BULK REGULATIONS	Lot Area in Sq. Ft. x 1000	Lot Width in Feet	Lot Coverage As % of Lot Area	SETBACKS*			Bldg. Height In Feet
				Front Yard	Rear Yard	Side Yard	
PERMITTED USES							
SINGLE FAMILY (DETACHED)	7.7	70	40	25	30	7	40
GROUP HOME	7.7	70	40	25	30	7	40
CHURCH	20	100	40	25*	30*	20*	40*
CONDITIONAL USES							
CEMETERY/MAUSOLEUM	(Per Site Plan Review)						
OFF-STREET PARKING LOT	(Per Site Plan Review)						
HORSES, GRAZING, STABLING AND RIDING OF (1 AC/HORSE)	2 Acres			75**	100**	75**	40
ALL OTHER CONDITIONAL USES	7.7	70	40	25	30	7	40

1. See Building Codes for additional setback standards.
2. See Section 31-5(B) for modification of front yard setback.

* Plus one additional foot of setback for every foot in height above forty feet (40') with no part to exceed seventy-five feet (75') in height

** Subject to site plan review of potential nuisance to adjacent residential and the public.

- (I) Parking Requirements:** See Section 31-22 of this Ordinance.
- (J) Signs:** See Section 31-24 of this Ordinance.
- (K) Landscaping and Screening Requirements:** See Section 31-23 of this ordinance.

31-8A R-1M, SINGLE FAMILY RESIDENTIAL DISTRICT

(A) Intent. This district is intended to provide for low density single family detached housing and manufactured residential development meeting all city codes and ordinances. All residential development within this district is encouraged to comply with Section 31-25(L), Residential Overlay District Development Guidelines.



(B) Principal Permitted Uses: Only the following uses shall be principal permitted uses in the R-1M District:

- (1) Churches
- (2) Group Homes, Residential Care Facility for Children (See Section 31-25(C) of this Ordinance).
- (3) Non-commercial nurseries and gardens
- (4) Public and private parks, golf courses, or similar natural recreation area
- (5) Public and private/parochial schools approved by Missouri State Board of Education (K-12)
- (6) Railroads and public or quasi-public utilities including substations
- (7) Dwelling, single family detached and manufactured homes as defined in Section 31-3 provided manufactured homes conform to all of the following standards:
 - (a) The home must be new when placed on the site.
 - (b) The home must be placed on a permanent foundation that complies with the City's building code for residential structures. The foundation must include a solid perimeter wall.

- (c) The home must be oriented on the lot so that its long axis is parallel to the street. A perpendicular or diagonal placement is permitted only if the narrow dimension of the home nearest the street is no less than two-thirds of the lot width at the building line. Garages or other completely enclosed additions may be included in this requirement.
- (d) The home must be at least 24 feet wide over the major part of the manufactured home.
- (e) The home must have a roof sloped at least 5 in 12 over no less than 100% of the primary structure provided, however, that additions such as sun rooms or covered porches may have roof slopes no less than 2 in 12. Roof slope indicates the actual incline of a roof as a ratio of vertical rise to horizontal run. The determination must be based on the actual measurements and not on nominal designation or rules of thumb. The roof must consist of shingles or other material customarily used for conventionally built dwellings in the area.
- (f) The roof overhang must not be less than one foot measured from the vertical side of the home.
- (g) The home and any attached or detached building additions must be covered with an exterior wall material customarily used on conventional dwellings in the area. The exterior covering material must extend to the top of the foundation and no more than 2 feet from the ground. Exterior material customarily used on conventional dwellings does not include smooth, ribbed or corrugated metal or plastic panels.
- (h) The home must meet all requirements required of other single family residences in the area where it is to be located.

(C) Accessory Permitted Uses: The following uses shall be permitted as accessory uses as provided in Section 31-20 of this ordinance:

- (1) Detached garages (720 square feet maximum/one dwelling unit).
- (2) Fences.
- (3) Firewood storage (outside storage of firewood shall be permitted in rear yards and also in required side yards if the storage area is more than fifty (50) feet beyond the street property line. No wood storage shall be permitted in the required front yard setback area. Weeds shall be cut and wood stored in a manner which shall assure continuous rodent control. No more than three (3) full cords of wood may be stored outside at any one time.
- (4) Garage or rummage sales, maximum of 4 per calendar year no longer than 3 consecutive days per sale.

- (5) Home occupations.
- (6) Non-commercial gardens and nurseries.
- (7) Non-commercial greenhouses.
- (8) Off-street parking and storage of vehicles.
- (9) Readily movable sports, recreation, or outdoor cooking equipment.
- (10) Satellite receiving dish antenna.
 - (a) Not more than one (1) dish greater than 39 inches in diameter shall be placed on any lot less than one-half acre in area.
 - (b) Dishes shall not exceed ten feet (10') in diameter, or if roof mounted, six feet (6) maximum diameter.
 - (c) Dishes shall only be permitted in rear yards, except that on corner lots dishes shall be allowed in the interior side yards. Exceptions to this requirement are allowed for dishes one meter (39") in diameter or less where the reception of an acceptable quality signal is not possible. In such instances, the owner may locate the dish in the front yard provided it is mounted to the main structure and not visible from the street to the extent possible.
 - (d) Dishes shall be made of noncombustible and corrosive resistant material and erected in a secure, wind resistant manner.
 - (e) Dishes shall not be used as signs or billboards off-premise signs).
- (11) Storage building (224 square foot maximum/one per dwelling unit). Principal permitted uses other than residential shall have storage building permitted as part of the site plan review process.
- (12) Solar collectors.
- (13) Swimming pools (see a, b, and c below), tennis courts, and similar permanent facilities.
 - (a) No portion of a swimming pool outside a building shall be located at a distance less than three feet (3') from any side or rear property line. This shall also include all pumps, filters, and pool water disinfection equipment.
 - (b) All outdoor inground swimming pools shall be completely enclosed by a fence not less than six feet (6') in height with a gate at all fence openings or points of entry into the pool area. Such gate shall have self-closing and self-latching devices placed at the top of the gate.

Swimming pools constructed above the ground either totally or partially shall be protected by a fence at least six feet (6') in height if the sidewalk or any part of the surrounding deck area is less than six feet (6') above grade. Should such a pool be so constructed so as to provide by its design a six foot (6') barrier above grade at all points on the swimming pool, no fence is needed, but access ladders to said pools shall be so arranged as to not be accessible when the pool is not in use.

- (c) Before the construction or placement of any swimming pool or its related fence, all required permits shall be obtained from the Building Official. Further, design and construction of either shall be in accordance with Chapter 6 of the City Code and shall be approved by the Building Official.
- (14) Wind generators (see Section 31-20 (C) (3)).
 - (15) Chicken coop and attached fenced enclosure.
 - (a) No person shall keep more than four (4) chickens per lot, except that on lots greater than one-half acre in size, up to six (6) chickens may be kept. Roosters shall not be kept.
 - (b) Chickens shall be kept in the chicken coop or attached fenced enclosure at all times and shall not be permitted to run at large.
 - (c) The coop shall be fully enclosed, roofed, well ventilated, and wind proof. The coop and enclosure shall be maintained in a clean and sanitary condition at all times.
 - (d) Coop structures shall maintain a twenty (20) foot side setback and a thirty (30) foot rear setback. The minimum distance between the coop structure and the nearest dwelling unit shall be twenty (20) feet.
 - (e) Coop structures shall be approved by the Community Development Department prior to the commencement of construction and shall be inspected by the Community Development Department on a regular basis.
 - (f) Chickens may be kept for non-commercial purposes only.

(Ord. No. 6527, 03/27/2012)

(D) Conditionally Permitted Uses. The following conditional uses are permitted subject to the permit approval provisions of this Ordinance upon approval by the Board of Aldermen of a conditional use permit:

- (1) Bed and breakfast establishments, provided that:

- (a) A site plan has been submitted, reviewed, and approved by the City Site Plan Review Team as to adequate ingress and egress traffic movements prior to Commission review.
 - (b) The parking group requirements can be met.
 - (c) All licenses have been issued or have been applied for awaiting the outcome of the Commission's decision.
 - (d) Must meet all applicable local, state and federal regulations.
- (2) Cemetery or mausoleum.
- (3) Charitable/welfare institution.
- (4) Horses, the stabling, grazing and riding of provided that:
- (a) A minimum lot size of 2 acres shall be provided and a maximum of 1 horse or pony per acre shall be allowed.
 - (b) Stabling, grazing, and riding of the horse(s) shall be setback according to the bulk regulations hereunder or as determined to be in the best interests of the adjacent residential properties and the public.
 - (c) Area set aside for stabling, grazing, and riding shall be enclosed with a secure fence and in accordance with Section 31-5 (M) of the zoning ordinance.
 - (d) A site plan shall be submitted, reviewed, and approved by the City Site Plan Review Team which has determined the location of the stabling, grazing, and riding of the horse(s) will not create a nuisance or health hazard to the adjacent property owners and the public.
 - (e) Such use shall be allowed only for the use and enjoyment of the occupants of the property and shall not be allowed as a commercial use.
 - (f) The majority of the property owners within 185 feet of the applicant's property shall sign a petition supporting the proposed conditional use permit application.
- (5) School of Private Instruction, provided that:
- (a) A site plan has been submitted, reviewed, and approved by the City Site Plan Team as to adequate ingress and egress traffic movements prior to Commission review.
 - (b) The parking group requirements can be met.

- (c) Signage shall be limited to one non-illuminated wall-mounted sign not to exceed four (4) square feet in area.
- (d) Must meet all applicable local, state, and federal regulations.
- (6) Oil and gas wells.

(Ord. # 6116, 08/28/2007)

(E) Bulk Regulations:

R-1M DISTRICT BULK REGULATIONS	Lot Area in Sq. Ft. x 1000	Lot Width in Feet	Lot Coverage As % of Lot Area	SETBACKS*			Bldg. Height In Feet
				Front Yard	Rear Yard	Side Yard	
PERMITTED USES							
SINGLE FAMILY (DETACHED)	7.7	70	40	25	30	7	40
GROUP HOME	7.7	70	40	25	30	7	40
CHURCH	20	100	40	25*	30*	20*	40*
CONDITIONAL USES							
CEMETERY/MAUSOLEUM	(Per Site Plan Review)						
OFF-STREET PARKING LOT	(Per Site Plan Review)						
HORSES, GRAZING, STABLING AND RIDING OF (1 AC/HORSE)	2 Acres			75**	100**	75**	40
ALL OTHER CONDITIONAL USES	7.7	70	40	25	30	7	40

1. See Building Codes for additional standards of setbacks.
2. See Section 31-5(B) for modification of front yard setback.

* Plus one additional foot of setback for every foot in height above forty feet (40') with no part to exceed seventy-five feet (75') in height

** Subject to site plan review of potential nuisance to adjacent residential and the public.

(F) Parking Requirements: See Section 31-22 of this Ordinance.

(G) Signs: See Section 31-24 of this Ordinance.

(H) Landscaping and Screening Requirements: See Section 31-23 of this ordinance.

31-9 R-2, SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT.

(A) Intent. This district is intended to provide for single family and two family residential uses in specified low density residential areas. All residential development within this district is encouraged to comply with Section 31-25(L), Residential Overlay District Development Guidelines.

(B) Principal Permitted Uses: Only the following uses shall be principal permitted uses in the R-2 District:

- (1) Churches.
- (2) Group homes, Residential Care Agency Facility for Children. See Section 31-25(C) of this Ordinance.
- (3) Non-commercial nurseries and gardens.
- (4) Public or private parks, golf courses, or similar natural recreation areas.
- (5) Public and private/parochial schools approved by Missouri State Board of Education.
- (6) Railroads and public or quasi-public utilities including substations.
- (7) Dwelling, two family (duplex).
- (8) Dwelling, single-family attached, maximum two dwelling units (townhouses).
- (9) Dwelling, single family detached.

(C) Accessory Permitted Uses: The following uses shall be permitted as accessory uses as provided in Section 31-20 of this Ordinance:

- (1) Detached garages (720 square feet maximum/one per dwelling unit).
- (2) Fences.
- (3) Firewood storage (Outside storage of firewood shall be permitted in rear yards and also in required side yards if storage area is more than fifty (50) feet beyond the street property line. No wood storage shall be permitted in the required front yard setback area. Weeds shall be cut and wood stored in a manner which shall assure continuous rodent control. No more than three (3) full cords of wood may be stored outside at any one time).
- (4) Garage or rummage sales, maximum of 4 per calendar year no longer than 3 consecutive days per sale.
- (5) Home occupations.

- (6) Off-street parking and storage of vehicles.
- (7) Non-commercial gardens and nurseries.
- (8) Non-commercial greenhouses.
- (9) Readily movable sports, recreation, or outdoor cooking equipment.
- (10) Satellite receiving dishes.
 - (a) Not more than one (1) dish greater than 39 inches in diameter shall be placed on any lot less than one-half acre in area.
 - (b) Dishes shall not exceed ten feet (10') in diameter, or if roof mounted, six feet (6) maximum diameter.
 - (c) Dishes shall only be permitted in rear yards, except that on corner lots dishes shall be allowed in the interior side yards. Exceptions to this requirement are allowed for dishes one meter (39") in diameter or less where the reception of an acceptable quality signal is not possible. In such instances, the owner may locate the dish in the front yard provided it is mounted to the main structure and not visible from the street to the extent possible.
 - (d) Dishes shall be made of noncombustible and corrosive resistant material and erected in a secure, wind resistant manner.
 - (e) Dishes shall not be used as signs or billboards off-premise signs).
- (11) Solar collectors.
- (12) Storage buildings (224 square feet maximum/one per dwelling unit.) Principal permitted uses, other than residential, shall have storage buildings approved as a part of the site plan review process.
- (13) Swimming pools {See (a), (b) and (c) below}, tennis courts, and similar permanent facilities.
 - (a) No portion of a swimming pool outside a building shall be located at a distance less than three feet (3') from any side or rear property line or building line. This shall also include all pumps, filters, and pool water disinfection equipment.
 - (b) All outdoor inground swimming pools shall be completely enclosed by a fence not less than six feet (6') in height with a gate at all fence openings or points of entry into the pool area. Such gate shall have self-closing and self-latching devices placed at the top of the gate.

Swimming pools constructed above the ground either totally or partially shall be protected by a fence at least six feet (6') in height if the sidewalk or any part of the surrounding deck area is less than six feet (6') above gate. Should such a pool be so constructed so as to provide by its design a six foot (6') barrier above grade at all points on the swimming pool, no fence is needed, but access ladders to said pools shall be so arranged as to not be accessible when the pool is not in use.

- (c) Before the construction or placement of any swimming pool or its related fence, all required permits shall be obtained from the Building Official. Further, design and construction of either shall be in accordance with Chapter 6 of the City and shall be approved by the Building Official.

(D) Conditionally Permitted Uses: The following conditional uses are permitted in the R-2 District subject to the permit provisions of this Ordinance upon approval by the Board of Aldermen of a conditional use permit:

- (1) Bed and breakfast establishments, provided that:
 - (a) A site plan has been submitted, reviewed, and approved by the City Site Plan Review Team as to adequate ingress and egress traffic movements prior to Commission review.
 - (b) The parking group requirements can be met.
 - (c) All licenses have been issued or have been applied for awaiting the outcome of the Commission's decision.
 - (d) Must meet all applicable local, state and federal regulations.
- (2) Cemetery or mausoleum.
- (3) Charitable/welfare institutions.
- (4) Hospice, provided that:
 - (a) The parking group requirements can be met;
 - (b) Signage shall be limited to one non-illuminated wall mounted sign not to exceed four (4) square feet in area. (*Ord. #6116, 08/28/2007*)
- (5) Nursery school/day care center, provided that:
 - (a) Fifty (50) square feet of indoor floor area (excluding halls and bathrooms) and one hundred (100) square feet of fenced recreation space be provided per child.
 - (b) The parking group requirements can be met.

- (c) Such facility shall supply loading and unloading of children so as not to obstruct public streets or create traffic or safety hazards.
 - (d) All licenses have been issued or have been applied for awaiting the outcome of the Commission’s decision.
 - (e) Signage shall be limited to one (1) non- illuminated wall mounted sign not to exceed four (4) square feet in area.
- (6) School of Private Instruction, provided that:
- (a) A site plan has been submitted, reviewed, and approved by the City Site Plan Team as to adequate ingress and egress traffic movements prior to Commission review.
 - (b) The parking group requirements can be met.
 - (c) Signage shall be limited to one non-illuminated wall-mounted sign not to exceed four (4) square feet in area.
 - (d) Must meet all applicable local, state, and federal regulations.
- (7) Oil and gas wells.

(Ord. # 6116, 08/28/2007)

(E) Bulk Regulations:

R-2 DISTRICT BULK REGULATIONS	Lot Area in Sq. Ft. x 1000	Lot Width in Feet	Lot Coverage As % of Lot Area	SETBACKS*			Bldg. Height In Feet
				Front Yard	Rear Year	Side Yard	
PERMITTED USES							
SINGLE FAMILY (DETACHED)	6.6	70	40	25	30	7	40
TWO FAMILY (DUPLEX)	10	70	40	25	30	7	40
TOWNHOUSE (MAX. 2 D.U./BLDG)	5/DU	35/DU	40	25	30	7+	40
GROUP HOME	6.6	70	40	25	30	7	40
CHURCH	20	100	40	25*	30*	20*	40*
CONDITIONAL USES							
HOSPICE	6.6	70	40	25	30	7	40
NURSERY SCHOOL/DAY CARE CENTER	6.6	70	40	25	30	7	40
OFF-STREET PARKING LOT	(Per Site Plan Review)						
ALL OTHER CONDITIONAL USES	6.6	70	40	25	30	7	40

1. See Building Codes for additional standards on setbacks.
2. See Section 31-5(B) for modification of front yard setback.

* Plus one additional foot of setback for every foot in height above forty feet (40') with no part to exceed seventy-five feet (75') in height.

+ Applied to exterior walls only.

(F) Parking Requirements: See Section 31-22 of this Ordinance.

(G) Signs: See Section 31-24 of this Ordinance.

(H) Landscaping and Screening Requirements: See Section 31- 23 of this Ordinance.

31-10 R-3, MULTI FAMILY RESIDENTIAL DISTRICT.*(Ord. #6116 08/28/2007)*

(A) Intent. This district is intended to provide for low density multiple family housing providing adequate open space areas and building separation which development is intended to be compatible with adjoining or nearby single and two family developments. All residential development within this district is encouraged to comply with Section 31-25(L), Residential Overlay District Development Guidelines.



(B) Principal Permitted Uses: Only the following uses shall be principal permitted uses in the R-3 District:

- (1) Churches.
- (2) Housing for the elderly and persons with disabilities, to include group homes (see Section 31-25 (C) of this Ordinance) Residential Care Agency Facility for Children.
- (3) Intermediate Care Facility
- (4) Dwelling, multiple family.
- (5) Non-commercial nurseries and gardens.
- (6) Nursing facility, skilled.
- (7) Public or private parks, golf courses, or similar natural recreation areas.
- (8) Public and private/parochial schools approved by Missouri State Board of Education (K-12).
- (9) Railroads and public or quasi-public utilities including substations.

- (10) Residential care facility.
- (11) Dwelling, single family detached.
- (12) Dwelling, two family (duplex).
- (13) Dwelling, single-family attached (townhouses).

(C) Accessory Permitted Uses: The following uses shall be permitted as accessory uses as provided in Section 31-20 of this Ordinance:

- (1) Detached garages (single family and two family dwellings: 720 square feet maximum/one per dwelling unit; all other uses as approved by site plan review.
- (2) Fences.
- (3) Firewood storage (Outside storage of firewood shall be permitted in rear yards and also in required side yards if the storage area is more than fifty (50) feet beyond the street property line. No wood storage shall be permitted in the required front yard set back area. Weeds shall be cut and wood stored in a manner which shall assure continuous rodent control. No more than three (3) full cords of wood may be stored outside at any one time).
- (4) Garage or rummage sales, maximum of 4 per calendar year no longer than 3 consecutive days per sale.
- (5) Home occupations.
- (6) Off-street parking and storage of vehicles.
- (7) Non-commercial gardens and nurseries.
- (8) Non-commercial greenhouses.
- (9) Readily movable sports, recreation, or outdoor cooking equipment.
- (10) Satellite receiving dishes.
 - (a) Not more than one (1) dish greater than 39 inches (39") in diameter shall be placed on any lot less than one-half acre in area.
 - (b) Dishes shall not exceed ten feet (10') in diameter, or if roof mounted, six feet (6") maximum diameter.
 - (c) Dishes shall only be permitted in rear yards, except that on corner lots dishes shall be allowed in the interior side yards. Exceptions to this requirement are allowed for dishes one meter (39") in diameter or less where the reception of an acceptable quality signal is not

possible. In such instances, the owner may locate the dish in the front yard provided it is mounted to the main structure and not visible from the street to the extent possible.

- (d) Dishes shall be made of noncombustible and corrosive resistant material and erected in a secure, wind resistant manner.
 - (e) Dishes shall not be used as signs or billboards off-premise signs).
- (11) Solar collectors.
 - (12) Storage building (single family and two family dwellings: 224 square feet maximum/one per dwelling unit; all other uses as approved by site plan review).
 - (13) Swimming pools {see (a), (b) and (c) below}, tennis courts, and similar permanent facilities.
 - (a) No portion of a swimming pool outside a building shall be located at a distance less than three feet (3') from any side or rear property line or building line. This shall include all pumps, filters, and pool water disinfection equipment.
 - (b) All outdoor inground swimming pools shall be completely enclosed by a fence not less than six feet (6') in height with a gate at all fence openings or points of entry into the pool area. Such gate shall have self-closing and self-latching devices placed at the top of the gate. Swimming pools constructed above the ground either totally or partially shall be protected by a fence at least six feet (6') in height if the sidewalk or any part of the surrounding deck area is less than six feet (6') above gate. Should such a pool be so constructed so as to provide by its design a six foot (6') barrier above grade at all points on the swimming pool, no fence is needed, but access ladders to said pools shall be so arranged as to not be accessible when the pool is not in use.
 - (c) Before the construction or placement of any swimming pool or its related fence, all required permits shall be obtained from the Building Official. Further, design and construction of either shall be in accordance with Chapter 6 (as amended) of the City Code shall be approved by the Building Official.
 - (14) Wind generators. (see Section 31-20 (C)(3)).

(D) Conditional Permitted Uses: The following conditional uses are permitted in the R-3 District subject to the permit provisions of this Ordinance upon approval by the Board of Aldermen of a conditional use permit:

- (1) Bed and breakfast establishments, provided that:

- (a) A site plan has been submitted, reviewed, and approved by the City Plan Review Team as to adequate ingress and egress traffic movements prior to Commission review.
 - (b) The parking group requirements can be met.
 - (c) All licenses have been issued or have been applied for awaiting the outcome of the Commission's decision.
 - (d) Must meet all applicable local, state, and federal regulations.
- (2) Charitable/welfare institutions.
- (3) Hospice, provided that:
- (a) The parking requirements can be met.
 - (b) Signage shall be limited to one non-illuminated wall mounted sign not to exceed four (4) square feet in area. (*Ord. # 6116, 08/28/2007*)
- (4) Nursery school/day care center, provided that:
- (a) Fifty (50) square feet of indoor floor area (excluding halls and bathrooms) and one hundred (100) square feet of fenced recreation space be provided per child.
 - (b) The parking group requirements can be met.
 - (c) Such facility shall supply loading and unloading of children so as not to obstruct public streets or create traffic or safety hazards.
 - (d) All licenses have been issued or have been applied for awaiting the outcome of the Commission's decision.
 - (e) Signage shall be limited to one (1) non-illuminated wall mounted sign not to exceed four (4) square feet in area.
- (5) Off-street parking of operable automobiles to serve a permitted or conditional use in an abutting office or commercial district, provided that:
- (a) No structure other than a screening or security fence or wall shall be erected on the premises.
 - (b) Signage shall be limited to one (1) free-standing sign of no more than six (6) square feet in size per drive opening, identifying the parking use, providing directions or marking entrances and exits thereto.
 - (c) Site plan shall be submitted and approved as provided in Section 31-21 of this Ordinance.

- (d) There shall be no vehicle access to any street or alley. (*Ord. # 6116, 08/28/2007*)
- (6) Rooming/boarding houses, provided that:
 - (a) The parking group requirements can be met.
 - (b) The owner or manager of said use shall maintain a permanent residence on site.
- (7) School of private instruction, provided that:
 - (a) A site plan has been submitted, reviewed, and approved by the City Site Plan Team as to adequate ingress and egress traffic movements prior to Commission review.
 - (b) The parking group requirements can be met.
 - (c) Signage shall be limited to one non-illuminated wall-mounted sign not to exceed four (4) square feet in area.
 - (a) Must meet all applicable local, state, and federal regulations.
- (8) Oil and gas wells.

(E) Bulk Regulations:

R-3 DISTRICT BULK REGULATIONS	Lot Area in Sq. Ft. x 1000	Lot Width in Feet	Lot Coverage As % of Lot Area	SETBACKS* (in feet)			Bldg. Height In Feet
				Front Yard	Rear Yard	Side Yard	
PERMITTED USES							
SINGLE FAMILY (DETACHED)	6	60	40	25	30	6	40
TWO FAMILY (DUPLEX)	7	70	40	25	30	7	40
3+ FAMILY	3.5/DU	20/DU	40	25	30	3**/DU	40
TOWNHOUSE	3.5/DU	20/DU	40	25	30	3**+/DU	40
CHURCH	20	100	40	25*	30*	20*	40*
NURSING HOME/RESIDENTIAL CARE	20	100	40	25	30	20	40
HOUSING-ELDERLY, HANDICAPPED	20	100	40	25	30	20	40
CONDITIONAL USES							
SCHOOL OF PRIVATE INSTRUCTION	6	60	40	25	30	6	40
HOSPICE	6	60	40	25	30	6	40
NURSERY SCHOOL/DAY CARE CENTER	6	60	40	25	30	6	40
ROOMING/BOARDING HOUSE	6	60	40	25	30	6	40
OFF-STREET PARKING LOT	(Per Site Plan Review)						
ALL OTHER CONDITIONAL USES	6	60	40	25	30	6	40

1. See Building Codes for additional standards on setbacks.
2. See Section 31-5 (B) for modification of front yard setback.

* Plus one additional foot of setback for every foot in height above forty feet (40') with no part to exceed seventy-five feet (75') in height.

+ Applied to exterior walls only.

** For multiple buildings on one zoning lot, most restrictive side yard setback shall apply to all buildings.

(F) Parking Requirements: See Section 31-22 of this Ordinance.

(G) Signs: See Section 31-24 of this Ordinance.

(H) Landscaping and Screening Requirements: See Section 31-23 of this Ordinance.

31-11 SECTION RESERVED

31-12 OS, OFFICE/SERVICE DISTRICT

(A) Intent: This district is intended to permit professional office uses, selected commercial uses, and residential uses. This district is also ideally located between Commercial Districts on major streets in close proximity to street intersections and between higher density residential development and commercial uses. All commercial development within this district is encouraged to comply with Section 31-25(J), Commercial and Industrial Building Appearance Guidelines, and Section 31-25(K), Commercial and Industrial Building Landscaping and Screening Guidelines. (*Ord. # 6116, 08/28/2007*)



(B) Principal Permitted Uses: The following uses shall be permitted in the OS District:

- (1) Artist studio.
- (2) Banks, savings and loans, and credit unions.
- (3) Barber/beauty shops.
- (4) Business/secretarial school.
- (5) Churches.
- (6) Colleges and universities.
- (7) Drug stores/health care supplies.
- (8) General offices.
- (9) Governmental buildings & uses.
- (10) Hospitals, to include private ambulance service.

- (11) Housing for the elderly and persons with disabilities, to include group homes (see Section 31-25 (C) of this Ordinance).
- (12) Intermediate care facility.
- (13) Medical/dental labs.
- (14) Medical offices/clinics.
- (15) Mortuaries and funeral homes.
- (16) Non-commercial art galleries, museums and libraries.
- (17) Nursing facility, skilled.
- (18) Outpatient care facility.
- (19) Personal Services.
- (20) Photographic studio.
- (21) Public or private parks, golf courses, or similar natural recreation areas.
- (22) Railroads and public quasi-public utilities.
- (23) Residential care facility.
- (24) Shoe Repair.
- (25) Schools or private instruction.
- (26) Vocational school.
- (27) Dwelling units, provided the parking group requirements can be met.
- (28) Nursery school/day care center.
- (29) Off-street parking of operable automobiles.

(Ord. #6116, 08/28/2007)

(C) Accessory Permitted Uses: The following uses shall be permitted as accessory uses as provided in Section 31-20 of this Ordinance:

- (1) Any use customarily incidental and subordinate to the principal use it serves.
- (2) Parking structure.

(D) Conditional Permitted Uses: The following conditional uses are permitted in the OS District subject to the permit provisions of this Ordinance upon approval by the Board of Aldermen of a conditional Use Permit:

- (1) Community service organizations, provided that the parking group requirements can be met.
- (2) Convenience store, to include gasoline sales as defined, provided that:
 - (a) A site plan has been submitted, reviewed, and approved by the City Site Plan Review Team as to adequate ingress and egress traffic movements prior to Commission review.
 - (b) The parking group requirements can be met.
- (3) Gas stations (not including service stations), provided that:
 - (a) A site plan has been submitted, reviewed, and approved by the City Site Plan Review Team as to adequate ingress and egress traffic movements prior to Commission review.
 - (b) The parking group requirement can be met.
- (4) Residential or outpatient treatment facilities for alcohol and other drug abuse.
- (5) Oil and gas wells.

(Ord. # 6116, 08/28/2007)

(E) Performance Standards:

- (1) Outside display of merchandise for sale to the public shall be permitted in the front yard only and limited to twenty-five percent (25%) of said front yard area, provided it does not interfere with the area utilized for off-street parking of vehicles. Additionally, outside display of merchandise shall not be placed upon the right-of-way.
- (2) Outside storage of merchandise shall not be permitted. All storage of merchandise shall be completely within an enclosed building.
- (3) Exterior lighting shall be provided for sidewalks and areas of pedestrian circulation and for off-street parking areas providing space for five (5) or more vehicles which spaces are normally used during the hours of darkness after 6:00 p.m. The lighting fixtures shall provide at least an average of one-fourth (0.25) foot candle over the entire parking lot area, measured on the ground surface and shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic upon any public street.

(F) Bulk Regulations.

OS DISTRICT BULK REGULATIONS	Lot Area in Sq. Ft. x 1000	Lot Width in Feet	Lot Coverage As % of Lot Area	SETBACKS*			Bldg. Height In Feet
				Front Yard	Rear Year	Side Yard	
PERMITTED USES							
ALL PERMITTED USES				25	10**	10++	45
CONDITIONAL USES							
OFF-STREET PARKING LOT	(Per Site Plan Review)						
ALL OTHER CONDITIONAL USES				25	10**	10++	45

(Ord. # 6116, 08/28/2007)

1. See Building Codes for additional restrictions on setbacks.

++ Except where abutting a Residential District, then ten feet (10') of side yard setback is required, plus one additional foot for every foot over the height limit.

** Except where abutting Residential District, then twenty feet (20') of rear yard setback is required, plus one additional foot for every foot over the height limit.

(G) Parking Requirements: See Section (31-22) of this Ordinance.

(H) Signs: See Section (31-24) of this Ordinance.

(I) Landscaping and Screening Requirements: See Section (31-23) of this Ordinance.

31-13 C-1, NEIGHBORHOOD SHOPPING CENTER DISTRICT.

(A) Intent: The C-1 District is intended to provide small shopping centers serving small clusters of neighborhoods. All commercial development within this district is encouraged to comply with Section 31-25(J), Commercial and Industrial Building Appearance Guidelines, and Section 31-25(K), Commercial and Industrial Building Landscaping and Screening Guidelines.



(B) Principal Permitted Uses: The following uses shall be permitted in the C-1 District:

- (1) Appliances sales/service.
- (2) Artist studio.
- (3) Bakery (retail only).
- (4) Banks, savings and loans, and credit unions.
- (5) Barber/beauty shops.
- (6) Bicycle shop (sales/rental).
- (7) Books/stationery store.
- (8) Camera/photo supply store.
- (9) Carry-out restaurant.
- (10) Catalog center.
- (11) Churches.
- (12) Clothing/accessory store.
- (13) Computer sales/service.

- (14) Convenience store, to include gasoline sales as defined.
- (15) Drive-in restaurant, provided that:
 - (a) Ingress, egress and traffic flow shall be acceptable to the City Site Plan Review Team.
 - (b) The parking group requirements can be met.
- (16) Drive up automated teller, provided that
 - (a) Ingress, egress and traffic flow shall be acceptable to the City Site Plan Review Team.
 - (b) Opaque screening shall be provided for adjacent residential uses in conformance with the site plan review provisions of Section 31-21 of this Ordinance.
- (17) Drug store/health care supplies.
- (18) Dwelling units, provided the parking group requirements can be met.
- (19) Flower/garden store/commercial greenhouse.
- (20) Furniture upholstery/repair.
- (21) Furniture/home furnishings.
- (22) Gas stations (not including service station).
- (23) General offices.
- (24) Gift/souvenir shop.
- (25) Governmental buildings and uses.
- (26) Grocery store.
- (27) Hardware store.
- (28) Jewelry store.
- (29) Laundromat.
- (30) Laundry/dry cleaners.
- (31) Medical office.
- (32) Medical/dental lab.

- (33) Movie rentals and sales.
- (34) Music store (sales/rental).
- (35) Non-commercial art galleries, museums, and libraries.
- (36) Nursery school/day care center provided that fifty (50) square feet of indoor floor area (excluding halls and bathrooms) and one hundred (100) square feet of fenced recreation space be provided per child.
- (37) Office supply.
- (38) Off-street parking of operable vehicles.
- (39) Personal services.
- (40) Photographic studio.
- (41) Public or private parks, golf courses, or similar natural recreation areas.
- (42) Radio/television sales/service.
- (43) Railroads and public or quasi-public utilities including substations.
- (44) Schools of private instruction.
- (45) Sewing/fabric store.
- (46) Shoe repair.
- (47) Shoe store.
- (48) Sit down restaurant.
- (49) Sporting goods (sales/rental), to include
- (50) Tailoring/alterations.
- (51) Toy/hobby shop.

(Ord. #6116, 08/28/2007)

(C) Accessory Permitted Uses: The following uses shall be permitted as an accessory use as provided in Section 31-20 of this ordinance.

- (1) Any use customarily incidental and subordinate to the principal use it serves.
- (2) Recycling collection point as outlined in Section 31-20 (D).

(D) Conditional Permitted Uses: The following conditional uses may be permitted in the C-1 District, subject to the permit provisions of this ordinance upon approval by the Board of Aldermen of a conditional use permit:

- (1) Animal hospital/clinic, provided that:
 - (a) All operators and activities shall be conducted and maintained within a completely enclosed building.
 - (b) The parking group requirements can be met.
- (2) Community service organization, provided that the parking group requirements can be met.
- (3) Oil and gas wells.

(Ord. #6116, 08/27/2007)

(E) Temporary Uses: The following use shall be permitted as a temporary use in the C-1 District in accordance with Section 31-5(E) of this Ordinance:

- (1) Concrete batch plants together with related accessory uses and storage.
(Ord. #6250, 12/09/2008)

(F) Performance Standards:

- (1) Outside display of merchandise for sale to the public shall be permitted in the front yard only and limited to twenty five percent (25%) of said front yard area, provided it does not interfere with the area utilized for the off-street parking of vehicles. Additionally, outside display of merchandise shall not be placed upon the right-of-way.
- (2) Outside storage may be permitted in any side or rear yard only, provided it does not interfere with the area utilized for off-street parking of vehicles and it does not impede upon the right-of-way. However, if any side of an outside storage area can be viewed from any angle from:
 - (a) 71 Highway or its frontage roads.
 - (b) Blue Ridge Boulevard Extension.
 - (c) Main Street-Highgrove Road corridor.
 - (d) Any abutting office or residential district.

then said storage area shall be permanently screened from said rights-of-way or said district to 100% opacity and to a minimum of six (6) feet in height in accordance with the screening types as set forth in Section 31-23 (F) (2) (d) of this Ordinance. Said storage areas may be gravel surfaced, except that all vehicle travel areas within said storage area shall be a minimum of chip and seal. Additionally, private driveways exiting directly onto a public street which provide access to such storage lots/areas shall be permanently surfaced with either asphaltic concrete or portland cement concrete.

- (3) Exterior lighting shall be provided for sidewalks and areas of pedestrian circulation and for off-street parking areas providing space for five (5) or more vehicles which spaces are normally used during the hours of darkness after 6:00 p.m. The lighting fixtures shall provide at least an average of one-fourth (0.25) foot candle over the entire parking lot area, measured on the ground surface and shall be shaded so that no direct and so that no glare is visible to any traffic upon any public street.

(G) Bulk Regulations:

C-1 DISTRICT BULK REGULATIONS	Lot Area in Sq. Ft. x 1000	Lot Width in Feet	Lot Coverage As % of Lot Area	SETBACKS* (in feet)			Bldg. Height In Feet
				Front Yard	Rear Year	Side Yard	
PERMITTED USES							
ALL PERMITTED USES		100		20	10++	10++	40
CONDITIONAL USES							
ALL OTHER CONDITIONAL USES		100		20	10++	10++	40

- 1. See Building Codes for additional standards on setbacks.

++ Except where abutting a Residential or Office District, then twenty foot (20') setback is required.

(H) Parking Requirements: See Section 31-24 of this Ordinance.

(I) Signs: See Section 31-26 of this Ordinance.

(J) Landscaping and Screening Requirements: See Section 31-23 of this Ordinance.

31-14 C-2, GENERAL COMMERCIAL DISTRICT.

(A) Intent. This district is intended to provide for the establishment of stores, shops and service establishments, at the central focal points of the City's arterial and transportation system where they can conveniently serve the population of the entire urban area with a specialized and varied selection of goods and services. All commercial development within this district is encouraged to comply with Section 31-25(J), Commercial and Industrial Building Appearance Guidelines, and Section 31-25(K), Commercial and Industrial Building Landscaping and Screening Guidelines.



(B) Principal Permitted Uses: The following uses shall be permitted in the C-2 District:

- (1) Agricultural supply sales/service.
- (2) Animal hospital/clinic.
- (3) Appliance sales/service.
- (4) Art galleries, museums, and libraries.
- (5) Artist Studio.
- (6) Auto parts & supply.
- (7) Auto repair/body shop.
- (8) Auto service center (TBA).
- (9) Bakery (retail only).
- (10) Bakery (wholesale/commercial).
- (11) Banks/savings and loans and credit unions.
- (12) Bar/tavern.

- (13) Barber/beauty shops.
- (14) Bicycle shop (sales/rental).
- (15) Boat sales/service.
- (16) Books/stationery store.
- (17) Business services.
- (18) Camera/photo supply store.
- (19) Catalog center.
- (20) Churches.
- (21) Clothing/accessory store.
- (22) Colleges/University.
- (23) Commercial art gallery.
- (24) Community service organization.
- (25) Computer sales/services.
- (26) Construction supply sales and service.
- (27) Convenience store, to include gasoline sales as defined.
- (28) Convention center.
- (29) Department stores.
- (30) Drive-in/carryout restaurant.
- (31) Drive-up automated bank teller.
- (32) Drug store/health care supplies.
- (33) Dwelling units above the first floor.
- (34) Flower/garden/store/commercial greenhouse.
- (35) Full-service car wash.
- (36) Furniture upholstery/repair.
- (37) Furniture/home furnishing.

- (38) Gas station.
- (39) General offices.
- (40) Gift/souvenir shop.
- (41) Governmental buildings and uses.
- (42) Grocery store.
- (43) Hardware store.
- (44) Hospitals, to include private ambulance service.
- (45) Hotels.
- (46) Indoor theatre.
- (47) Jewelry store.
- (48) Laundromat.
- (49) Laundry/dry cleaners.
- (50) Local shopping center.
- (51) Lumber yards/building materials sales.
- (52) Mail order houses.
- (53) Medical clinic.
- (54) Medical office.
- (55) Medical/dental lab.
- (56) Mortuary/funeral home.
- (57) Motel.
- (58) Motorcycles sales and service.
- (59) Movie rentals and sales.
- (60) Music store (sales/service/rental).
- (61) New Auto Sales/Service and Accessory Used Auto Sales contiguous to new auto sales.

- (62) Nursery school/day care in accordance with Missouri State licensing requirements.
- (63) Office supply.
- (64) Off-street parking lot.
- (65) Outpatient care facility.
- (66) Parking structures.
- (67) Personal services.
- (68) Pet shop.
- (69) Photographic studio.
- (70) Printing/publishing.
- (71) Public or private park, golf courses, or similar natural recreation areas.
- (72) Radio/television, etc. (sales/service).
- (73) Railroads and public or quasi-public utilities including substations.
- (74) Recreational vehicles sales/services.
- (75) Refrigeration equipment/supply.
- (76) Rental/self-storage.
- (77) Schools of private instruction.
- (78) Self-service car wash.
- (79) Service station.
- (80) Sewing/fabric store.
- (81) Shoe repair.
- (82) Shoe store.
- (83) Sit down restaurant.
- (84) Sporting goods (sales/rental).
- (85) Supermarket.

- (86) Tailoring/alterations.
- (87) Toy/hobby shop.
- (88) Truck sales/service and repair.
- (89) Upholstery shop.
- (90) Vehicle rental
- (91) Vending/game machine sales/service.
- (92) Vocational school.

(Ord. #6245, 11/25/2008)

(C) Accessory Permitted Uses: The following uses shall be permitted as an accessory use as provided in Section 31-20 of the Ordinance.

- (1) Any use customarily incidental and subordinate to the principal use it serves.
- (2) Recycling collection point as outlined in 31-20 (D).

(D) Conditional Permitted Uses: The following conditional uses may be permitted in the C-2 District, subject to the permit provisions of this Ordinance upon approval by the Board of Aldermen of a conditional use permit:

- (1) Adult-oriented entertainment. See Chapter 2A of the Grandview Code of Laws.
- (2) Outdoor recreation/outdoor amusement center provided that:
 - (a) Hours of operations shall be limited from 8:00 a.m. to 12:00 midnight unless further limited by the Board of Aldermen.
 - (b) The parking group requirement can be met.
- (3) Residential or outpatient treatment facilities for treatment of alcohol or drug abuse.
- (4) Pawn Shops - See Chapter 13.1 of the Code of Laws for distance separations.
- (5) The following Conditional Uses shall not be located within 1,500 feet of any other such Conditional Use, measured in a straight line from the closest exterior wall of the first structure containing such use to the exterior wall of the second structure to contain such use:

- (a) Check Cashing Establishments, Consumer Credit Loan Businesses, Title Loan Businesses and Section 500 Companies. *(Ord. # 5796, 07/27/04)*
- (b) Used Auto sales/service.
- (c) Tattoo parlors and body piercing.
- (6) Oil and gas wells.
- (7) Wholesale sales/distributor.
- (8) Indoor amusement centers provided that:
 - (a) Hours of operation shall be limited by the Board of Aldermen.
 - (b) The parking group requirements, including the provision for handicapped accessible parking, must be met.
- (9) Indoor recreational facilities provided that:
 - (a) Hours of operation shall be limited by the Board of Aldermen.
 - (b) The parking group requirements, including the provision for handicapped accessible parking, must be met.
- (10) Outdoor recreational facilities provided that:
 - (a) Hours of operation shall be limited by the Board of Aldermen.
 - (b) The parking group requirements, including the provision for handicapped accessible parking, must be met.
 - (c) The lighting system meets all City requirements.
 - (d) Noise levels must be in compliance with all City ordinances, regulations and the Code of Laws.

(Ord. #6245, 11/25/2008)

(E) Temporary Uses: The following uses shall be permitted as temporary uses in the C-2 District in accordance with Section 31-5 (E) of this Ordinance.

- (1) Any use listed as a permitted use within the district of a limited duration as established in Section 31-5 (E) and as defined in Section 31-3 of this Ordinance.
- (2) Carnivals, circuses and community special events.
- (3) Concrete batch plants together with related accessory uses and storage.

(Ord. #6250, 12/09/2008)

(F) Performance Standards:

- (1) Outside display of merchandise for sale to the public shall be permitted in the front yard only provided it does not interfere with the area utilized for the off-street parking of vehicles. Additionally, outside display of merchandise shall not be placed upon the right-of-way.
- (2) Outside storage may be permitted in any side or rear yard only, provided it does not interfere with the area utilized for off-street parking of vehicles and it does not impede upon the right-of-way. However, if any side of an outside storage area can be viewed from any angle from:
 - (a) 71 Highway or its frontage roads.
 - (b) Blue Ridge Boulevard Extension.
 - (a) Main-Street-Highgrove Road corridor.
 - (b) any abutting office or residential district.

then said storage area shall be permanently screened from said rights-of-way or said district to (100%) opacity and to a minimum of six (6) feet in height in accordance with the screening types as set forth in Section 31-23(F)(2)(d) of this Ordinance. Said storage areas may be gravel surfaced, except that all vehicle travel areas within said storage area shall be a minimum of chip and seal. Additionally, private driveways exiting directly onto a public street which provide access to such storage lots/areas shall be permanently surfaced with either asphaltic concrete or portland cement concrete.

- (3) Exterior lighting shall be provided for sidewalks and areas of pedestrian circulation and for off-street parking areas providing space for five (5) or more vehicles which spaces are normally used during the hours of darkness after 6:00 p.m. The lighting fixtures shall provide at least an average of one-fourth (0.25) foot candle over the entire parking lot area, measured on the ground surface and shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic upon any public street.

(G) Bulk Regulations:

C-2 DISTRICT BULK REGULATIONS	Lot Area in Sq. Ft. x 1000	Lot Width in Feet	Lot Coverage As % of Lot Area	SETBACKS* (in feet)			Bldg. Height In Feet
				Front Yard	Rear Yard	Side Yard	
PERMITTED USES							
ALL PERMITTED USES				15	10++	10++	75
CONDITIONAL USES							
ALL OTHER CONDITIONAL USES				15	10++	10++	75

- 1. See Building Codes for additional standards on setbacks.

++ Except where abutting a Residential or Office District, then twenty foot (20') setback is required.

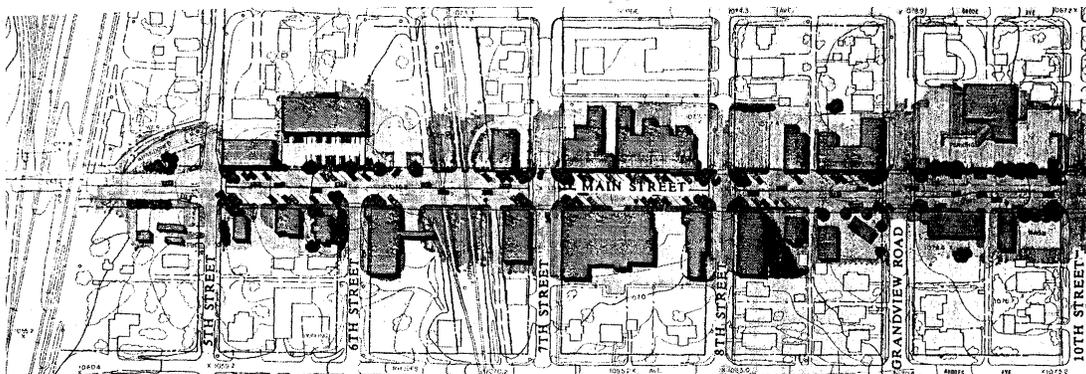
(H) Parking Requirements: See Section 31-22 of this Ordinance.

(I) Signs: See Section 31-24 of this Ordinance.

(J) Landscaping and Screening Requirements: See Section 31-23 of this ordinance.

31-15 C-3, DOWNTOWN COMMERCIAL DISTRICT.

(A) Intent. The C-3 District is intended for a very limited downtown business core. The development within this business core shall be encouraged by permitting a wide variety of uses and very liberal bulk regulations and parking requirements. All commercial development within this district is encouraged to comply with Section 31-25(J), Commercial and Industrial Building Appearance Guidelines, and Section 31-25(K), Commercial and Industrial Building Landscaping and Screening Guidelines.



(B) Principal Permitted Uses: The following uses shall be permitted in the C-3 District:

- (1) Animal hospital/clinic.
- (2) Appliance sales/service.
- (3) Art galleries, museums, and, libraries.
- (4) Artist studio.
- (5) Auditoriums/assembly halls.
- (6) Auto parts/supply.
- (7) Auto repair/body shop.
- (8) Auto sales/service.

- (9) Auto service center(tires, batteries, accessories).
- (10) Automated bank teller.
- (11) Bakery (retail only).
- (12) Banks/savings and loans and credit unions.
- (13) Barber/beauty shops.
- (14) Bicycle shop (sales/rental).
- (15) Books/stationery shop.
- (16) Business services.
- (17) Business/secretarial school.
- (18) Camera/photo supply store.
- (19) Carry-out restaurant.
- (20) Catalog center.
- (21) Churches.
- (22) Clothing/accessory store.
- (23) College/university.
- (24) Commercial art gallery.
- (25) Computer sales/service.
- (26) Convenience store, to include gasoline sales as defined.
- (27) Department stores.
- (28) Drug store/health care supplies.
- (29) Dwelling units above first floor only.
- (30) Flower/garden store/commercial greenhouse.
- (31) Furniture upholstery/repair.
- (32) Furniture/home furnishing.

- (33) Gas station.
- (34) General offices.
- (35) Gift/souvenir shop.
- (36) Governmental buildings and uses.
- (37) Grocery store.
- (38) Hardware store.
- (39) Hotels.
- (40) Indoor theatre.
- (41) Jewelry store.
- (42) Laundry/dry cleaners.
- (43) Mail order houses.
- (44) Medical clinic/office.
- (45) Medical/dental labs.
- (46) Mortuaries and funeral homes.
- (47) Motel.
- (48) Movie rentals and sales.
- (49) Music store (sales/service/rental).
- (50) Nursery school/day care center provided that:
 - (a) Fifty (50) square feet of indoor floor area (excluding halls and bathrooms) and one hundred (100) square feet of fenced recreation space is provided per child.
 - (b) Such facility shall supply loading and unloading of children as not to obstruct public streets or create traffic or safety hazards.
 - (c) All licenses have been issued or have been applied for awaiting the outcome of the Commission's decision.
- (51) Office supply.
- (52) Off-street parking lot

- (53) Outpatient care facilities.
- (54) Parking structures.
- (55) Personal services.
- (56) Pet shop.
- (57) Photographic studio.
- (58) Printing and publishing.
- (59) Public and private/parochial schools approved by the Missouri State Board of Education (K-12).
- (60) Public or private park, golf course or similar natural recreation areas.
- (61) Radio/television (sales/service).
- (62) Railroads and public or quasi-public utilities.
- (63) Refrigeration equipment supply/sales/service.
- (64) Rental, self-storage.
- (65) Schools or private instruction.
- (66) Service station.
- (67) Sewing/fabric store.
- (69) Shoe repair.
- (70) Shoe store.
- (71) Sit down restaurant.
- (72) Sporting goods (sales/rental).
- (73) Supermarket.
- (74) Tailoring/alterations.
- (75) Toy/hobby shop.
- (76) Upholstery shop.
- (77) Vocational school.

(Ord. #6245, 11/25/2008)

(C) Accessory Permitted Uses: The following use shall be permitted as an accessory use as provided in Section 31-20 of this Ordinance:

- (1) Any use customarily incidental and subordinate to the principal use it serves.
- (2) Recycling collection point as outlined in Section 31-20.

(D) Conditional Permitted Uses: The following conditional uses may be permitted in the C-3 District, subject to the permit provisions of this Ordinance upon approval by the Board of Aldermen of a conditional use permit:

- (1) Bar/Tavern.
- (2) Community service organization.
- (3) Indoor Warehouse/Storage, provided that no loading spaces are located on the front of the building.
- (4) Residential or outpatient treatment facility for treatment of alcohol or drug abuse.
- (5) Indoor amusement centers provided that:
 - (a) Hours of operation shall be limited by the Board of Aldermen.
 - (b) The parking group requirements, including the provision for handicapped accessible parking, must be met.
- (6) Indoor recreational facilities provided that:
 - (a) Hours of operation shall be limited by the Board of Aldermen.
 - (b) The parking group requirements, including the provision for handicapped accessible parking, must be met.

(Ord. #6245, 11/25/2008)

(E) Temporary Uses: Use shall be permitted as a temporary use in the C-3 District as provided for in Section 31-5(E) of this Ordinance. *(Ord. #6116, 08/28/2007)*

(F) Performance Standards:

- (1) Outside display of merchandise for sale to the public shall be permitted in the front yard only, provided it does not interfere with any area utilized for the off-street parking of vehicles. Additionally, outside display of merchandise shall not

be placed upon the right-of-way. It is recognized, however, that due to the unique nature of the C-3, Downtown Commercial District and the limited front yard area, it leaves only room for outside display of merchandise on the sidewalk as a part of the right-of-way. In such cases, outside display may be temporarily located on the sidewalk but only for a limited duration for special events and only after approval from the Director of Community Development.

- (2) Outside storage may be permitted in any side or rear yard only, provided it does not interfere with any area utilized for off-street parking of vehicles and it does not impede upon the right-of-way. However, if any side of an outside storage area can be viewed from any angle from:
 - (a) 71 Highway or its frontage roads.
 - (b) Blue Ridge Boulevard Extension.
 - (c) Main Street-Highgrove Road corridor.
 - (d) any abutting office or residential district.

then said storage area shall be permanently screened from said rights-of-way or said district to one hundred percent (100%) opacity and to a minimum of six (6) feet in height in accordance with the screening types as set forth in Section 31-23(F)(2)(d) of this Ordinance. Said storage areas may be gravel surfaced, except that all vehicle travel areas within said storage area shall be a minimum of chip and seal. Additionally, private driveways exiting directly onto a public street which provide access to such storage lots/areas shall be permanently surfaced with either asphaltic concrete or portland cement concrete.

- (3) Exterior lighting shall be provided for sidewalks and areas of pedestrian circulation and for off-street parking areas providing space for five (5) or more vehicles which spaces are normally used during the hours of darkness after 6:00 p.m. The lighting fixtures shall provide at least an average of one fourth (0.25) foot candle over the entire parking lot area, measured on the ground surface and shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic upon any public street.

(G) Bulk Regulations:

C-3 DISTRICT BULK REGULATIONS	Lot Area in Sq. Ft. x 1000	Lot Width in Feet	Lot Coverage As % of Lot Area	SETBACKS* (in feet)			Bldg. Height In Feet
				Front Yard	Rear Year	Side Yard	
PERMITTED USES							
ALL PERMITTED USES				0++	0++	0++	45
CONDITIONAL USES							
ALL OTHER CONDITIONAL USES				0++	0++	0++	45

- 1. See Building Codes for additional restrictions of setbacks.

++ Except where abutting a Residential or Office District, then twenty foot (20') setback is required.

(H) Parking Requirements: Due to the unique character of the downtown commercial area, the C-3 district is exempt from the provisions of off-street parking. However, off-street loading space shall be provided in accordance with Section 31-22 of this Ordinance.

(I) Signs: See Section 31-24 of this Ordinance.

(J) Landscaping and Screening Requirements: See Section 31-23 of this Ordinance.

31-16 CS, COMMERCIAL SERVICE AND WHOLESALE DISTRICT.

(A) Intent. The CS District is intended to provide areas for a variety of business services, office uses, limited industrial activity and major wholesale operations. All commercial development within this district is encouraged to comply with Section 31-25(J), Commercial and Industrial Building Appearance Guidelines, and Section 31-25(K), Commercial and Industrial Building Landscaping and Screening Guidelines.



(B) Principal Permitted Uses: The following uses shall be permitted in the CS District:

- (1) Agricultural supply/service.
- (2) Animal hospital/clinic.
- (3) Appliance Sales/service.
- (4) Auto parts and supply.
- (5) Auto repair/body shop.
- (6) New Auto Sales/Service and Accessory Used Auto Sales contiguous to new auto sales.
- (7) Auto service centers.
- (8) Bakery (wholesale/commercial).
- (9) Boat sales and service.
- (10) Business services.
- (11) Catalog center.
- (12) Churches.
- (13) Cold storage/locker plant.

- (14) Contractor's shop/storage yard.
- (15) Construction supply sales and service.
- (16) Convenience store, to include gasoline sales as defined.
- (17) Drive-up automated bank teller.
- (18) Engine/motor sales, service and repair.
- (19) Farm implement sales and service.
- (20) Flower/garden store/ commercial greenhouse.
- (21) Full-service car wash.
- (22) Furniture/home furnishing.
- (23) Furniture upholstery/repair.
- (24) Gas station.
- (25) General offices.
- (26) Governmental buildings and uses.
- (27) Ice dealers and manufacturing.
- (28) Landscaping services to include commercial nursery or greenhouse.
- (29) Lumber yard/building material sales.
- (30) Mail order house.
- (31) Medical/dental lab.
- (32) Mortuary/funeral home.
- (33) Motorcycle sales/service.
- (34) Moving/storage facilities.
- (35) Office supply.
- (36) Off-street parking lot.
- (37) Packaged liquor sales.
- (38) Parking structures.

- (39) Personal services.
- (40) Printing/publishing.
- (41) Public or private park, golf courses, or similar natural recreation areas.
- (42) Railroads and public or quasi-public utilities including substations.
- (43) Radio, television, etc. sales/service.
- (44) Recreational vehicles sales and service.
- (45) Refrigeration equipment and supply sales/service.
- (46) Rental/self-storage.
- (47) Research/engineering laboratory (not omitting odors or noxious fumes).
- (48) Self service car wash.
- (49) Service station.
- (50) Tailoring/alterations.
- (51) Truck sales/service and repair.
- (52) Upholstery shop.
- (53) Vehicle rental.
- (54) Vending/games machines sales/service.
- (55) Warehousing/storage facilities, both indoor and outdoor (if outdoor, see Screening Requirements, Section 31-23 of this Ordinance).
- (56) Welding services.
- (57) Wholesale sales/distributor.

(Ord. #6245, 11/25/2008)

(C) Accessory Permitted Uses: The following uses shall be permitted as an accessory use as provided in Section 31-20 of this Ordinance:

- (1) Any use customarily incidental and subordinate to the principal.
- (2) Recycling collection point as outlined in Section 31-20.

(D) Conditional Permitted Uses: The following conditional uses may be permitted in the CS District, subject to the permit provisions of this Ordinance upon approval by the Board of Aldermen of a conditional use permit:

- (1) Freight transfer facilities.
- (2) Machine shop.
- (3) Manufacture, assembly, repair or storage of electrical and electronic products, components, or equipment.
- (4) Manufacture or assembly of musical instrument, toys, watches, or clocks, medical, dental, optical, or similar scientific instruments, orthopedic or medical appliances, and signs or billboards.
- (5) Manufacturing, compounding, assembly or treatment of articles or products from the following substances: clothing or textiles, rubber, precious or semiprecious stones or metals, wood, plastics, paper, leather, fiber, glass, hair, wax, sheet metal, feathers, fur, and cork.
- (6) Pawn Shops (See Chapter 13.1 for distance separations).
- (7) The following Conditional Uses shall not be located within 1,500 feet of any other such Conditional Use, measured in a straight line from the closest exterior wall of the first structure containing such use to the exterior wall of the second structure to contain such use:
 - (a) Check Cashing Establishments, Consumer Credit Loan Businesses, Title Loan Businesses and Section 500 Companies. (*Ord. # 5796, 07/27/04*)
 - (b) Tattoo parlors and body piercing.
 - (c) Used Auto Sales/Service.
- (8) Residential or outpatient facility for treatment of alcohol or drug abuse.
- (9) Tool, die and pattern making.
- (10) Oil and gas wells.
- (11) Indoor recreational facilities provided that:
 - (a) Hours of operation shall be limited by the Board of Aldermen.
 - (b) The parking group requirements, including the provision for handicapped accessible parking, must be met.
- (12) Outdoor recreational facilities provided that:

- (a) Hours of operation shall be limited by the Board of Aldermen.
- (b) The parking group requirements, including the provision for handicapped accessible parking, must be met.
- (c) The lighting system meets all City requirements.
- (d) Noise levels must be in compliance with all City ordinances, regulations and the Code of Laws.

(Ord. #6245, 11/25/2008)

(E) Temporary Uses: The following use shall be permitted as a temporary use in the CS District in accordance with Section 31-5(E) of this Ordinance:

- (1) Concrete batch plants together with related accessory uses and storage.
(Ord. #6250, 12/09/2008)

(F) Performance Standards:

- (1) Outside display of merchandise for sale to the public shall be permitted in the front yard only, provided it does not interfere with the area utilized for the off-street parking of vehicles. Additionally, outside display of merchandise shall not be placed upon the right-of-way.
- (2) Outside storage may be permitted in any side or rear yard only, provided it does not interfere with any area utilized for off-street parking of vehicles and it does not impede upon the right-of-way. However, if any side of an outside storage area can be viewed from any angle from:
 - (a) 71 Highway or its frontage roads.
 - (b) Blue Ridge Boulevard Extension.
 - (c) Main Street-Highgrove Road corridor.
 - (d) any abutting office or residential district.

then, said storage area shall be permanently screened from said rights-of-way or said district to 100% opacity and to a minimum of six (6) feet in height in accordance with the screening types as set forth in Section 31-23(F)(2)(d) of this Ordinance.

Said storage areas may be gravel surfaced, except that all vehicle travel areas within said storage area shall be a minimum of chip and seal. Additionally, private driveways exiting directly from a public street which provide access to such storage lots/areas shall be permanently surfaced with either asphaltic concrete or portland cement concrete.

- (3) Exterior lighting shall be provided for sidewalks and areas of pedestrian circulation and for off-street parking areas providing space for five (5) or more

vehicles which spaces normally used during the hours of darkness after 6:00 p.m. The lighting fixtures shall provide at least an average of one-fourth (0.25) foot candle over the entire parking lot area, measured on the ground surface and shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic upon any public street.

(G) Bulk Regulations:

CS DISTRICT BULK REGULATIONS	Lot Area in Sq. Ft. x 1000	Lot Width in Feet	Lot Coverage As % of Lot Area	SETBACKS* (in feet)			Bldg. Height In Feet
				Front Yard	Rear Year	Side Yard	
PERMITTED USES							
ALL PERMITTED USES				15	10++	10++	40
CONDITIONAL USES							
ALL OTHER CONDITIONAL USES				15	10++	10++	40

1. See Building Codes for additional standards on setbacks.

++ Except where abutting a Residential or Office District, then twenty foot (20') setback is required.

(H) Parking Requirements: See Section 31-22 of this Ordinance.

(L) Signs: See Section 31-24 of this Ordinance.

(J) Landscaping and Screening Requirements: See section 31-23 of this Ordinance.

31-17 I-1, LIGHT INDUSTRIAL DISTRICT.

(A) Intent. This district is intended to provide for ~~any~~ manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors; and subject to such regulatory controls as will reasonably insure compatibility in this respect. All development within this district is encouraged to comply with Section 31-25(J), Commercial and Industrial Building Appearance Guidelines, and Section 31-25(K), Commercial and Industrial Building Landscaping and Screening Guidelines.



(B) Principal Permitted Uses: The following uses shall be permitted in the I-1 District:

- (1) Agricultural supply sales/service.
- (2) Animal hospital/clinic.
- (3) Auto repair/body shop.
- (4) Auto Service Center.
- (5) Bakery (wholesale/commercial).
- (6) Boat Sales/Service.
- (7) Business services.
- (8) Churches.
- (9) Cold storage/locker plants.
- (10) Compounding, processing, and packaging of chemical products, but not including highly flammable or explosive or recognized hazardous materials.

- (11) Contractor's shop/storage yard.
- (12) Construction supplies sales/service.
- (13) Crop and fruit farming.
- (14) Engine/motor sales/service/repair.
- (15) Equestrian riding academy or stables.
- (16) Farm implement sales/service/repair.
- (17) Flower/garden store/commercial greenhouse.
- (18) Freight transfer facilities.
- (19) Full-service car-wash.
- (20) Furniture upholstery repair.
- (21) General offices.
- (22) Ice dealers and manufacturing.
- (23) Kennels.
- (24) Landscaping services to include commercial nursery.
- (25) Lumber yards/building materials sales.
- (26) Machine Shop.
- (27) Mail order houses.
- (28) Medical/dental lab.
- (29) Manufacturing, assembly, repair or storage of electrical and electronic products, components, or equipment.
- (30) Manufacturing or assembly of musical instruments; toys watches or clocks; medical, dental, optical, or similar scientific instruments; orthopedic or medical appliances; signs or billboards.
- (31) Manufacturing, compounding, assembly or treatment of articles or products from the following substances: clothing or textiles; rubber; precious or semi-precious stones or metals; wood; plastics; paper; leather; fiber; glass; hair; wax; sheet metal; feathers; fur; and cork.

- (32) Moving/storage facilities.
- (33) Off-street parking lot.
- (34) Outdoor recreation facilities.
- (35) Parking structure.
- (36) Printing and publishing.
- (37) Public or private park, golf course, or similar outdoor recreational areas.
- (38) Railroads and public or quasi-public utilities including substations.
- (39) Recreational vehicles sales/service.
- (40) Refrigeration/equipment supply sales/service.
- (41) Research/engineering laboratory.
- (42) Self-service car-wash.
- (43) Tow lot.
- (44) Tool, die, and patternmaking.
- (45) Truck sales, service, and repair.
- (46) Upholstery shop.
- (47) Vehicle rental.
- (48) Vending/game machine sales/service.
- (49) Vocational school.
- (50) Warehousing/storage facilities, both indoor and outdoor. (If outdoor, see Screening Requirements, Section 31-23 (F)(2) of this Ordinance).
- (51) Welding services.
- (52) Wholesale sales/distributor.

(C) Accessory Permitted Uses: The following use may be permitted as an accessory use as provided in Section 31-20 of this Ordinance.

- (1) Any use customarily incidental and subordinate to the principal use it serves including office and incidental retail sales.

- (2) Recycling collection point as outlined in Section 31-20.

(D) Conditional Permitted Uses: The following conditional uses may be permitted in the I-1 District, subject to the permit provisions of this ordinance upon approval by the Board of Aldermen of a conditional use permit. Additionally, each of the following conditional uses shall be approved only if the parking group requirements can be met and if such activities or operations from such use do not cause earth vibration, emit smoke, particulate matter and gases or odor, involve noise or glare in violation of City Codes and other applicable regulations beyond the lot line of the lot on which the operation is located.

- (1) Amusement parks and fairgrounds.
- (2) Crematoriums.
- (3) Dog/horse racing track.
- (4) Manufacture or processing of the following materials: acid, lime or lime products, celluloid or cellulose products, detergent, and ammonia or chlorine.
- (5) Manufacture, storage or processing of the following products or materials: glue, structural steel and foundry products, fertilizer, pharmaceutical products, soapy products, and stone products.
- (6) Packing and processing of meat, dairy or food products, not including slaughterhouses or stockyards.
- (7) Stadiums, athletic fields, sports arenas.
- (8) Residential or outpatient treatment facilities for alcohol and other drug abuse.
- (9) Oil and gas wells.
- (10) Nursery school / day care center, provided that;
 - (a) Fifty (50) square feet of indoor floor area (excluding halls and bathrooms) and one hundred (100) square feet of fenced recreation space be provided per child.
 - (b) The parking group requirements can be met.
 - (c) Such facility shall supply loading and unloading of children so as not to obstruct public streets or create traffic or safety hazards.
 - (d) All licenses have been issued or have been applied for awaiting the outcome of the Commission's decision.
 - (e) Signage shall be limited to one (1) non-illuminated wall mounted sign not to exceed four (4) square feet in area.

(Ord. #6106, 06/12/2007)

(E) Temporary Uses: The following use shall be permitted as a temporary use in the I-1 District in accordance with Section 31-5(E) of this Ordinance:

- (1) Concrete batch plants together with related accessory uses and storage.
(*Ord. #6250, 12/09/2008*)

(F) Performance Standards.

- (1) Outside display of merchandise for sale to the public shall be permitted in the front yard only provided it does not interfere with the area utilized for the off-street parking of vehicles. Additionally, outside display of merchandise shall not be placed upon the right-of-way.
- (2) Outside storage may be permitted in any side or rear yard only, provided it does not interfere with any area utilized for off-street parking of vehicles and it does not impede upon the right-of-way. However, if any side of an outside storage area can be viewed from any angle from:
 - (a) 71 Highway or its frontage roads.
 - (b) Blue Ridge Boulevard Extension.
 - (c) Main Street-Highgrove Road corridor.
 - (d) Any abutting office or residential district.

then, said storage area shall be permanently screened from said rights-of-way or said district to 100% opacity and to a minimum of six (6) feet in height in accordance with the screening types as set forth in Section 31-23 (F)(2)(d) of this Ordinance.

Said storage areas may be gravel surfaced, except that all vehicle travel areas within said storage area shall be a minimum of chip and seal. Additionally, private driveways existing directly from a public street which provide access to such storage lots/areas shall be permanently surfaced with either asphaltic concrete or portland cement concrete.

- (3) All tow lots and salvage/junk yards, where allowed as either a permitted or conditional use in the I-1 district, shall be permanently screened from view on all sides by a solid fence of 100% opacity to a minimum height of eight (8) feet. No salvage or junk materials shall be visible from a point outside of said fence. Said screening must be surfaced with a minimum of gravel. Additionally, private driveways exiting directly from a public street which provide access to such tow lots and salvage/junk yards shall be permanently surfaced with either asphaltic concrete or portland cement concrete.
- (4) Exterior lighting shall be provided for sidewalks and areas of pedestrian circulation and for off-street parking areas providing space for five (5) or more vehicles which spaces are normally used during the hours of darkness after 6: p.m. The lighting fixtures shall provide at least an average of one-fourth (0.25) foot candle over the entire parking lot area, measured on the ground surface

and shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic upon any public street.

- (5) Off-street parking areas designated for employee/visitor parking in industrial districts that abut a residential district shall provide a solid berm or graded slope of not less than six (6) feet of mean height (as measured from grade level of the parking area) along the abutting zoning district line. Such berms or graded slopes shall contain at least 50% living material and shall be constructed on a grade no greater than 3:1.
- (6) All uses established in an I-1 District shall operate in accordance with the following standards. These standards are the minimum requirements regarding vibration, smoke, odor, noise, glare, wastes, fire hazards, and hazardous materials and may be made more restrictive in the case of conditional use approved through the conditional use process:
- (a) Vibration: No activity or operation shall at any time cause earth vibration perceptible, without instruments, except that vibration caused by blasting conducted in accordance with the requirements of Article VIII, Chapter 11 (as amended) of the Grandview City Code may exceed these limitations.
- (b) Smoke, Particulate Matter and Gases: No activity or operation shall be established which fails to meet the air quality regulations of the Missouri Department of Natural Resources and the United States Environmental Protection Agency.
- (c) Odor: No activity or operation shall cause at any time the discharge of toxic or noxious odor beyond the lot line of the lot on which it is located.
- (d) Noise: No activity or operation shall be carried on which involves noise in violation of regulations as set forth in Chapter 15 (as amended) of the Grandview City Code and shall not exceed a volume of sound inherently or recurrently generated of seventy (70) decibels at the zoning district boundary line.
- (e) Glare: Glare, whether direct or reflected, such as from spot lights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the lot line on which the use is located.
- (f) Wastes:
- Solid Wastes. All solid waste materials, debris, refuse or garbage shall be properly contained in a closed container designed for such purpose. No exterior incineration of trash or garbage is permissible.

Sewage and Liquid Wastes. All liquid wastes shall be discharged in full compliance with appropriate city ordinances and State and Federal laws.

- (g) Fire Hazard: No activity or operation shall be established which fails to meet the City's Fire Code.
- (h) Hazardous Materials: A new or expanding industry must present a list of hazardous materials, if any, intended to be used at the time of the site plan approval process.

(G) Bulk Regulations

I-1 DISTRICT BULK REGULATIONS	Lot Area in Sq. Ft. x 1000	Lot Width in Feet	Lot Coverage As % of Lot Area	SETBACKS* (in feet)			Bldg. Height In Feet
				Front Yard	Rear Yard	Side Yard	
PERMITTED USES							
ALL PERMITTED USES				15++	10++	10++	75
CONDITIONAL USES							
ALL OTHER CONDITIONAL USES				15++	10++	10++	75

(Ord. # 6116, 08/28/2007)

1. See Building Codes for additional standards on setbacks.

++ Except where abutting a residential district, then a minimum fifty foot (50') building setback is required. Additionally, a one hundred foot (100') setback is required for all truck activity to include, but not limited to, truck loading, storage, parking, and maneuvering areas. (See also #5 under Performance Standards.)

(H) Parking Requirements: See Section 31-22 of this Ordinance.

(I) Signs: See Section 31-24 of this Ordinance.

(J) Landscaping and Screening Requirements: In addition to the requirements set forth in section 31-23 (F) of this Ordinance, off-street parking areas designated for employee/visitor parking in industrial districts that abut a residential district shall provide a solid berm or graded slope of not less than six feet (6') of mean height as measured from the average grade level of the parking area along the abutting zoning district line. At least 50% of the total surface of the berm or graded slope shall contain living material. Such berm or graded slope shall be constructed on a grade no greater than 3:1.

As an option, a 6-foot tall solid masonry screen wall may be constructed instead of the berm. The wall face shall be made with a different material or texture over at least 15 percent of the area. Additionally, the wall face shall have a 3-inch minimum recession or projection incorporated into the face over at least fifteen percent (15%) of the wall face.

If the building is set back a minimum of 300 feet from the street right-of-way line, then Type C landscape screening may be used in place of the 6-foot-high berm or solid masonry wall as described herein.

31-18 I-2, HEAVY INDUSTRIAL DISTRICT.

(A) Intent. This district is intended to provide for a heavier type of manufacturing and industrial development as Conditional Uses which, because of physical and operational characteristics, are often objectionable to surrounding uses. The location of these uses shall be acted upon by the Planning Commission to insure compatibility with adjacent land uses. All development within this district is encouraged to comply with Section 31-25(J), Commercial and Industrial Building Appearance Guidelines, and Section 31-25(K), Commercial and Industrial Building Landscaping and Screening Guidelines.



(B) Principal Permitted Uses: The following uses shall be permitted in the I-2 District:

- (1) Uses permitted in I-1, Light Industrial District.

(C) Accessory Permitted Uses: The following uses shall be permitted as an accessory use as provided in Section 31-20 of this ordinance:

- (1) Any use customarily incidental and subordinate to the principal use it serves including office and incidental retail sales.
- (2) Recycling collection point as outlined in Section 31-20.

(D) Conditional Permitted Uses: The following conditional uses may be permitted in the I-2 District, subject to the permit provisions of this Ordinance upon approval by the Board of Aldermen of a conditional use permit. Additionally, each of the following conditional uses shall be approved only if the parking group requirements can be met and if such activities or operations from such use do not cause earth vibration, emit smoke, particulate matter and gases or odor, involve noise or glare in violation of City Codes and other applicable regulations beyond the lot line of the lot on which the operation is located.

- (1) Fuel dealers and manufacturing.
- (2) Grain terminal.
- (3) Junk yards, salvage yards.

- (4) Manufacture, storage or processing of the following products or materials: petroleum products or any flammable liquid, asphalt or concrete products, explosive materials of any type, and recognized hazardous materials.
- (5) Reduction plants, foundries, forges or smelters.
- (6) Residential or outpatient treatment facilities for alcohol and other drug abuse.
- (7) Oil and gas wells.

(E) Temporary Uses: The following use shall be permitted as a temporary use in the I-2 District in accordance with Section 31-5(E) of this Ordinance:

- (1) Concrete batch plants together with related accessory uses and storage.
(Ord. #6250, 12/09/2008)

(F) Performance Standards: Same as the I-1, Light Industrial District.

(G) Bulk Regulations: Same as the I-1, Light Industrial District.

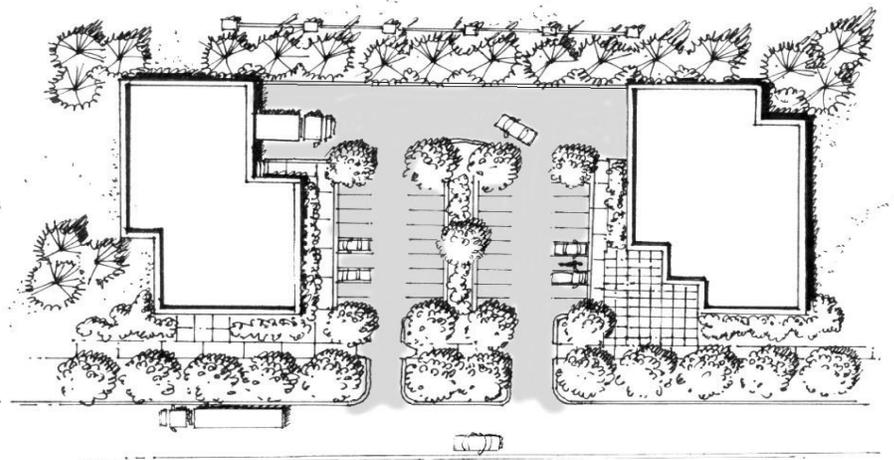
(H) Parking Requirements: See Section 31-22.

(I) Signs: See Section 31-24.

(J) Landscaping and Screening Requirements: Same as the I-1, Light Industrial District.

31-19 PD PLANNED DISTRICT

(A) Intent. The Planned District is intended to encourage flexible and innovative design in the development of mixed use sites through the combination of commercial, office, industrial, and residential uses. These sites are intended to be developed as integrated project units giving special consideration for their development and expansion. The regulations for this district are aimed at providing this special attention while encouraging the flexibility and innovation necessary for mixed use developments. All residential development within this district shall comply with Section 31-25(L), Residential Overlay District Development Guidelines. All non-residential development within this district shall comply with Section 31-25(J), Commercial and Industrial Building Appearance Guidelines, and Section 31-25(K), Commercial and Industrial Building Landscaping and Screening Guidelines. (*Ord. # 6116, 08/28/2007*)



(B) Principal Permitted Uses: The following uses shall be permitted in the PD District, but only as established by the specific ordinance authorizing the PD. In addition, primary uses must account for more than seventy percent (70%) of the total land area of the entire PD development:

- (1) Any use listed as a principal permitted, accessory, and/or conditional use in the R-1A, R-1, R-2, R-3, OS, C-1, C-2, C-3, CS, I-1, and I-2 Districts.

(C) Secondary Permitted Uses: The following secondary uses shall be allowed, but only in conjunction with primary permitted uses provided in the ordinance establishing the PD. Development of secondary permitted uses in conjunction with primary permitted uses shall only be constructed after a minimum of fifty percent (50%) of the primary permitted use development has been completed and may amount for a maximum of thirty percent (30%) of the total land area of the entire PD development:

- (1) Individual zero lot line developments and uses as permitted in (B) (1) above.

(D) Accessory Uses: The following uses shall be permitted as accessory use as provided in Section 31-20 of this Ordinance:

- (1) Any use customarily incidental and subordinate to the principal use it serves except as otherwise limited by the specific ordinance authorizing the establishment of the particular PD.

(E) Procedures for District Development:

- (1) Application and Conceptual Development Plan Submission: Application for district establishment shall be filed, along with the appropriate filing fee, as provided in this Ordinance, with the Department of Community Development. The application shall be accompanied by a Conceptual Development Plan including:

- (a) Written Information

- Legal description and address of property;
- Name, address and phone number(s) of the property owner(s);
- Proposed construction and landscaping schedule indicating the timing and sequence of each development activity;
- Existing and proposed uses for all buildings or structures;
- Total area of property and all structures existing and proposed;
- Present and proposed type and number of parking spaces on the property.

- (b) Graphic Materials

- Complete property dimensions;
- The location, grade, and dimensions of all present and/or proposed streets or other paved surfaces and engineering cross-sections of proposed new curbs and pavement;
- Proposed parking and traffic circulation plan, if applicable, showing location and dimensions of parking stalls, dividers, planters or similar permanent improvements; perimeter screening treatment, including landscaping;
- The submittal shall be a 24" x 36" sheet size;
- Location, size and type of any existing and proposed signs;
- Location and dimensions of all buildings or major structures, both proposed and existing, showing exterior dimensions, number and area of floors, location, number and type of dwelling units, height

of building(s); this shall include sketches of proposed buildings with their general exterior design and materials;

- Existing and proposed contours of the property taken at regular contour intervals not to exceed five (5) feet, or two (2) feet if the Director of Community Development determines that greater contour detail is necessary to satisfactorily make determinations required by this Ordinance.
- The general nature, location, and size of all significant existing natural land features, including but not limited to sidewalks or paths, tree or bush masses, all individual trees over six inches (6") in diameter, grassed areas, surface rock and/or soil features, and all springs, streams, or other permanent or temporary bodies of water;
- A locational map or other drawing at appropriate scale showing the general location and relation of the property to surrounding areas, including, where relevant, the zoning and land use pattern of adjacent properties, the existing street system in the area, location of nearby public facilities.

- (2) Commission Hearing: A public hearing shall be held by the Planning Commission on the application in the same manner and with the same public notice procedure as required for zoning reclassifications.
- (3) Commission Recommendation: The Planning Commission's recommendation shall be transmitted to the Board of Aldermen with a statement of reasons in support of the recommendation. If the recommendation is one of approval, it shall contain recommended conditions or restrictions to be included in an ordinance authorizing the development within the PD district. The conditions or restrictions shall include but not be limited to:
- Time limitations, if any, for submission of final development plans and commencement of construction;
 - Uses permitted in this district;
 - Lot and bulk and performance standards for the development and operation of the permitted uses;
 - Requirement that any transfer of ownership or lease of property in the district include in the transfer or lease agreement a provision that the purchase or lessee acknowledged awareness of the conditions authorizing the establishment of the development.
- (4) Conceptual Development Plan Approval: The Planning Commission shall not approve the Conceptual Development Plan unless and until the Commission determines that such plan conforms to each of the following standards:

- (a) The Conceptual Development Plan is in substantial conformance with the adopted Comprehensive Plan to guide the future growth and development of Grandview;
 - (b) Expansions contemplated by the plan are justifiable and reasonable in light of the projected needs of the institution and the public welfare;
 - (c) The proposed additions or expansion are designed so as to be functionally integrated with the existing institutional facilities, with due regard to maintenance of safe, efficient, and convenient vehicular and pedestrian traffic.
 - (d) The proposed additions or expansions of use are permitted in the district and are not likely to unreasonably interfere with the appropriate use and enjoyment of property in abutting districts;
 - (e) The Conceptual Development Plan will not violate any provision or requirement of this Ordinance;
 - (f) Approval of the Conceptual Development Plan shall be valid for a period of three (3) years, provided that after the first year, if no Final Site Plan has been filed, the Commission or Board of Aldermen may require the resubmission of a Conceptual Development Plan in conformity with the procedures and standards of this section;
 - (g) A limited amount of overall site preparation and grading can be undertaken only after final approval of the conceptual development plan by the Board of Aldermen and the submission and approval of a site grading plan by the Director of Community Development plus any land restoration bond, as may be required. (*Ord. #6116, 08/28/2007*)
- (5) Board of Aldermen Action: Upon receiving the recommendation of the Commission, the Board of Aldermen shall act in the manner provided by law to approve or disapprove the requested development plan. The Board of Aldermen shall adopt an ordinance approving the establishment of the Conceptual Development Plan. The affirmative vote of at least two-thirds of all the membership of the Board of Aldermen shall be necessary to approve the Conceptual Development Plan when the Commission has recommended disapproval thereof, or to remove any conditions, requirements, or limitations imposed by the Commission in approving the Conceptual Development Plan.
- Any subsequent changes to the Conceptual Development Plan following the initial approval will also require the affirmative vote of at least two-thirds of all the membership of the Board of Aldermen to override the recommendation of the Planning Commission.
- (6) Submission of Final Site Development Plan: After passage of the ordinance authorizing the establishment of a Conceptual Development Plan by the Board of Aldermen, the applicant shall submit final site development plans to the

Director of Community Development within the period of time, if any, specified in said ordinance. The plans shall include detailed information as required of a final site plan for adequate consideration of the Plans. The Director of Community Development will judge the Final Site Development Plan for its conformance with the approved Conceptual Development Plan, and if found to be in conformance with said plan the issuance of building permits shall be permitted. Following approval of the Final Site Development Plan, no construction may take place except in substantial conformance with such Plan. If the project is phased, then each phase would be considered on its own merit and be evaluated on the specific ordinance requirements establishing the district. The plans shall satisfy the subdivision regulations and other pertinent City ordinances where applicable.

(7) Development According to Final Plan:

- (a) Site Development Plan Review No building permit shall be issued on any site unless a site plan has been submitted and approved in accordance with the provisions of Section 31-21 and unless such site plan conforms with the conditions of the adopted Conceptual Development Plan.
- (b) Construction of Improvements or Posting of Bond No buildings may be erected and no uses may occupy any portion of the district until the required related off-site improvements are constructed or appropriate security as determined by the Planning Commission is provided to insure construction. If the PD is to be developed in phases, all improvements necessary to the proper operation and functioning of each phase even though same may be located outside of the section, must be constructed and installed or appropriate security as determined by the Planning Commission must be provided to insure their construction.
- (c) Time Limitation If substantial construction or development does not begin within the period of time specified in the ordinance authorizing the establishment of the district or in resolutions adopted pursuant thereto, the Board of Aldermen may, on its motion or on a recommendation of the Planning Commission, cause the approved Conceptual Development Plan to become null and void.
- (d) Extension of Time Limitation The time limitation specified in the ordinance authorizing the establishment of the PD for submission of final site development plans and for completion of construction may be extended by the Board of Aldermen upon a showing of good cause.
- (e) Changes from Plan After approval of a final site development plan, changes not inconsistent with the purpose or intent of this section may be approved by the Director of Community Development. Changes affecting the purpose or intent of this section shall require a new petition to be filed.

(Ord. #6116, 08/28/2007)

(F) Lot and Bulk Regulations: Lots, uses and structures shall conform to the lot and bulk standards specifically provided in the ordinance approving a particular Conceptual Development Plan or resolutions adopted pursuant thereto.

(G) District Standards

- (1) **Performance Standards:** All uses established in a Planned District shall operate in accordance with the following performance standards. These standards are minimum requirements and may be made more restrictive in the specific ordinance authorizing the establishment of a particular Planned District or in resolutions adopted pursuant thereto:
 - (a) **Vibration:** No activity or operation shall at any time cause earth vibration perceptible, without instruments, except that vibration caused by blasting conducted in accordance with the requirements of Article VIII, Chapter 11 (as amended) of the Grandview City Code may exceed these limitations.
 - (b) **Smoke, Particulate Matter and Gases:** No activity or operation shall be established which fails to meet the air quality regulations of the Missouri Department of Natural Resources and the United States Environmental Protection Agency.
 - (c) **Odor:** No activity or operation shall cause at any time the discharge or toxic or noxious odor beyond the lot line of the lot on which it is located.
 - (d) **Noise:** No activity or operation shall be carried on which involves noise in violation of regulations as set forth in Chapter 15 (as amended) of Grandview City Code and shall not exceed a volume of sound inherently or recurrently generated of seventy (70) decibels at the zoning district boundary line.
 - (e) **Glare:** Glare, whether direct or reflected, such as from spot lights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the lot line of the lot on which the use is located.
 - (f) **Wastes:**
 - Solid Wastes.** All solid waste materials, debris, refuse or garbage shall be properly contained in a closed container designed for such purpose. No exterior incineration of trash or garbage is permissible.
 - Sewage and Liquid Wastes.** All liquid wastes shall be discharged in full compliance with appropriate city ordinances and State and Federal laws.

- (g) Fire Hazard: No activity or operation shall be established which fails to meet the City's Fire Code.
 - (h) Hazardous Materials: A new or expanding industry must present a list of hazardous materials, if any, intended to be used at the time of the plan approval process.
- (2) Additional Standards: The specific ordinance establishing a particular Conceptual Development Plan or resolutions adopted pursuant thereto may provide additional standards for the design, development, operation and maintenance of uses and structures. These additional standards may include, but are not limited to:
- (a) Control of operations outside of enclosed buildings.
 - (b) Control of lighting and utilities.
 - (c) Provision of landscaping and protection of natural areas.
 - (d) Control of refuse collection areas.
 - (e) Off-street parking and loading requirements. (If not included in the adopting ordinance establishing the specific PD, then a Section 31-22 of this Ordinance shall apply.)
 - (f) Control of signage. (If not included in the adopting ordinance establishing the specific PD, then Section 31-24 of this Ordinance shall apply.)
 - (g) Perimeter screening. (If not including in the adopting ordinance establishing the specific PD, then Section 31-23 of this Ordinance shall apply.)
 - (h) Maintenance provisions/homes association and/or by-laws.
 - (i) All principal permitted, secondary permitted and/or accessory uses shall comply with the underlying zoning district, except as provided for in the approved PD Conceptual Development Plan. (*Ord. # 6116, 08/28/2007*)

(H) Temporary Uses: Uses shall be permitted as temporary uses in the PD in accordance with Section 31-5 (E) of this Ordinance. (*Ord. #6116, 08/28/2007*)

31-20 ACCESSORY USES PERMITTED**(A) In Residential Districts.**

Accessory uses shall be permitted only as specifically authorized within each individual district of this Ordinance. No accessory use shall be deemed to be authorized by this Ordinance unless such use is subordinate to and on the same zoning lot with the principal use in conjunction with which it is maintained.

(B) In All Other Districts.

Accessory uses shall be permitted with or without conditions if the Director of Community Development deems the use customarily incidental and subordinate to the principal use it serves. Such uses within non-residential districts shall comply with the specific bulk regulations listed within the district in which it is located except that the height of accessory uses located on the roof of a building may exceed the district height requirements by a maximum of twenty (20) percent.

(C) Location, Coverage, Setback, and Height of Accessory Uses, Buildings and Structures within Residential Districts:

(1) Location: No accessory use, building, or structure permitted by this Ordinance may be located in a required front yard, except as otherwise specifically authorized. No accessory building and no structure, equipment or material of any kind exceeding six feet (6') in height may be located in a required side yard. If satellite receiving dishes are attached to a roof of a principal building then the height of said structure shall not exceed the highest point of the building on which it is mounted. Roof-mounted satellite receiving dishes shall be limited to six feet (6') in diameter. Ground mounted satellite dishes shall be limited to ten feet (10') in diameter.

(2) Accessory Use/Building Coverage: The lot coverage of permitted accessory uses and/or buildings and the principal building it serves shall be calculated together for the purpose of complying with the specified lot coverage as a percent of lot area for each district. The maximum lot coverage shall not be exceeded within the district in which it is located and in no case shall the permitted accessory building(s) exceed the lot coverage of the principal building it serves.

(3) Accessory Building and Structure Height Limitations: No accessory building or structure permitted by this Ordinance shall exceed one floor level and a height of fifteen feet (15') measured from ground level. In case of wind generators, no rotating or moving portion of the structure shall be closer than eight feet (8') to ground level; a fence, a minimum of four feet (4'), in height, shall be provided no less than eight feet (8') away from said structure regardless of whether or not a perimeter fence is existing.

Further, individually owned residential antennae (not to include satellite receiving dishes) on the roof may be erected to no more than five feet (5') above the height limitation for the specific district in which the structure is to be placed (See Section 31-5 (I) regarding ground-based radio towers).

(4) Side and Rear Yard Setback for Detached Accessory Buildings Structures, and Uses within Residential Districts Where a detached garage is entered from an alley, such garage shall be located no less than six feet (6') from the alley property line. All other permitted accessory buildings or structures shall be located no less than three feet (3') from any side or rear property line. No provision of this Ordinance is intended to supersede easement requirements or regulations.

(5) Residential Dwelling Prohibited in Accessory Buildings No accessory building may be used for residential dwelling purposes at any time.

(D) Recycling Collection Points.

Recycling collection points shall be allowed as an accessory use provided that:

- (1) A site plan has been submitted, reviewed, and approved by the City Site Plan Review Team assuring adequate circulation of traffic, appropriate location of collection point structure, and required screening. The collection enclosure area shall be located on a permanently paved surface.
- (2) All collection depositories shall be screened from public view of adjoining properties or any street right-of-way with a six foot (6') tall, 100% opaque, solid fence or structure.
- (3) Tractor-trailer storage facilities shall have an attendant on site during business hours to receive and properly store recyclable materials.
- (4) Recycling collection depository structures shall be located at least 150 feet from adjacent property zoned or used for residential purposes.
- (5) Reverse vending machines shall be located and/or soundproofed such that noise of operation is imperceptible from the property line of property zoned or used for residential purposes.
- (6) An employee shall be on site during business hours to receive recyclables, maintain recycling collection site in a clean and safe condition, and shall not allow any recyclable materials to blow around the site or adjacent area.
- (7) A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection of recyclables may take place only during regular business hours or between 7 A.M. and 7 P.M., whichever is more restrictive.
- (8) A directional sign indicating the location of the recycling structure shall be no larger than six (6) square feet and shall be located as indicated on the site plan.

The Director of the Department of Community Development may waive or modify any of these requirements as necessary to further benefit the public in general.

(E) Donation Bins

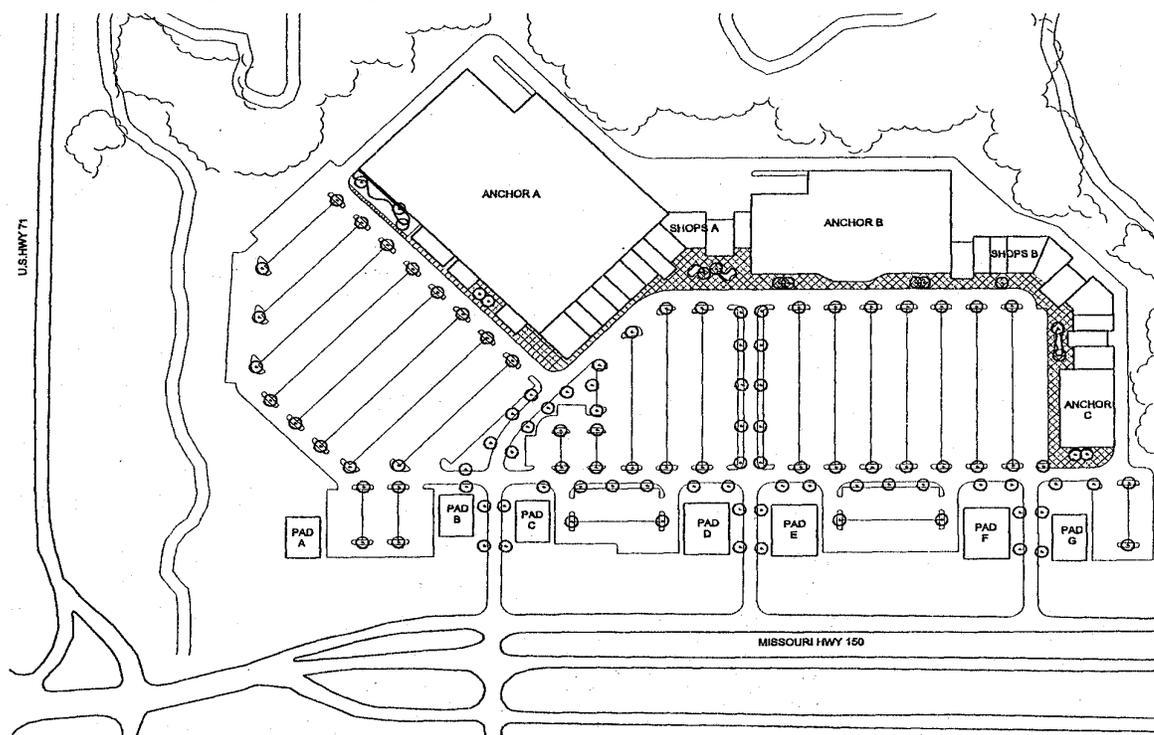
- (1) Intent. These regulations are intended to allow for the small scale collection of used clothing, consumer goods, and other recyclable materials while protecting the health, safety, and welfare of the public. The regulations of this section do not apply to recycling collection points, which are subject to the requirements of Section 31-20 (D).
- (2) Definitions
 - (a) “Donation bin” shall mean any steel or similar portable storage container used in the collection and temporary storage of clothing, shoes, other consumer goods, newspapers and recyclable materials that are intended for re-use or sale.
 - (b) “Recycling collection point” shall mean an accessory use or permanent structure that serves as a drop-off point for recyclable materials, allowing for the temporary storage of such items but not materials processing.
- (3) Permit Required. No donation bins shall be located within the City without a valid permit obtained from the Community Development Director. The Community Development Director shall issue a donation bin permit when an applicant demonstrates the following:
 - (a) The donation bin(s) are owned and maintained by a registered non-profit organization;
 - (b) The donation bin(s) shall conform to the requirements of this Section; and
 - (c) The applicant has the written permission of the property owner to place the bin(s).
- (4) Location. Donation bins are permitted as an accessory use in any zoning districts.
- (5) Location on Parcel. Donation bins shall be placed on a permanently paved surface and shall not be located:
 - (a) Within 50 feet of any public rights-of-way.
 - (b) In any parking or loading areas required to meet minimum site plan requirements.
 - (c) In any residential district, donation bins shall not be located within 50 feet of any property line.
- (6) Performance Standards.

- (a) Size. A donation bin shall not be larger than six feet wide, six feet deep, and seven feet in height.
 - (b) Labeling. Each bin shall be labeled with the name, address, and telephone number of the organization responsible for its placement and maintenance. A copy of the donation bin permit shall be attached to each donation bin.
 - (c) Number. A maximum of three (3) donation bins may be placed on any parcel at a time.
 - (d) Screening. When two or more donation bins are placed on a lot, the donation bins must be screened from adjoining properties and any street right-of-way. Screening shall be to a height of six feet and 100 percent opacity on three sides of the donation bins.
- (7) Non-Conforming Donation Bins. Donation bins that do not conform with the requirements of this section at the time of its adoption shall be removed within sixty (60) days of the adoption of these requirements.

(Ord. #6471, 07/26/2011)

31-21 SITE PLAN REVIEW PROVISIONS**(A) Intent**

The site plan review provisions of this Section are intended to promote the functional and aesthetic development of property. Regulations of this Section are intended to ensure that new structures, utilities, streets, parking, circulation systems, yards and open spaces are developed in conformance with the standards of this Ordinance and the Comprehensive Plan. All site plans for multi-family residential developments will be reviewed within the context of Section 31-25(L), Residential Overlay District Development Guidelines. All site plans for commercial or industrial developments will be reviewed within the context of Section 31-25(J), Commercial and Industrial Building Appearance Guidelines, and Section 31-25(K), Commercial and Industrial Building Landscaping and Screening Guidelines.

**(B) Application, Scope, and Site Work Completion Timing**

No building permit shall be issued, and no construction, grading or other land development activity listed below may be commenced on property unless a Site Plan has been submitted and approved for such activity as set forth in this Section, except pursuant to Section 31-19 of this Ordinance. (*Ord. #6116, 08/28/2007*)

An applicant for site plan review and approval shall be the property owner or developer for the subject site, which may include the holder of an option or contact purchase, or other person having an enforceable proprietary interest.

Development activities subject to the requirements of this Section may hereafter be carried out only in substantial conformance with the approved Site Plan and any conditions or restrictions attached thereto. Any substantial deviation from the approved Site Plan, unless approved in

advance and in writing by the Director of Community Development, shall be deemed a violation of this Ordinance. Further, no certificate of occupancy shall be issued if said development activities do not conform to the approved site plan. However, in such cases where certain development requirements cannot be met immediately due to weather conditions, the Director of Community Development may issue a temporary certificate of occupancy provided that adequate surety for such requirements has been made and a completion date for which such development requirement will be provided. Said completion shall not exceed a period of six months from date of issuance of the temporary certificate of occupancy.

All site plans for multi-family residential developments will be reviewed within the context of Section 31-25(L), Residential Overlay District Development Guidelines. All site plans for commercial or industrial developments will be reviewed within the context of Section 31-25(J), Commercial and Industrial Building Appearance Guidelines, and Section 31-25(K), Commercial and Industrial Building Landscaping and Screening Guidelines.

(C) Development Activities Subject to Site Plan Review

- (1) Construction or expansion of any building structure or free-standing sign.
- (2) Any change, alteration, or modification in a structure or use which would require the provision of additional off-street parking or loading spaces, additional lot area, or other substantial change in zoning requirements applicable to such structure or use.
- (3) The construction, creation or expansion of any parking lot or any change from the approved striping plan of any parking lot.

(D) Administrative Waiver of Site Plan Review -- When Permitted

The Director of Community Development may waive the requirements for Site Plan review for any development activity within the scope of this Section when there is reasonable belief that such a waiver will not adversely affect the purposes and intent of this Ordinance.

(E) Contents of Site Plan -- Graphic

The Site Plan shall be drawn and signed by an architect, engineer, or land surveyor registered in the State of Missouri, and shall contain the seal of the same. The Site Plan shall include one or more appropriately scaled maps or drawings (scale no smaller than fifty foot (50') to the inch) of the property clearly and accurately indicating the following:

- (1) Commercial, Office, Industrial or Multi-Family Residential Developments:
 - (a) Complete property dimensions, area of lot in square feet, and existing easements;
 - (b) The location, grade, and dimensions of all present and/or proposed streets, sidewalks, curbs or other paved surfaces and engineering cross-sections of proposed new curbs and pavement;
 - (c) Complete parking and traffic circulation plan, if applicable, showing location and dimensions of driveways and between driveways, parking

- stalls, drive aisles, dividers, planters or similar permanent improvements; perimeter screening treatment, including landscaping;
- (d) Landscaping plans showing all open areas, including size, location, and type of all plantings, and all sodded and seeded areas in accordance with all landscaping requirements of this Ordinance;
 - (e) Location and full dimensions of all buildings or major structures, both proposed and existing, showing exterior dimensions, exterior materials, and area of floors, location, number and type of dwelling units, height of building(s), distance to all property lines, distance between structures, and dimensions and locations of all loading areas;
 - (f) Location of all trash receptacles and details of enclosure;
 - (g) Type of monuments at each corner of site;
 - (h) Existing and proposed contours of the property taken at regular contour intervals (as per USGS datum) not to exceed five feet (5'), or two feet (2') if the Director of Community Development determines that greater contour detail is necessary to satisfactorily make the determinations required by this Ordinance;
 - (i) The general nature, location, and size of all significant existing natural land features, including but not limited to sidewalks or paths, tree or bush masses, all individual trees over four inches (4") in caliper, grassed areas, surface rock and/or soil features, and all springs, streams, or other permanent or temporary bodies of water; (the developer is encouraged to retain as many existing trees as practicable);
 - (j) A locational map or other drawing at appropriate scale showing the general location and relation of the property to surrounding areas, including, where relevant, the zoning and land use pattern of adjacent properties, the existing street system and driveways in the area and location of nearby public facilities to include the location of all hydrants within 1,000 feet;
 - (k) For sites of one acre or more, a proposed storm water retention/detention system complying with the City's Public Improvements Manual. Design computations shall be submitted separately;
 - (l) Existing and proposed on-site utilities that will serve the site. Sanitary sewer shall show two manholes and location, and elevation of stub, if any, that serves the property;
 - (m) Design guidelines in Section 31-25(L), Residential Overlay District Development Guidelines for residential developments, and in Section 31-25(J), Commercial and Industrial Building Appearance Guidelines,

and Section 31-25(K), Commercial and Industrial Building Landscaping and Screening Guidelines, for commercial and industrial developments.

- (n) Additional graphic information as may be required by the Director of Community Development or other City Agencies to make determinations required by this Ordinance.
- (2) Single-Family and Two-Family Residential Developments:
- (a) Complete lot dimensions and legal description of proposed building sites;
 - (b) Location and full dimension of all buildings, showing exterior dimensions, number and area of floors, elevation of lowest floor to be served by sewer, and distances from property lines;
 - (c) Location of all easements;
 - (d) Location of utilities to serve the lot, to include the location of all existing fire hydrants within 600 feet. Sanitary sewer shall show two manholes and location and elevation of stub, if any, that serves the property;
 - (e) If lot is within a designated FEMA floodplain, all information as required by Section 11A of the Code of Laws of the City of Grandview is to be provided;
 - (f) The elevation of the centerline of the proposed driveway at the top of the street curb, right-of-way line, and garage floor. If no curb exists then the elevation of the edge of pavement shall be shown (Note: refer to City driveway standards);
 - (g) Additional graphic information as may be required by the Director of Community Development or other City Agencies to make determinations required by this Ordinance.

(F) Contents of Site Plan -- Written

All Site Plans shall include a report or narrative containing the following:

- (1) Legal description and address of the property
- (2) Name, address, and phone number(s) of the property owner(s);
- (3) Name, address and phone number(s) of the developer(s) or contractor(s), if different than the owner(s);
- (4) Proposed use(s) for all non-residential buildings or structures;

- (5) Data clearly identifying the following: total number and type(s) of dwelling units on the property; number and type of all structures or buildings, whether residential or non-residential; total area of the property; total floor area of each building; and total landscaped area.
- (6) Proposed landscaping schedule indicating plant types, sizes, number, and timing for installation.
- (7) Proposed construction schedule of all structures and physical improvements indicating the timing and sequence of each major structure and improvement.
- (8) Present zoning classification(s) of the property.
- (9) Present and proposed type, size, and number of parking spaces on the property.
- (10) Submittal of engineering drainage design computations for lots of one (1) acre or more from a professional engineer.
- (11) Exterior lighting shall be provided for sidewalks and areas of pedestrian circulation and for off-street parking areas providing space for five (5) or more vehicles which spaces are normally used during the hours of darkness after 6:00 p.m. The lighting fixtures shall provide at least an average of one-fourth (0.25) foot candle over the entire parking lot area, measured on the ground surface and shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic upon any public street.
- (12) For five (5) or more acre development, submittal of proof of application for storm water discharge permit or proof that a permit is not required.
- (13) A traffic impact study may be required by the Director of Community Development if the proposed development is likely to generate a substantial increase in vehicle trips per day.

(G) Site Development Standards

- (1) Any office, commercial, or industrial structure to be constructed that will abut or be located within five hundred (500) feet of any residential zoning district and any office, commercial, or industrial structure facing or abutting Highway 71, Main Street-Highgrove Corridor, Blue Ridge Extension or located within five hundred (500) feet thereof shall have an exterior finishing as required in Section 6-25 of the Grandview City Code entitled "Building Construction Standards". Said structure shall meet all other applicable City codes and where cases of conflict arise, the most stringent code shall apply.
- (2) The Site Plan must show that a reasonable effort has been made to conserve and protect those natural characteristics that are of some lasting benefit to the site, its environs and the community at large.

- (3) Slopes which exceed ten percent (10%) shall be protected by appropriate measures against erosion, run-off, unstable soil, trees and rocks. Measures shall be taken to stabilize the land surface from unnecessary disruption.
- (4) All uses as required and all off-street parking and loading areas, all rubbish and garbage areas, all outside storage areas and all tow lots and salvage/junk yards shall be screened in accordance with this Ordinance.
- (5) The placement of buildings, structures, fences, lighting and fixtures on each site shall not interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.
- (6) On any corner lot, a visibility triangle shall be provided in which nothing shall be erected, placed, planted or allowed to grow as to materially impede vision from within motor vehicles, over a height of three feet (3') above the average grades of the intersecting property lines, in the area bounded by said lines, and a line joining the points of such property lines at a distance as required from the intersection in accordance with the definition of "sight triangle" as contained in Section 31-3 of this ordinance.
- (7) Adequate illumination of a 0.25 foot candle, measured on the ground surface, shall be provided to parking lots, sidewalks and other areas for vehicular and pedestrian circulation, but shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
- (8) All parking spaces shall be clearly marked by striping or other means acceptable to the Director of Community Development and in accordance with Section 31-21 (H) Parking Lot Design Standards. Parking space markings shall be maintained in conformance with the approved site plan. Signs and pavement markings shall be used as appropriate to control traffic access and egress.
- (9) All areas other than City streets to include commercial and industrial drives designed for vehicular use shall be paved with a minimum of either a six inch (6") rolled stone base over a two inch (2") asphaltic concrete mat, a six inch (6") Portland cement concrete pavement, or other equivalent pavement approved by the Director of Community Development, except that residential driveways serving six (6) or less vehicles may be a minimum of either a four inch (4") rolled stone base with a two inch (2") asphaltic concrete overlay or four inches (4") of portland cement concrete. The paving surface must be so designed and maintained as to allow prompt and effective drainage of natural precipitation. No water drainage across sidewalks shall be allowed.
- (10) Whenever reasonably practical, all utility service transmission systems, including but not limited to water, sewer, natural gas, electrical and telephone lines shall be placed underground.
- (11) All public improvements must conform to the City's Public Improvements Manual. The City Engineer should be contracted for such information.

- (12) If in a designated erosion hazard area, see Section 31-21(K) of this Ordinance.
- (13) In-ground sprinkler systems shall be installed, in and around all landscaping required to be installed by Section 31-23 of this Ordinance, in office, commercial, and industrial districts and residential developments with structures containing three (3) or more dwelling units per building.

(H) Parking Lot Design Standards

STANDARD CARS+

< Angle	⊥ Stall Depth	Aisle Width	Mod. Width
45°	20' (17')	13'	53'
60°	21' (19')	18'	60'
90°	19' (19')	24'	62'

Design Stall = 9' x 19'

() = Stall Depth for Overlap at Center Island

COMPACT CARS+ (see a and b below)

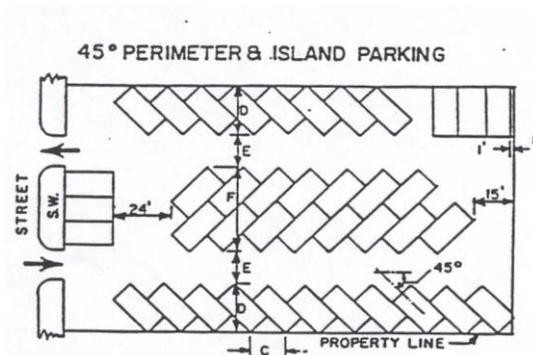
< Angle	⊥ Stall Depth	Aisle Width	Mod. Width
45°	17' (15')	11'	45'
60°	18' (16')	14'	50'
90°	16' (16')	20'	52'

Design Stall = 8' x 16'

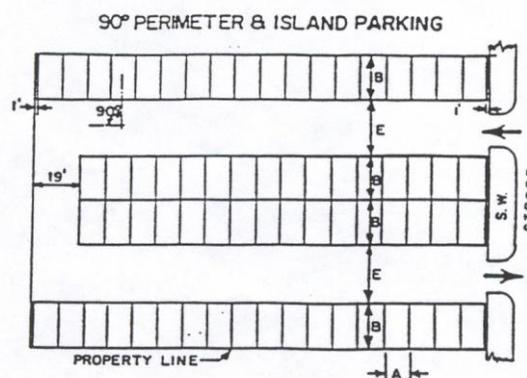
() = Stall Depth for Overlap at Center Island

ALTERNATE COMPACT STANDARDS*+ (see a and b below)

< Angle	⊥ Stall Depth	Aisle Width	Mod. Width
45°	20'	13'	53'
60°	21'	18'	60'
90°	19'	24'	62'



45° PERIMETER & "ISLAND" PARKING		A	8.5'	9'	9.5'	10'
STALL WIDTH	A	8.5'	9'	9.5'	10'	
STALL LENGTH	B	19'	19'	19'	19'	
CURB LENGTH/CAR	C	12'	12.7'	13.5'	14'	
STALL DEPTH	D	19.5'	20'	20'	20.5'	
DRIVEWAY WIDTH	E	13.5'	13'	13'	13'	
ISLAND WIDTH	F	33'	33'	33'	34'	



90° PERIMETER & "ISLAND" PARKING		A	8.5'	9'	9.5'	10'
STALL WIDTH	A	8.5'	9'	9.5'	10'	
STALL LENGTH	B	19'	19'	19'	19'	
DR.-WAY WIDTH	E	25'	24'	24'	24'	

(+) See Section 31-21 (I) for Handicapped Parking Space Requirements.
 (*) Design Stall Width = 7.5' only when compact spaces are being integrated into a lot striped for standard car isle width and stall depth.

- (a) Compact spaces may be allowed if the Director of Community Development determines their inclusion to conform to the overall parking plan, or if the entirety of the parking lot will be used exclusively for employees and assigned spaces shall be designated for compact cars only. Signs indicating such parking lots shall be erected as required by the Director of Community Development.
- (b) For public parking lots, in no case shall more than thirty percent (30%) of the required number of off-street parking spaces be compact car stalls.

(I) Parking Space Standards for Persons with Disabilities.

Parking facilities shall be provided for persons with disabilities according to the following regulations for the exclusive use of vehicles which display a distinguishing license plate or placard issued pursuant to RSMo 301.071 or 301.142, and shall be established in accordance with the following standards.

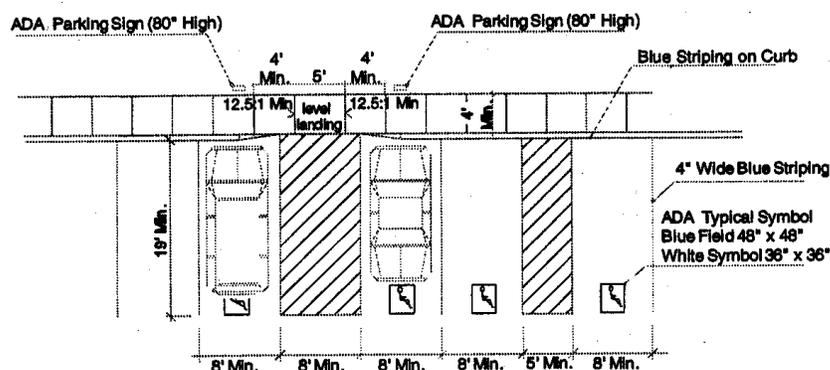
- (1) All free off-street parking facilities shall provide parking for persons with disabilities, except those parking facilities maintained in conjunction with single-family or two-family residential units and owner-occupied townhouse developments where parking is assigned. For industrial establishments, areas set aside exclusively for visitor parking and clearly signed accordingly will be exempted if the number of visitor spaces is ten (10) or less.
- (2) The number of parking spaces required by this section shall be determined in accordance with the following table:

<u>Parking Capacity</u>	<u>Spaces Required</u>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total
1001 & over	20 + 1 for each 100 over 1000

- (3) The parking space be indicated by the posting of a sign upon which shall be the international symbol of accessibility in white on a blue background and which may include appropriate wording to further identify the space. Van accessible spaces shall have an additional sign stating "lift van accessible only" below accessibility symbol.

- (4) Such space be located as close as possible to the nearest accessible entrance, and, if possible, located so that no traffic or parking lane (or other similar obstacle) must be crossed to get from the space to the entrance.
- (5) Such standard accessible spaces shall be a minimum of 8' x 19' in area with an unobstructed 5 foot (5') wide access aisle adjacent to the space. Two such adjoining parking spaces may share an access aisle located between them. Van accessible spaces shall be a minimum of 8' x 19' with an unobstructed 8' wide access aisle adjacent to the space. One (1) of every four (4) accessible spaces, but not less than one (1) space, shall be van accessible. (Ord. #6543, 06/26/2012)

OFFSTREET PARKING REQUIREMENTS
Americans with Disabilities Act



(I) Required Procedures for Site Plan Review

- (1) Applicants for Site Plan Review shall meet with the Site Plan Review Team consisting of the Director of Community Development, City Engineer, Building Official, Planner, and representatives from the Fire Department and Water District, prior to submission of a Site Plan. The purpose of this meeting is to acquaint applicants with site development standards and procedures. This meeting shall also serve to allow the applicant to present the scope and nature of the proposed project to the Site Plan Review Team.
- (2) Following the initial meeting with the Site Plan Review Team, the applicant may submit a completed Site Plan for review. At least eight (8) copies are required of all Site Plan sheets, drawings and written information. (Ord. #6116, 08/28/2007)
- (3) Within fifteen (15) working days of receiving a Site Plan, the applicant shall be notified of any approval, conditional approval or disapproval. In cases of conditional approval or disapproval, written notification shall be given for the reasons of such action.

- (4) The Site Plan Review Team shall review the Site Plan for consistency with City planning policies and objectives and compliance with all applicable regulations and standards.
- (5) Two (2) copies of the approved Site Plan shall be returned to the applicant. Two (2) copies of the approved Site Plan shall remain in the records of the Building Official, and two (2) copies shall remain in the records of the Planner.

(K) Erosion Hazard Areas

In an area designated as an erosion hazard area, detailed engineering plans for the erection of structures, for the removal or fill or storage of topsoil, sand, gravel, or other material shall be reviewed and approved by the City Engineer prior to any work in the area. Approval of any permits in an erosion hazard area shall be issued upon the condition and satisfactory documentation that such action will not have any adverse effect upon surrounding properties, and will be in conformance with local, state, and federal regulations.

31-22 STREET PARKING, STORAGE AND LOADING REGULATIONS**(A) Intent.**

The provisions of this section are intended to apply to uses within all zoning districts of the City of Grandview except the C-3 District. Due to its unique character, the C-3 District shall be exempt from those provisions requiring off-street parking. No such use shall be commenced, expanded, or enlarged in any manner unless the off-street parking and loading provisions of this Section are complied with.

(B) Site Plan Required.

A site plan shall be required for the construction or creation of any parking lot or the expansion of any existing parking lot in accordance with the site plan provisions of Section 31-21 of this Ordinance.

(C) Computation of Off-Street Parking and Loading Requirements.

The following provisions shall govern the computation of required off-street parking and loading spaces:

- (1) Where computation of required off-street parking spaces results in a fractional number, the required spaces for the use shall be the next higher whole number.
- (2) Where more than one use is established on a single lot, the off-street parking and loading requirements for each use established on the lot.
- (3) No building or structure shall be erected or structurally altered, nor shall any land be used, for any purpose, without provision for off-street parking and loading as required by this Section. The provisions of this Section shall not apply to use changes of existing buildings unless such use change would require an increase in the number of parking spaces in excess of twenty percent (20%) of the parking spaces as required for the existing use established in Section 31-22(G) of this Ordinance.

Example of Computations:

- (a) Existing Use: Required to have 20 spaces.
New Use: Required to have 23 spaces.
20% of existing use: 20% of 20 = 4 spaces.

New use may go up to 24 spaces without being required to provide additional spaces.

- (b) Existing Use: Required to have 50 spaces.
New Use: Required to have 75 spaces.
20% of existing use: 20% of 50 = 10 spaces.
New use may go up to 60 spaces before being required to provide additional parking spaces.

New use would be required to provide an additional 25 spaces.

- (4) Units of Measurement. For the purpose of interpreting this Section, the following units of measurement shall apply:
- (a) "Floor area" in the case of offices, merchandising or service types of uses shall mean the gross floor area used, or intended to be used for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes such as storage incidental repair, processing or packaging of merchandise for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilets or rest rooms, for utilities, or dressing rooms, fitting, or alteration rooms.
 - (b) In hospitals, bassinets shall not be counted as beds.
 - (c) In stadiums, sports arenas, churches or other places of assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this Ordinance.

(D) Location of Required Parking and Loading Spaces.

All off-street parking and loading spaces required by this Ordinance shall be located on the same lot as the use for which such spaces are required, with the following additional regulations and exceptions:

- (1) Required off-street parking and/or loading spaces for any use as required in Section 31-22(H) of this Ordinance shall not be located upon any public right-of-way unless specifically authorized and approved by the Director of Community Development.
- (2) Where, within an office, commercial, or industrial district, an increase in the number of off-street parking spaces is required by an alteration, enlargement, or change of a use, the required off-street parking spaces may be located no farther than three hundred feet (300') from the use(s) it serves. Whenever off-street parking is required and cannot be provided within the principal building or on the same lot as the principal building and is located on another parcel or property as owned by the owner of the principal building or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during the lifetime of the use within the principal building. If and when such use would expire, the required off-street parking for a new use within the principal building would be evaluated on its own merit.
- (3) Payment in lieu of parking (reserved for future use).
- (4) Off-street loading spaces may not abut or front on any R-1A, R-1, R-1M, or R-2 Zoning District. Loading spaces for C-1 and C-2 Districts shall be located only on the side or rear of buildings, but not in required yard areas. All other

commercial districts and industrial districts, except as provided herein, may locate loading spaces on the front, side, or rear of buildings but not in required yard areas. Location of loading spaces shall be approved in accordance with the site plan provisions of Section 31-21 of this Ordinance.

(E) Off-Street Loading Space Standards:

- (1) The required number of off-street loading spaces for truck and/or other bulk pick-up or deliveries shall be determined through the site plan review process.
- (2) Such loading and unloading space(s) shall be an area of adequate size for the type of building use as approved by the Director of Community Development and must be able to accommodate vehicles entirely off street rights-of-way. Area for ample turnaround space and maneuvering must be allotted so that all vehicle/truck activity shall be so accommodated to be entirely on-site and without interference with traffic movements either on or off-site. Vehicles shall not be allowed to back onto or off of street rights-of- way.
- (3) The location of off-street loading space(s) for a building must be in accordance with Section 31-22(D) above.
- (4) Such loading space(s) as required by this Section shall be permanently surfaced of either asphaltic concrete or portland cement concrete and have direct access from a permanently surfaced drive of the same. Where turnaround for truck/vehicle traffic is required, such turnaround space must also be permanently surfaced with either asphaltic concrete or portland cement concrete.
- (5) No building or structure shall be erected or structurally altered significantly nor shall any land be used, for any purpose without provision for off-street loading as required by this Section.
- (6) When off-street loading is required, such loading space(s) shall be provided at the time of erection, alteration, establishment, or addition of any building, structure, or use of the land. The timing of such loading requirements may be extended by the Director of Community Development for a period not to exceed six (6) months due to weather conditions provided that adequate surety for such improvements has been made.
- (7) Loading space(s) shall be screened in accordance with Section 31-23.
- (8) Required off-street loading space(s) shall not be used for storage and shall be open for its function at all times.
- (9) The provision of off-street loading space(s) shall be a continuing obligation of the owner of the real estate on which any use is located. It shall be unlawful for an owner of any building or land use activity affected by the off-street loading requirements of this Section to discontinue, reduce, or dispense with (or cause same) the required off-street loading space(s) as established by this Section.

Should an existing building change use, the size of the loading and unloading space(s) shall be re-evaluated as to its adequacy in regard to the new use and thereafter altered as necessary.

- (10) Further, any off-street loading space(s) not required by this Section, but which is voluntarily provided shall observe all requirements of this Section in the development of such loading space(s).

(F) Off-Street Parking and Storage of Vehicles in Residential District

(1) Intent: It is the intent that the provisions of this Section should be narrowly construed so as to prohibit any parking or storage of vehicles on residential lots except as clearly and specifically authorized herein.

The provisions of this Section shall govern the Off-street parking or storage of vehicles as an accessory use to any permitted or residential use. No such accessory off-street parking or storage of vehicles shall be permitted except in conformance with these provisions.

(2) Definitions: The following definitions shall govern the interpretation of this section.

- (a) Parking: The placement on a residential lot of a vehicle for any substantially uninterrupted period of time not exceeding forty-eight (48) hours.
- (b) Storage: The substantially uninterrupted placement on a residential lot of any vehicle for any consecutive period of time exceeding forty-eight (48) hours.
- (c) Unlicensed or inoperable vehicle: See Chapter 23 of the City Codes of the City of Grandview.
- (d) Vehicle: As used in this Section only, a vehicle shall be broadly interpreted to mean any implement of conveyance designed or used for the transportation of people or materials on land, water or air, including but not limited to automobiles, trucks, motorcycles, snowmobiles, boats, airplanes, helicopters, trailers, campers, wagons, etc., but to exclude bicycles. For parking and/or storage of unlicensed or inoperable vehicles, see Chapter 23 of the City Codes of the City of Grandview.
- (e) Passenger car, passenger van, pickup truck, motorcycle, recreational vehicle or recreational equipment: means a vehicle (1) licensed for use on public streets or waterways, (2) designed primarily for the transportation of people, not equipment, freight, or other vehicles, and (3) sold primarily to individuals for personal use. These vehicles shall not be longer than 22 feet, exceed a height of 8 feet, or exceed a width of 8 feet, except recreational vehicles and boats. Included

under this definition are commercial vehicles that mount apparatus including aerial buckets or platforms (e.g., “cherry pickers”), towing booms, welding equipment, and mechanical lifts or arms designed to assist in loading and unloading freight shall be permitted if the base vehicle upon which the apparatus is mounted does not exceed the length of 22 feet, a height of 8 feet, or a width of 8 feet. No more than one (1) commercial vehicle meeting the established size limit may be parked or stored on a residential property. (*Ord. #5883, § 1, 03/22/2005*)

- (3) Off-Street Parking of Vehicles in Residential Districts (to Include Residential Uses in an AG District):
- (a) Location in Required Yard Areas. Off-street parking spaces may be located in the required front, side, and rear yards provided required landscaping and screening as required in Section 31-23(D) and 31-23(E) are met. No more than four (4) total vehicles shall be parked or stored outside of a fully enclosed structure on a single family residential lot or on either side of a two-family residential lot. However, in no case shall off-street parking spaces and driveways be located closer than three feet (3') to any side or rear property line of any residential lot where the principal use or building was established after 1970. In such instances where the principle use or building was established prior to 1971, the driveways may be located closer than three feet (3') to the side or rear property lines. A residential driveway with a maximum of 50' in width is allowed. If a driveway serves a parking area for more than six (6) vehicles, it then is classified as a commercial drive (public improvements manual for City of Grandview) and then shall be required to meet the off-street parking requirements for commercial districts. See Section 31-22 (G) of this section. (*Ord. #5883, §1, 03/22/2005*)
- (b) Surface of Off-Street Parking and Drives. All off-street parking spaces shall be permanently surfaced with either two inches (2") asphaltic concrete over a six-inch rolled stone base or four inches (4") of portland cement concrete. Such parking spaces shall have direct access from permanently surfaced drive of the same materials. Excepted from this provision shall be all non-residential uses in an AG, Agricultural District and all residential uses having more than two acres per dwelling unit in an AG, Agricultural district or PD, Planned District.
- (c) Parking limitations: No person shall park or store a vehicle other than an operable passenger car, passenger van, pickup truck, motorcycle, recreational vehicle, or recreational equipment, as defined in Section 31-22(F)(2), on any public street, private street, or off-street parking space in any residential district, except for a period of no more than two hours when necessary for:
- (1) loading and unloading; or

- (2) the performance of a service to or upon property in the block in which the vehicle is parked.

(4) Off-Street Storage of Vehicles in Residential Districts (to exclude residential uses in an AG District). No more than two (2) vehicles shall be stored outside of an enclosed building anywhere on a residential lot as an accessory use, and said storage shall be in conformance with the standards provided herein. Additionally, the storage of such vehicles must not be in violation of Chapter 23 of the Grandview City Code. (*Ord. # 5765, 05/11/2004*)

- (a) Front Yard Storage Prohibited and Exception. No vehicle shall be stored in the front yard of a residential lot unless it is determined by the Director of Community Development that the side or rear yard is not reasonably accessible, then not more than one (1) vehicle may be stored in a front yard. In no case, however, shall storage in the front yard be located closer than ten feet (10') to the front property line or be located on a required off-street parking space.
- (b) Rear Yard Storage Required, if Accessible: All vehicles shall be stored only in a rear yard, where one exists, except that where no rear yard exists, or where the Director of Community Development determines that an existing rear yard is not reasonably accessible, then not more than one(1) vehicle shall be stored in a side yard, provided that no part of such vehicle may be stored closer than three feet (3') to any side or rear property line.
- (c) Screening Required. Any vehicle stored in a side yard on a residential lot shall be screened on the side to a height of not less than six feet (6'), 100 percent opacity.
- (d) Surface of Storage Areas: All off-street vehicle storage spaces shall be surfaced with gravel, crushed stone, masonry blocks or similar impervious surface to avoid muddy or dusty conditions and an unkept appearance. Off-street vehicle storage spaces located in front yards shall be hard surfaced with asphalt or concrete as required for parking spaces. Such off- street storage areas must be maintained so that they are in compliance with Chapter 23 of the Grandview City Code which regulates refuse, garbage, and weeds.
- (e) Storage of Unlicensed or Inoperable Motor Vehicles. No wrecked, junked or inoperable motor vehicles, or motor vehicles without a valid license tag, shall be stored in any zoning district unless expressly permitted by this Ordinance or unless stored in a completely enclosed building.
- (f) Storage of Snowmobiles, All Terrain Vehicles, and Motorized Dirt Bikes and Race Cars. Snowmobiles, all terrain vehicles and motorized dirt bikes may be stored on a residential lot in conformance with the

standards in this Section 31-22(F)(4). However, said vehicles may only be operated and driven as provided for in an AG, Agricultural District (see Section 31-7 of this Ordinance). Race cars may only be stored in a completely enclosed building. (*Ord. # 5861, 01/25/2005*)

- (g) Storage in Required Parking Spaces Prohibited. Contrary provisions of this Ordinance notwithstanding, no vehicle storage shall be permitted in required parking spaces for any residential dwelling.

(G) Off-Street Parking in Office, Commercial, and Industrial Districts.

(1) Off-Street Parking:

- (a) No building or structure shall be erected or structurally altered significantly nor shall any land be used, for any purpose without provision for off-street parking as required by this Section.
- (b) When off-street parking is required, such parking shall be provided at the time of erection, alteration, establishment, or addition of any building, structure, or use of the land. The timing of such parking requirements may be extended six (6) months due to weather conditions provided that adequate surety for such improvements has been made.
- (c) Required off-street parking spaces shall not be used for storage and shall be open for its function at all times.
- (d) The provision of off-street parking shall be a continuing obligation of the owner of a real estate on which any use is located. It shall be unlawful for an owner of any building or land use activity affected by the off-street parking requirements of this Section to discontinue, reduce, or dispense with (or cause same) the required off-street parking as established by this Section.
- (e) Off-street parking space(s) shall be screened where required with shrubbery that reaches a minimum height of three feet (3') within three (3) growing seasons in accordance with Section 31-23 (E) of the Ordinance.
- (f) The location and size of off-street parking space(s) shall be in accordance with Section 31-21, Site Plan Review Provisions and shall include the provisions of parking for disabled persons.
- (g) Permanently surfaced off-street parking spaces of either two inches (2'') asphaltic concrete overlay over a six inch (6'') rolled stone base or six inches (6'') of portland cement concrete must be provided for each building or use as determined by reference to the table of parking groups (Section 31-22 (H) of this ordinance). Such parking space(s)

shall have direct access from a permanently surfaced drive of the same materials as stated herein.

- (h) Further, any off-street parking space(s) not required by this Section but which is voluntarily provided shall observe all requirements of this Section in the development of such parking space(s).
- (i) Exterior lighting shall be provided for sidewalks and areas of pedestrian circulation and for off-street parking areas providing space for five (5) or more vehicles which spaces are normally used during the hours of darkness after 6:00 p.m. The lighting fixtures shall provide at least an average of one-fourth (0.25) foot candle over the entire parking lot area, measured on the ground surface and shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic upon any public street.

(H) Tables of Off-Street Parking Groups/Land Use vs. Parking Group.

Parking groups are identified in the following table for each use within each district. Where several different property uses will share a joint parking area, the parking requirements shall be computed based upon the combined parking requirements of all such uses on the same property.

(1) Permitted Uses/Off-Street Parking Groups

The following table is to be used to identify the applicable parking group number(s) for the use(s) existing on a specific property. The parking group number(s) shall then be cross-referenced with the “Minimum Off-Street Parking Standards by Parking Group” table in subsection (2) to determine the actual number of parking spaces required.

PERMITTED USES	PKG GRP	PERMITTED USES	PKG GRP
AGRICULTURAL SUPPLY SALES	20	FARM IMPLEMENT SALES/SVS.	40
AMUSEMENT CENTER (INDOOR)	24	FIELD CROPS & FRUIT FARMING	N/A
AMUSEMENT PARKS/FAIR GROUNDS	38	FLOWER/GARDEN STORE/COMM	42
ANIMAL HOSPITAL/CLINIC	24	GREENHOUSE	17
APPLIANCE SALES/SERVICE	28	FOUNDRY/FORGE/SMELTER	45
ARTIST STUDIOS	5	FREIGHT TRANSFER FACILITY	34
ATHLETIC FIELD/STADIUMS	27	FUEL DEALER AND MANUFACTURE	34
AUDITORIUM/ASSEMBLY HALL	21	FURNITURE UPHOLSTERY/REPAIR	19
AUTO PARTS/SUPPLY	41	FURNITURE/HOME FURNISHINGS	28
AUTO REPAIR/BODY SHOP	36	STORE	28
AUTO SALES/SERVICE	39	GAS STATION	19
AUTO SERVICE CENTER (TBA)	35	GENERAL OFFICE	14
BAKERY (RETAIL ONLY)	20	GIFT/SOUVENIR	17
BAKERY (WHOLESALE/COMMERCIAL)	20	GRAIN TERMINAL/ELEVATOR	45
BANKS S&L CREDIT UNION	32	GROCERY STORE	17
BAR/TAVERN	21	GROUP HOME	34
BARBERSHOP/BEAUTY SHOP	16	HARDWARE STORE	17
BICYCLE SHOP SALES/RENTAL	17	HOME IMPROVEMENT STORE	20
BOAT SALES/SERVICE	41	HORSES-STABLING, GRAZING	
BOOK/STATIONERY STORE	17	AND RIDING	N/A
BOWLING ALLEY	38	HORTICULTURE AND FORESTRY	N/A
BUSINESS SERVICES	30	HOSPICE	2
BUSINESS/SECRETARIAL SCHOOL	46	HOSPITALS	47
CAMERA/PHOTO SUPPLY STORE	17	HOTELS	31
CARWASH (FULL SERVICE)	8	HOUSING-ELDERLY, DISABLED,	
CARWASH(SELF SERVICE)	8	HANDICAPPED	3
CATALOG CENTER	24	ICEDEALER & MANUFACTURER	34
CEMETERY,MANSOLEUM, COLUMBARIUM	48	JEWELRY STORE	17
CHURCH	7	JUNK YARD/SALVAGE YARD	45
CLOTHING/ACCESSORY STORE	17	KENNELS	19
COLD STORAGE/LOCKER PLANT	15	LANDSCAPING SVS/NURSERY	33
COLLEGE/UNIVERSITY	46	LAUNDROMAT	24
COMMERCIAL ART GALLERY	17	LAUNDRY/DRY CLEANING	20
COMMUNITY SERVICE ORGANIZATIONS	21	LIVESTOCK & ANIMAL HUSBANDRY	N/A
COMPOUNDING/PROCESSING (CHEMICAL)	34	LOCAL SHOPPING CENTER	17
COMPUTER SALES/SERVICE	17	LUMBER YARD/BUILDING	
CONSTRUCTION SUPPLY SALES/ SERVICE	20	MATERIAL SALES	20
CONTRACTOR'S SHOP/STORAGE YARD	34	MACHINE SHOP	34
CONVENIENCE STORE (WITH GAS SALES)	18	MAIL ORDER HOUSE	24
CONVENTION CENTER	21	MFG/ASSEMBLY (ELECTRICAL)	34
CREMATORIUM	15	MFG/ASSEMBLY (MUSICAL+)	34
DEPARTMENT STORES	17	MFG/COMPOUNDING CLOTHING+)	34
DOG/HORSE RACING TRACK	27	MFG/PROCESSING (ACID+)	34
DRIVE-UPAUTOMATED BANK TELLER	8	MFG/STORAGE/PROCESS (GLUE)	34
DRUG STORE/HEALTH CARE SUPPLIES	17	MEDICAL CLINIC	37
ENGINE/MOTORSALES/SERVICE/REPAIR	36	MEDICAL OFFICE	37
EQUESTRIAN RIDING ACADEMY/STABLES	48	MEDICAL/DENTAL LABORATORY	8
FAMILY HOME	11	MORTUARY, FUNERAL HOME	12
		MOTEL	25

Permitted Uses/Off-Street Parking Groups (continued)

PERMITTED USES	PKG GRP	PERMITTED USES	PKG GRP
MOTORCYCLE SALES/SERVICE	41	RESIDENTIAL, TOWNHOUSE	
MOVIE RENTALS AND SALES	17	(LAT. ATTACHED S.F.)	11
MOVING/STORAGE FACILITY	34	RESTAURANT, CARRY OUT	N/A
MUSEUM, LIBRARY	13	RESTAURANT, DRIVE-IN	29
MUSIC STORE SALES/SERVICE/RENTAL	17	RESTAURANT, SIT DOWN	21
NEIGHBORHOOD SHOPPING CENTER	17	ROOMING/BOARDING HOUSE	4
NON-COMMERCIAL ART GALLERY	13	SANITARY LANDFILL	48
NON-COMMERCIAL NURSERY	N/A	SCHOOLS K-12	10
NURSERY SCHOOL/DAY CARE CENTER	15	SCHOOLS OF PRIVATE INSTRUCT	4
NURSING HOME	2	SERVICE STATION	22
OFF-STREET PARKING LOT	N/A	SEWAGE TREATMENT CENTER	48
OFFICE SUPPLY	20	SEWING FABRIC STORE	17
OIL AND GAS WELLS	N/A	SHOE REPAIR	19
OUTPATIENT CARE FACILITY	37	SNOWMOBILES, ALL TERRAIN	
PACKAGED LIQUOR SALES	20	VEHICLES, OPERATION	N/A
PACKING/PROCESSING-MEAT	34	SPORTING GOODS SALES/RENTAL	17
PARK, GOLF COURSE, NATURAL REC.	48	SPORTS ARENAS	27
PARKING STRUCTURES	N/A	STORAGE, SELF	50
PERSONAL SERVICES	14	TAILORING/ALTERATIONS	19
PET SHOP	17	THEATRES (INDOOR)	49
PHOTOGRAPHIC STUDIO	24	TOOL, DIE, PATTERN-MAKING	34
PRINTING/PUBLISHING	33	TOW LOT	45
RADIO/T.V. ETC. SALES/ SERVICE	17	TOY/HOBBY SHOP	17
RAILROAD/PUBLIC UTILITY	48	TRUCK SALES/SERVICE/REPAIR	40
RECREATION FACILITIES (INDOOR)	38	UPHOLSTERY SHOP	41
RECREATION FACILITIES (OUTDOOR)	38	VEHICLE RENTAL	41
RECREATION VEHICLE SALES/SERVICE	39	VENDING/GAME MACHINE SALES/	
REDUCTION PLANT	45	SERVICE	20
REFRIG/EQUIPMENT SUPPLY SALES/SVS	45	VOCATIONAL SCHOOL	46
RESEARCH/ENGINEERING LABORATORY	34	WAREHOUSING/STORAGE (INDOOR)	34
RESIDENTIAL CARE FACILITY	19	WAREHOUSING/STORAGE (OUTDOOR)	34
RESIDENT OR OUTPATIENT FACILITY		WELDING SERVICES	35
FOR TREATMENT OF ALCOHOL/DRUG ABUSE	46	WHOLESALE SALES/DISTRIBUTOR	
RESIDENTIAL SINGLE FAMILY (DETACH)	11	SERVICE	34
RESIDENT USE ABOVE 1 ST FLOOR ONLY	6		
RESIDENTIAL, 2-FAMILY (DUPLICATE)	11		
RESIDENT, 3+ FAMILY (MULTI-FAMILY)	11		

(2) Minimum Off-Street Parking Standards by Parking Group

The following table is to be used to determine the actual number of parking spaces required, using the applicable parking group number(s) for the use(s) existing on a specific property determined using the “Permitted Uses/Off-Street Parking Groups” table in subsection (1).

Parking Group	Minimum Off-Street Parking Spaces Required
1	0.5 spaces for each bed
2	1 space for each 5 beds plus 1 space for every self-care unit and 1 space for each 2 employees on the maximum shift
3	0.5 spaces for each dwelling unit
4	0.75 spaces for each person or tenant
5	1 space for each person
6	1 space for each dwelling unit
7	1 space for each 3 permanent seats
8	1 space for each employee on the maximum shift plus 4 stacking spaces per bay
9	1.5 spaces for each dwelling unit
10	1.0 spaces for each employee on the maximum shift for grades K-12 plus 1 space for each 4 students for grades 10-12.
11	2 spaces for each dwelling unit.
12	1 space for each 100 sq. ft. of public service or viewing area plus 1 space for each employee on the maximum shift.
13	1 space for each 500 sq. ft. of floor area accessible to the general public.
14	1 space for each 300 sq. ft. devoted to office use or 1 space for each employee on the maximum shift.
15	1.5 spaces for each employee on the maximum shift.
16	3 spaces for each employee on the maximum shift.
17	1 space for each 200 sq. ft. of floor area accessible to general public.
18	1 space for each 250 sq. ft. of floor area accessible to the general public plus one space for each employee on the maximum shift.
19	2 spaces for each employee on the maximum shift.
20	1 space for each employee on the maximum shift plus 1 space for each 250 sq. ft. of floor area accessible to the general public.
21	1 space for each 3 permanent seats plus 1 space for each employee on the maximum shift plus 1 space for each 100 sq. ft. of floor area devoted to assembly use.
22	2 spaces for each employee on the maximum shift plus 1 space for each service bay.
23	1 space for each 4 washing machines.
24	1 space for each employee on the maximum shift plus 1 space for each 100 sq. ft. of floor area accessible to the general public.

Parking Group	Minimum Off-Street Parking Spaces Required
25	1 space for each unit plus 1 space for each employee on the maximum shift.
26	1 space for each 4 permanent seats plus 1 space for each employee on the maximum shift plus 1 space for each 100 sq. ft. of floor area accessible to the general public not containing permanent seats.
27	1 space for each 4 permanent seats plus 1 space for each employee on the maximum shift.
28	1 space for each 400 sq. ft. of floor area accessible to the general public.
29	1 space for each 2 permanent seats plus 1 space for each employee on the maximum shift.
30	1 space for each employee on the maximum shift plus 1 space for each service vehicle plus 1 space for each 250 sq. ft. of floor area accessible to the general public.
31	0.75 spaces for each room plus 1 space for each employee on the maximum shift (lodging only) other uses shall be calculated separately.
32	1 space for each employee on the maximum shift plus 1 space for each 300 sq. ft. of floor area accessible to the general public.
33	1 space for each employee on the maximum shift plus 1 space for each 250 sq. ft. of floor area accessible to the general public plus 1 space for each 400 sq. ft. of general office space.
34	1 space for each employee on the maximum shift plus 1 space for each moving van or service vehicle.
35	1 space for each employee on the maximum shift plus 2 spaces for each service bay.
36	1 space for each employee on the maximum shift plus 3 spaces for each service bay (minimum of 5 spaces).
37	0.75 spaces for each employee on the maximum shift plus 3.5 spaces for each doctor (doctors are not included as employees for calculation of this parking group).
38	<ul style="list-style-type: none"> A. Bowling Alley—5 spaces for each lane. B. Miniature Golf—15 spaces for each 9 holes. C. Golf Course—50 spaces for each 9 holes. D. Excursion Craft Operation and Service—1 space for each 4 permanent seats on the craft plus 1 space for each employee on the maximum shift. E. Pleasure Craft Harbor—1.5 spaces for each docking slip. F. Tennis/Handball/Racquetball Courts—3 spaces for each court. G. Swimming Pool—1 space for each 30 sq. ft. of gross pool area. H. Weight Training/Exercise Room—1 space for each 100 sq. ft. of floor area devoted to such use. I. Gymnasium (with no seating provided)—1 space for each 100 sq. ft. of athletic floor area. J. Shooting/Archery Range—1 space for each firing point plus 1 space for each employee on the maximum shift. K. Pool Hall/Billiard Parlor—1 space for each 100 sq. ft. of area accessible to the general public.

39	1 space for each employee on the maximum shift plus 1 space for each 500 sq. ft. of internal display area plus 1 space for each 2,000 sq. ft. of outdoor display area plus 2 spaces for each service bay.
40	1 space for each employee on the maximum shift plus 1 space for each 4,000 sq. ft. outdoor display area plus 2 spaces for each service bay.
41	1 space for each employee on the maximum shift plus 1 space for each 300 sq. ft. of indoor display or office area plus 1 space for each 5,000 sq. ft. of outdoor display area.
42	1 space for each employee on the maximum shift plus 1 space for each 250 sq. ft. of display area (including both indoor and outdoor) plus 2 spaces for each service bay.
43	1.5 spaces for each employee on the maximum shift plus 1 space for each service bay and/or service vehicle.
44	1 space for each 200 sq. ft. of gross leasable area.
45	1 space for each employee on the maximum shift plus 1 space for each service vehicle plus adequate truck and tractor/trailer spaces as determined by the Director of Community Development.
46	Dormitories—1 space for each bed. Gymnasiums—1 space for each 6 permanent seats. Lecture Halls—1 space for each 6 permanent seats. Employees----1 space for each employee on the maximum shift, plus 1 space per student.
47	1.5 spaces for each licensed or state approved bed.
48	As determined by the Director of Community Development
49	1 space for each four (4) permanent seats plus 1 space for each employee on the maximum shift.
50	1 space per employee plus a minimum of four (4) customer spaces.

Note: Stacking room shall only be counted towards the number of off-street parking spaces as required by this Ordinance after review and approval by the Director of Community Development.

(I) Outdoor Storage of Damaged, Disabled, or Unclaimed Vehicles related to Licensed Automobile Repair Shops.

A duly license automobile repair business may store outside of a completely enclosed building a maximum of three (3) vehicles for each service bay. The word “storage” shall be defined for the purpose of this section as a vehicle which is stored outside of a completely enclosed building, whether awaiting repair or not, for a period of not less than two (2) weeks but not more than six (6) months. Should extenuating circumstances require outside storage for more than six (6) months, the Director of Community Development may approve an extension of up to nine (9) additional months for one or more vehicles. All outdoor storage areas must meet the minimum improvement requirements for storage lots as contained in the zoning ordinance.

Outside storage may be permitted in any side or rear yard only, provided it does not interfere with any area utilized for off-street parking of vehicles and it does not impede upon the right-of-way. However, if any side of an outside storage area can be viewed from any angle from:

- a) 71 Highway or its frontage roads,
- b) Blue Ridge Boulevard Extension, or
- c) Main Street-Highgrove Road Corridor; or
- d) Any abutting office or residential district,

Then, said storage areas shall be permanently screened from said right-of-way or said district with a 100% opacity fence a minimum of six feet (6') in height constructed of wood, masonry, vinyl, or similar approved material. Said storage areas shall be as a minimum gravel surfaced. Additionally, private driveways exiting directly from public streets which provide access to such storage lots/areas shall be permanently surfaced with either a asphaltic concrete or portland cement concrete.

31-23 LANDSCAPING AND SCREENING REQUIREMENTS**(A) Intent**

The landscaping and screening requirements are intended to preserve and enhance property values by ensuring that yards, open spaces, parking lots and areas next to public rights-of-way are constructed and maintained with plants and landscape materials. This Section further intends that property development should respect land capability and constraints, minimize erosion and destruction of natural amenities and reduce conflicts between land uses.

(B) Application and Scope

No new structure, building or parking lot shall be constructed unless in compliance with the landscaping and screening standards of this Section.

(C) Definitions

For the interpretation of this Section, the following definitions shall be used.

- (1) **Landscaped:** An area devoted to or developed predominately with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs, and other plant materials.
- (2) **Screened:** Shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm, or similar architectural or landscaped feature.

(D) Landscaping Requirements

All uses shall provide and maintain a landscaped area as provided herein:

- (1) Single-family and two-family dwellings shall maintain a minimum of twenty-five percent (25%) of lot area as a permeable and uncovered surface that contains living materials. Single-family and two-family dwelling shall install, prior to issuance of a certificate of occupancy, sod over the entire lot and plant a minimum of one (1) tree having a minimum two and one half inch (2 ½") caliper measured at one foot (1') above ground level in each front yard and generous foundation plantings of shrubs across the front of the dwelling. (*Ord. #6116, 08/28/2007*)
- (2) All other uses shall provide and maintain a landscaped area that equals or exceeds ten percent (10%) of the total lot area, except that the C-3 district, because of its district and unique character, shall be exempted from this provision. The following areas are listed by priority for the placement of this required landscaped area and may be utilized in conjunction with the Screening Requirements as set forth in this Section:
 - (a) A minimum landscaped area of ten feet (10') in width along all street frontages.

- (b) A minimum landscaped area of ten feet (10') in width along all perimeter property lines.

Additionally, of the required landscaped area, no more than twenty percent (20%) may consist of porous non-living materials.

- (3) All off-street parking areas (except for single and two-family uses) shall provide site trees on the basis of one (1) tree for every ten (10) off-street parking spaces provided or fraction thereof. Fifty percent (50%) of required site trees shall be placed along street frontages. The remaining 50% may be placed in the interior of the parking lot. Site trees shall be of a minimum two and one-half inch (2 ½") caliper as measured one (1) foot above ground level at the time of planting. Further, required site trees may be utilized in conjunction with screening requirements as set forth in this Section.

(E) Screening Requirements

Where permitted uses are at a lower elevation than abutting frontage or use and screening is required by this Section, screening types which utilize plantings and berms are encouraged. It is recognized that in these instances an effective screen is difficult to achieve and, in such cases, seeks to provide the best screen possible.

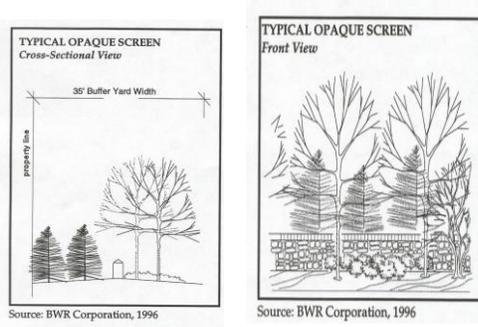
(1) Table of Screening Requirements:

- (a) Types of Screens. The following three basic types of screens are hereby established and are to be used as the basis for screening requirements as established in the Table of Screening Requirements as provided herein. Variations of these screening types may be permitted at time of site plan review with approval from the Director of Community Development.
 - (i) Opaque Screen, Type A. A screen that is opaque from the ground to a height of at least six feet (6') with intermittent visual obstructions from the opaque portion to a height of at least twelve feet (12'). The opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spacial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm. Planted or natural vegetation screens will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.

The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet (10') wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in the following diagrams. Planting areas for the placement of these screens shall be a minimum of five feet (5') in width.

- (ii) Semi-Opaque Screen, Type B. A screen that is opaque from the ground to a height of three feet (3'), with intermittent visual obstruction from above the opaque portion to a height of at least twelve feet (12'). The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet (10') wide. The zone of intermittent visual obstruction may contain deciduous plants. Planting areas for the placement of these screens shall be a minimum of five feet (5') in width.
 - (iii) Broken Screen, Type C. A screen composed of intermittent visual obstruction from the ground to a height of at least twelve feet (12'). The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in the following diagrams. Planting areas for the placement of these screens shall be a minimum of five feet (5') in width.
- (2) Screening Locations. Screening, as required in the Table of Screening Requirements, shall be required along the common lot line(s) of adjacent uses. Where uses are separated by an intervening right-of-way, the burdened use need only screen from the adjoining right-of-way as required in the table. Screening required by a burdened use for a benefited use shall apply only to those uses which are determined to be permitted within the particular zoning district. A burdened use is not required to provide screening to benefit a use within a zoning district that is determined to be a non-conforming use.

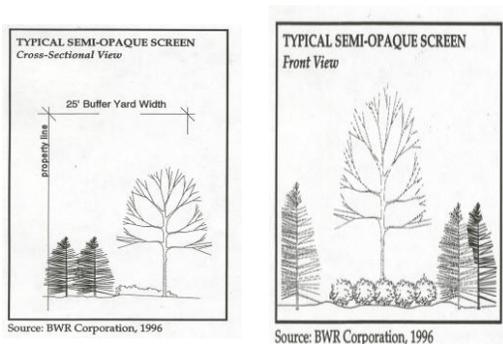
Type A: Typical Opaque Screens.



Available Options:

1. Small trees planted 30' on center. (See planting list a.) with 6' high evergreen shrubbery planted 4' on center. (See planting list e.)
2. Large trees planted 40' on center. (See planting list c.) with a 6' high redwood fence.
3. Tall evergreen trees, staggered planted, with branches touching the ground. (See planting list b.)

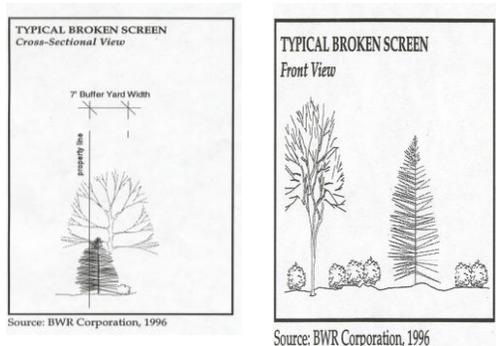
Type B: Typical Semi-Opaque Screens.



Available Options:

1. Small trees planted 30' on center. (See planting list a.) with a 3' high stone wall.
2. Small trees planted 20' - 30' on center on top of berm (See planting list a.) with a 3' high seeded earth berm.
3. Large trees planted 40' on center. (See planting list c.) with 3' high evergreen or deciduous hedge shrubbery planted 3' on center. (See planting list d.)

Type C: Typical Broken Screens.



Available Options:

1. Small trees planted 30' on center. (See planting list a.)
2. Small trees planted 40' on center. (See planting list a.) with a split rail fence.
3. Large trees planted 40' on center. (See planting list c.) with assorted shrubbery. (See planting list f.)

PLANTING LISTa) Small Trees for Partial Screening

- | | |
|-----------------------------|-----------------------------|
| 1) Aristocrat Pear | 11) Serviceberry |
| 2) American Hornbeam | 12) Purple-leaf Plum |
| 3) Eastern Redbud | 13) American Holly |
| 4) Flowering Dogwood | 14) Golden Rain Tree |
| 5) Washington Hawthorn | 15) Quaking Aspen |
| 6) Russian Olive | 16) Carolina Silverbell |
| 7) Sargent Flowering Cherry | 17) Magnolia, Nigre, Saucer |
| 8) Eastern Red Cedar | 18) Sweet Bay |
| 9) Sunburst Locust | |
| 10) Bradford Pear | |

b) Large Trees for Evergreen Screening

- | | |
|-------------------|-----------------------|
| 1) Douglas Fir | |
| 2) Shortleaf Pine | 7) Austrian Pine |
| 3) Norway Spruce | 8) Eastern White Pine |
| 4) Blue Spruce | 9) Red Pine |
| 5) White Spruce | 10) White Pine |
| 6) White Fir | 11) Bald Cypress |

c) Large Trees for Shading

- | | |
|------------------------------------|------------------------------------|
| 1) Green Ash (Marshal's Seedless) | 14) Bur Oak |
| 2) Hackberry | 15) Linden, Littleleaf, and silver |
| 3) Cucumbertree | 16) English Oak |
| 4) Shademaster Locust | 17) Shingle Oak |
| 5) Norway Maple | 18) Black Locust |
| 6) Red Maple | 19) Pecan |
| 7) Ginkgo (male only) | 20) Black Walnut |
| 8) Honeylocust, Thornless | 21) American Sycamore |
| 9) Redmond Linden (basswood) | 22) Buisman's Elm |
| 10) London Plane-Tree | 23) Golden Larch |
| 11) Sugar Maple | 24) Shademaster Locust |
| 12) Red Oak | 25) Tulip Tree |
| 13) Northern Red Oak | |

d) Small Shrubs for Evergreen Screening

- | | |
|------------------------------|----------------------------|
| 1) Glossy Abelia | |
| 2) Convexa Japanese Holly | 11) Warty Barberry |
| 3) Azaleas and Rhododendrons | 12) India Hawthorn |
| 4) Littleleaf Japanese Holly | 13) Japanese Yews |
| 5) Wintergreen Barberry | 14) Dwarf Horned Holly |
| 6) Dwarf Pfitzer | 15) Euonymous |
| 7) Dwarf Forsythia | 16) Dwarf Burning Bush |
| 8) Ward's Dwarf Yew | 17) Brown's Globe Yew |
| 9) Andorra Compact Juniper | 18) Anthony Waterer Spirea |
| 10) Mugho Pine | 19) Inkberry |

e) Large Shrubs for Evergreen Screening

- | | |
|------------------------|------------------------|
| 1) Hedge Bamboo | 6) Japanese Privet |
| 2) Thorny Elaengus | 7) Fortune Tea Olive |
| 3) Burford Holly | 8) Red Photinia |
| 4) Yaupon Holly | 9) Laurel or Sweet Bay |
| 5) Lauretinus Viburnum | |

f) Assorted Shrubs for Broken Screens

- | | |
|-----------------------|-------------------------|
| 1) Japanese Barberry | 7) Cropping Leucothoe |
| 2) Fringetree | 8) Winter Honeysuckle |
| 3) Border Forsythia | 9) Star Magnolia |
| 4) Vernal Witch Hazel | 10) Northern Bayberry |
| 5) Common Witch Hazel | 11) Judd Viburnum |
| 6) Pfitzer Juniper | 12) Doublefile Viburnum |

Table of Screening Requirements
BENEFITED USE

	R-1	R-2	R-3	R-4	OS	C-1	C-2	C-3	CS	I-1	I-2	Adjoining right-of-way
R-1A**	A	A	A	A	N/A	C						
R-1**	A	A	A	A	N/A	C						
R-1M**	A	A	A	A	N/A	C						
R-2**	A	A	A	A	N/A	C						
R-3**	A	A	A	A	N/A	N/A	N/A	N/A	N/A	N/A	B	C
OS	A	A	A	A	N/A	N/A	N/A	N/A	N/A	N/A	B	C
C-1	A	A	A	A	C	+	N/A	N/A	N/A	N/A	B	C
C-2	A	A	A	A	C	C	+	N/A	N/A	N/A	B	C
C-3	A	A	A	A	B	C	+	+	N/A	N/A	B	C
CS	A	A	A	A	B	C	C	+	+	B	B	C
I-1	A	A	C	C	C	C	C	C	C	N/A	C	C
I-2	A	A	C	C	C	C	C	C	C	N/A	C	C
AG	N/A											
All off Street parking areas and Vehicular use areas (except R-1A, R-1, R-1M, and R-2 Districts	A	A	B	B	+	+	+	+	+	+	+	B

NOTE: Where two requirements may overlap, the most restrictive shall apply

* For industrial districts, see additional special provisions that are required I-1 and I-2 Sections.

+ Ten foot (10') minimum landscaped area as required in this section.

- 1 Burdened Use: The use which must provide the required screening.
- 2 Benefited Use: The use from which the burdened use is screened.

** Single and two-family residential are not required to screen between uses but all other uses in R-1A, R-1, R-1M, R-2, and R-3 and are required to provide screening between uses as shown above.

(F) Special Screening Requirements:

- (1) Definitions. The following five basic types are hereby established and are to be used as the basis for screening requirements as established for the uses herein described.
 - (a) Berms. A berm screen constructed of earthen materials not to exceed a slope steeper than 3:1. A berm shall be so designed that drainage from said slope shall be directed away from paved areas and sidewalks and shall be sodded and landscaped as necessary to provide soil stabilization. Additional plantings shall be added to provide an effective screen at least six feet (6') in height within three (3) growing seasons after installation.
 - (b) Fence, open. An open weave or mesh type fence, constructed of wood or other approved material, shall be combined with plant materials to form an effective opaque screen not less than six feet (6') in height within three (3) growing seasons after initial installation.
 - (c) Fence, solid. A solid fence screen shall be not less than six feet (6') in height and shall be constructed of wood or other approved materials and shall form an effective opaque screen.
 - (d) Planting screen. A planting screen shall consist of compact evergreen plants or other suitable plants. They shall be of a kind, or used in such a manner, so as to provide an effective screen at least six feet (6') in height within three (3) growing seasons after initial installation. A planting screen intended for parking lot screenings shall have a minimum height of three (3') feet within three (3) growing seasons.
 - (e) Walls. A wall screen shall consist of concrete, stone, brick, tile, or similar type of approved masonry material and shall form an effective opaque screen not less than six feet (6') in height. The wall of a building is encouraged to be used and may count toward the barrier required for screening.
- (2) Special Screening Applications. Screening in accordance with the above defined types of screens shall be provided to a height of six feet (6') and a minimum fifty percent (50%) opacity for the following uses except under Section 31-23(F)(2)(d) which requires one hundred percent (100%) opacity screening:

- (a) Off-Street Parking Areas: Off-street parking areas and lots shall be screened with any type detailed in Section 31-23(F).
- (b) Off-Street Loading Areas: All off-street loading areas that abut or front on an R-3 or ~~R-4~~ residential zoning district shall be permanently screened from view along the abutting property line(s). Loading areas for any use may not abut or front on an R-1A, R-1, R-1M, or R-2 District.
- (c) Rubbish and Garbage Area: All rubbish and garbage areas for an industrial, commercial, office, and multi-family use shall conform with Section 23-32 of the Code of Laws.
- (d) Outside Storage Area Visible from Major Streets or Lesser Zoning District: All outside storage areas permitted under the Performance Standards in any commercial or industrial district or permitted as a principal permitted use in any commercial or industrial district shall be permanently screened to a height of six feet (6') and one hundred percent (100%) opacity with a masonry, wood, vinyl, or similar material fence as follows:
- (i). Along any side from which any angle of view from:
 - 71 Highway or its frontage roads.
 - Blue Ridge Boulevard Extension.
 - Main Street-Highgrove Road corridor.
 - (ii). Along any side which abuts a lesser zoning district (i.e. industrial to commercial to office and residential districts).
 - (iii). Retail sales lots, such as auto sales, farm equipment sales, and other retail sales where the product being stored is for sale to the general public are exempted from the screening requirements as stated herein.
 - (iv). Automobile repair shop outdoor storage areas shall conform to the screening and storage requirements as contained in Section 3-22(I).
- (e) Screening Requirements for Tow Lots and Salvage/Junk Yards: All tow lots and salvage/junk yards where allowed as a permitted or conditional use in the I-1 and I-2 Districts shall be permanently screened from view on all sides by a solid fence of 100 percent (100%) opacity to a height not less than eight feet (8'). Said screening must not interfere with the required sight triangle.

(G) Installation and Maintenance of Landscape and Screen Materials

- (1) Installation. All landscaping shall be installed in a sound other City Codes and according to accepted good planting procedures. If after three (3) growing seasons following installation, plant materials have not formed an effective screen, or if an effective screen is not maintained, the Director of Community Development may require that another type of screen be added or additional plantings be installed. Landscaped areas shall require protection from vehicular encroachment. The Building Inspector and/or the Planner shall inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided.
- (2) Maintenance. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. If replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density and appearance as originally required at the time of site plan approval.
- (3) Plant Material.
 - (a) Trees. Trees shall be a minimum of two and one-half inch (2½") caliper (as measured one (1) foot above ground level) at the time of planting.
 - (b) Shrubs and hedges. Shrubs shall be a minimum of two feet (2') in height when measured at ground level immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen within a maximum of one (1) year after time of planting.
 - (c) Vines. Vines shall be a minimum of thirty inches (30") in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.
 - (d) Ground covers. Ground covers used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three months after planting.

31-24 SIGN REGULATIONS**(A) Intent.**

The intent of this Section is to create the framework to regulate, administer, and enforce outdoor sign advertising and display within the City of Grandview. This Ordinance recognizes the need to preserve the residential character of residential neighborhoods; to preserve adequate business identification, advertising, and communication; to preserve order and cleanliness; to avoid the appearance of clutter; to protect property values; to avoid litter and the growth of weeds around signs; to reduce traffic hazards caused by distractions to motorists and impairment of sight lines; to ensure that the City remains an attractive place to live and work; to reduce administrative burdens; and to protect the health, safety, welfare, convenience and comfort of the public.

(B) Definitions.

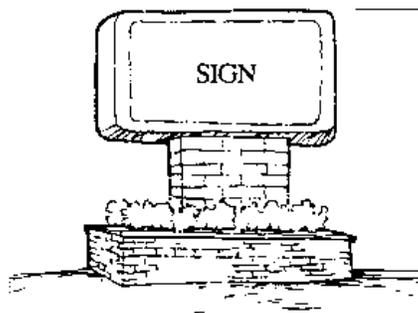
- (1) Abandoned Sign. Any sign which is located on property which becomes vacant and unoccupied for a period of more than three (3) months, or for which no legal owner can be found; any sign which pertains to a time, event or purpose which no longer applies; or any sign that is not maintained in accordance with the requirements of Section 31-24(G) shall be deemed to be abandoned. (*Ord. #6471, 07/26/11*)
- (2) Animated Sign. Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.
- (3) Area. (See Section 3-24 (K) of this Ordinance).
- (4) Awning Sign. A wall-mounted sign attached to or constructed on the face of a temporary shelter composed of non-rigid materials but supported by a rigid framework attached to a building wall.
- (5) Banner Sign. A sign made of fabric or any non-rigid material with no enclosing framework and securely attached on all sides.
- (6) Billboard. (See "Off-Premise Sign").
- (6) Building Sign. A sign affixed to and wholly supported by an exterior wall of a building or structure.
- (7) Canopy or Arcade Sign. A wall-mounted sign attached to or constructed on the face of a permanent roofed structure covering an area customarily used for pedestrian circulation (See Figure 1).

Figure 1: Canopy Sign

- (9) Changeable Copy Sign. A pole-mounted sign or a wall-mounted sign attached to or constructed on the face of a permanent roofed structure (not including an animated sign.) A permitted pole-mounted sign may also contain an accessory sign not exceeding 32 square feet of area for changeable copy in addition to the permitted pole sign provided the changeable copy sign is attached to the pole and the pole and the copy is changed a minimum of every 90 days.
- (10) Commemorative Sign. A permanent sign or architectural feature, cast or engraved in stone or metal, and fixed to or made an integral part of the structure, indicating the name of the structure, its address, date of construction, or other information of commemorative or historical significance.
- (11) Construction Sign. A temporary sign identifying an architect, contractor, subcontractor, material supplier or others participating in the construction on the property on which the sign is located.
- (12) Direct Lighting. Illumination by means of an external source.
- (13) Directional/Information Sign. An on-premise sign identifying a premises, or an activity conducted upon such premises, and providing direction for the safe and efficient flow of vehicular or pedestrian traffic to such activity or premises. Directional signs shall include signs marking entrances, exits, parking areas, loading areas, or other operational features of the premise. Directional signs may not include any advertising whatsoever whether by words or language.
- (14) Directory Sign. Assign accessory to and attached to a pole or a separate monument-based sign(s) in addition to the primary sign(s) identifying the shopping center. A directory sign shall be limited to identifying businesses in the center and shall use individual movable panels not exceeding six (6) square feet in area per panel.
- (15) Double-Faced Sign. A sign with two faces or panels, neither of which is visible at the same time and is directly back to back as opposed to a v-shaped sign.
- (16) Electronic Message Center. A sign on which the copy changes automatically on a lampbank or through mechanical means -- e.g., electrical or electronic time and temperature units.
- (17) Externally Illuminated Sign. A sign whose illumination is derived entirely from an external artificial source.

- (18) Facade. The entire building front, including the parapet.
- (19) Flashing Sign. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. This does not include changeable copy signs, animated signs, or signs which, through reflection or other means create an illusion of flashing of intermittent light (compare "Animated Sign").
- (20) Freestanding Sign, Pole Base. A sign supported upon the ground by a pole base and not attached to any building.
- (21) Freestanding Sign, Monument Base. A sign supported upon the ground by a mounted base, permanently anchored in a concrete pedestal and not to any building. Such monument base freestanding sign shall not exceed five feet (5') in height as measured from the ground to the top of the sign to include the base. (See Figure 2)

Figure 2: Free-standing sign, monument base



- (22) Frontage. The length of the property line of any one premise along a public right-of-way on which it borders.
- (23) Government Sign. Signs erected pursuant to the authority of a governmental entity.
- (24) Height (of a sign). The vertical distance measured from the highest point of the sign, including embellishments, to the average grade beneath the sign.
- (25) Identification Sign. A sign whose copy is limited to the name and address of the building, institution, or person and/or to the activity or occupation being identified.
- (26) Illegal Sign. A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.
- (27) Indirect Lighting. Illumination by means of a concealed light source, whereby all incandescent or fluorescent devices are shielded from view by opaque or translucent materials, and including reflected lighting.

- (28) Inflatable Sign. Any sign designated or constructed with the ability to be mechanically filled with air or gas.
- (29) Internally Illuminated Sign. Illumination by means of a light source completely enclosed by the sign panel(s).
- (30) Intermittent Lighting. (See Flashing Sign)
- (31) Maintenance. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
- (32) Name Plate. A non-electric or premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- (33) Nonconforming Sign: A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
- (34) Off-Premise Sign. A sign structure advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located-- e.g., "Billboards", "Outdoor Advertising", or "Off-Site Sign". (*Ord. #6116, 08/28/2007*)
- (35) On-Premise Sign. A sign which pertains to the use of the premises on which it is located and maintained.
- (36) Painted Wall Sign. A sign which is applied with paint or similar substances on the face of an exterior wall and is considered to be a wall-mounted sign for calculation purposes.
- (37) Parapet Wall. That part of the wall entirely above the roof line.
- (38) Political Sign. A temporary sign used in connection with a local, state, or national election or referendum.
- (39) Portable Sign. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building (See Figure 3).

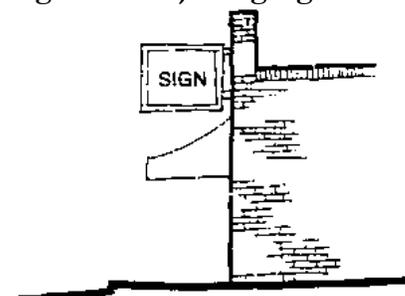
Figure 3: Portable sign



- (40) Projecting Sign. A sign other than a flat wall sign which is attached to and projects from a building wall or other structure not specifically designed to

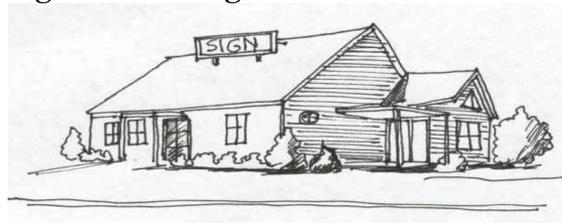
support the sign and is not parallel to the structure to which it is attached. (See Figure 4)

Figure 4: Projecting sign



- (41) Public Service Information Sign. Any sign intended exclusively to promote items of general interest to the community, such as time, temperature, date, atmospheric conditions, news or travel control.
- (42) Real Estate Sign. A temporary sign advertising real estate upon which the sign is located as being for rent, lease, or sale.
- (43) Roof line. The top edge of the roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.
- (44) Roof Sign. Any sign erected upon a roof of a building where the roof is greater than fifteen (15) degrees from the horizontal plane. (See Figure 4). A roof sign shall not extend above the peak of the roof (See Figure 5).

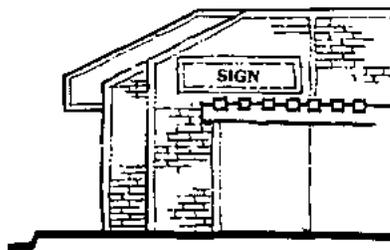
Figure 5: Roof sign



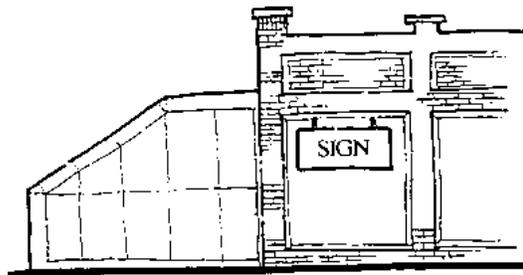
- (45) Rotating Sign. Any sign or device which has any visible revolving part, or visible mechanical movement. Such motion does not refer to methods of changing copy.
- (46) Shopping Center. Five (5) or more separate and contiguous business establishments.
- (47) Sign. Any device, structure, fixture, or placard using graphics, symbols, and/or written copy which is visible from a public place designed to advertise, identify or convey information. In cases where more than one display surface, panel, face or device is attached to one structural support, the entire structure shall be considered as one sign. (See Figure 5).

- (48) Sign Area. The smallest rectangle enclosing the extreme limits of the sign panel(s) attached to the sign structure and which are integral parts of the display. If a sign consists of more than one sign panel, the area of each sign panel shall be calculated separately and then the areas of each panel shall be added together to yield the total sign area. [See Section 31-24(K).]
- (49) Sign Structure. Any connections or supports upon which a sign is attached. (See Figure 5)
- (50) Special Event Sign. A temporary sign advertising or pertaining to any civic, patriotic or special event of general public interest taking place within the city.
- (51) Street Banner Sign. Any banner sign which is stretched across and hung over a public right-of-way.
- (52) Subdivision Identification Sign. A free-standing or wall sign identifying a recognized subdivision, condominium complex, or residential development.
- (53) Temporary Sign. A sign not constructed or intended to remain for longer than thirty (30) calendar days as regulated by Section 31-24(F) of this Ordinance.
- (54) Three Dimensional Sign. A sign with three or more sign faces, the area of which is the largest plane of view.
- (55) Under-Canopy Sign. A sign suspended beneath a canopy, ceiling, roof, or marquee, used for directional or identification purposes and considered as a nameplate wall sign.
- (56) V-Shaped Sign. A sign with two (2) faces or panels not supported by one common structural member and which faces are not back to back such as a double-faced sign.
- (57) Wall Sign. A sign erected on the surface of the building which does not extend above the roof line of the parapet of the wall upon which it is located. This definition includes painted, individually lettered, and cabinet signs, signs on mansard, and signs on a fence (See Figure 6).

Figure 6: Wall sign



- (58) Window Sign. A sign installed inside a window and intended to be viewed from the outside, and/or signs painted on the inside or outside of windows or glass portions of doors or buildings (See Figure 7).

Figure 7: Window sign**(C) Signs Prohibited**

The following signs shall be expressly prohibited in all zoning districts, any contrary provisions or implications of this Ordinance notwithstanding:

- (1) Signs in, upon, or over any public property or public right-of-way, except for the following:
 - (a) Governmental signs.
 - (b) Signs as may be authorized by the Board of Alderman in accordance with such conditions and standards as may be established by the Board of Aldermen.
- (2) Flashing, rotating, and moving signs including portable signs; beacons; searchlights; animated signs; signs with moving lights or creating the illusion of movement, including such signs inside buildings which are visible from the exterior. (A sign displaying only the current time or temperature by intermittent lighting and electronic changeable copy signs shall not be considered to be a flashing sign).
- (3) Signs which may be confused with or construed as a traffic control device.
- (4) Any embellishments to signs including sign extensions beyond the outer perimeter of the primary sign face or extending outward from the sign face and parallel to the ground.
- (5) Signs with related audio or noise generating devices.
- (6) Any abandoned sign. (See Section 31-24 (G)). (*Ord. #6471, 07/26/11*)
- (7) Signs attached to trees, utility poles, or drawn upon rocks or other natural features whether on public or private property, except warning and/or identification signs placed by public utility companies.
- (8) Signs located within the Sight Triangle on any corner lot.
- (9) Signs which are directly illuminated, except monument signs, when placed within one hundred fifty feet (150') of a residential district.

- (10) Permanent inflatable signs [See Section 31-24(F)(2)(b)(iv)].
- (11) Any sign not expressly permitted by this Section.
- (12) Portable signs or trailer-mounted signs.
- (13) Signs which bear or contain statements, words or pictures of an obscene, pornographic, profane, or defamatory nature.

(D) Permits Required

- (1) Permits Required. No sign may be created, constructed, erected, remodeled, relocated, or expanded until a sign permit is obtained in accordance with this Section, except that temporary signs as provided for in Section 31-24 F shall be exempt from the requirement of a permit fee. No sign permit shall be issued unless the sign is permitted by and complies with all regulations of this Ordinance.
- (2) Permit Fees. See Section 31-28 of this Ordinance.
- (3) Permit Expiration. If the work authorized under the permit has not been completed within ninety (90) days after the date of issuance, the permit shall become null and void.
- (4) Investigation Fees. Whenever any sign is created, constructed, erected, remodeled, relocated, or expanded without first obtaining the required sign permit, a special investigation shall be made. After said investigation is made, the required sign permit shall be obtained and a fee shall be charged for the investigation that is equal to the amount of the sign permit fee that is required.

(E) Exemptions from Permits

- (1) Exempted Circumstances. No permits shall be required in the following circumstances:
 - (a) The changing or replacing of the content, advertising, or material on a sign face, without in any way altering the sign structure or the size of the sign face, provided said sign is for the same occupant, otherwise a new permit is required. (*Ord. #6116, 08/28/2007*)
 - (b) Repairing, cleaning, or maintaining a sign if no structural change is made.
 - (c) Regarding any sign within a building unless otherwise restricted by this Section.
- (2) Exempted Signs. The following signs shall be exempted from the permit requirements of this Ordinance.

- (a) Flags and Decorations. Flags, emblems, or insignia of any governmental body, church, school, or service organization which do not contain advertising. Decorative displays for holidays containing no commercial advertising shall be allowed on private property during the customary periods for such holiday.
- (b) Government Signs. Government signs as defined herein.
- (c) Memorial Signs. Memorial signs and tablets displayed on private property.
- (d) Incidental Signs. Small signs not containing any advertising and, not exceeding six (6) square feet in area per face, with a maximum area of twelve (12) square feet, displayed on private property for the convenience of the public, such as signs to identify restrooms, signs to identify freight entrances, directional signs, warning signs, and nameplate signs indicating name and address only.
- (c) Garage Sale Signs. Garage sale signs located on private property and not exceeding six (6) square feet in area per face, with a maximum area of twelve (12) square feet. These signs shall be removed within two (2) calendar days following the completion of the sale.
- (f) Merchandise Displays and Pennants. Merchandise displays and pennants which contain no advertising and are kept in good repair.
- (g) Political Signs. Political signs not exceeding nine (9) square feet in area per face with a maximum area of eighteen (18) square feet shall be permitted in residential zoning districts, and thirty-two (32) square feet per face, with a maximum area of sixty-four (64) square feet in commercial, office, industrial and special purpose zoning districts. Such signs shall not be placed upon the public right-of-way, and may be displayed thirty (30) days prior to and seven (7) days after an election. After a primary election, those candidates who won in such primary election may continue to display their signs during the interim period and up to seven (7) days after the following general election.
- (h) Real Estate Signs. One non-illuminated real estate sign per street frontage may be displayed on any parcel, but such sign must serve the street frontage upon which it sets. The sign shall be located entirely on the property to which it applies, be maintained in good repair, and be removed within 14 days after the sale, rental, or lease of the property. Real estate signs displayed on commercial, office, or industrial property shall not exceed one hundred (100) square feet in area per face with a maximum area of two hundred (200) square feet. Real estate signs displayed on single residential parcels shall not exceed eight (8) square feet per face, with a maximum area of sixteen (16) square feet. Real estate signs displayed on residential projects of twelve (12) or more units shall not exceed thirty-two (32) square feet per face with a

maximum area of sixty-four (64) square feet. Real estate signs exceeding these size limitations shall be reviewed and approved by the Director of Community Development on a case-by-case basis.

- (i) Construction Signs. Non-illuminated signs indicating the names of architects, engineers, contractors and similar persons or firms involved in any construction or development. No such sign shall exceed one hundred (100) square feet in area per face with a maximum area of two hundred (200) square feet. No more than one sign shall be allowed each street frontage on any one construction project and such sign must serve the street frontage upon which it sets. Such signs shall be removed within fourteen (14) days after the issuance of the Certificate of Occupancy by the Building Official, or the completion of the project. Construction signs exceeding these size limitations shall be reviewed and approved by the Director of Community Development on a case-by-case basis.
- (j) Window Signs. Window signs as defined herein.
- (k) Inflatable Signs. Inflatable signs when used by civic organizations only and after approval is granted from the Director of Community Development.
- (l) Noncommercial Opinion Signs. One (1) noncommercial opinion sign per lot not exceeding nine (9) square feet in area per face with a maximum area of eighteen (18) square feet shall be permitted in residential zoning districts, and thirty-two (32) square feet per face, with a maximum area of sixty-four (64) square feet in commercial, office, industrial, and special purpose zoning districts. Such signs shall not be placed upon public right-of-way. Such signs shall not be directly or indirectly illuminated. Contain reflective paint, or possess any moving devices.

(F) Temporary Signs

Temporary signs may be erected and maintained in accordance with the following provisions:

(1) General Conditions:

- (a) Permit Required. No persons shall erect, alter or relocate any temporary sign without first making application as specified in this Ordinance, and obtaining a sign permit from the Building Official.
- (b) Material and Methods. The Building Official shall impose as a condition of the issuance of the permit such requirements as are necessary to assure the safety and convenience of the public.

(2) Permitted Temporary Signs:

- (a) Temporary quasi-public signs, giving notice of events and activities sponsored of recognized civic, patriotic, religious, or charitable organizations for non-commercial purposes, subject to the following:
- (i) Location. Quasi-public signs may be located on or off of the premises where the event is taking place provided permission is given by the owner of the property. Such signs shall not project beyond any lot line.
 - (ii) Timing. Quasi-public signs shall not be erected or maintained more than fourteen (14) days prior to the date on which the event advertised is to occur and shall be removed within three(3) days after the termination of the event.
 - (iii) Size. Quasi-public signs shall be safely anchored and shall be allowed a sign area not to exceed thirty-two (32) square feet of sign area per face, sixty-four (64) square feet total.
- (b) Temporary business signs calling attention to a special sale, unique or limited activity (i.e.: Grand Opening, Quitting Business), or special sale price of a service or product of limited duration. Such signs shall be limited to banner signs only as regulated herein but in no case shall each retail or service business display more than one such sign.
- (i) Location. Temporary business signs shall be located only on the lot upon which the special activity is to occur. Such signs shall not project over the lot line.
 - (ii) Size. Banner signs and inflatable signs must be securely attached at the four corners and are allowed a sign area not to exceed ten percent (10%) of the facade upon which it is placed or sixty (60) square feet, whichever is less, or thirty (30) square feet if not erected upon a facade.
 - (iii) Height. A freestanding inflatable sign shall not exceed the height limits designated for permanent freestanding signs in the zoning district in which the sign is to be placed.
 - (iv) Balloon-type attention devices. Large freestanding inflatable devices may be placed on roofs or approved temporary or permanent structures provided they comply with all provisions of this section, excepting that there is no limit on the vertical cross-sectional area of the balloon.
 - (v) Timing. Temporary business signs shall be permitted for not more than six (6) periods per calendar year, each period not to exceed thirty (30) calendar days each. A separate permit is required for each of the six periods allowed. At the expiration

of each period, the permit holder shall immediately remove such temporary sign.

- (vi) Fee. The fee for each permit shall be established by resolution of the Board of Aldermen.

(G) Maintenance or Abandonment of Signs

- (1) All signs shall be of sound structural quality, be maintained in good repair, have a clean and neat appearance, remain free from fading, tears, cracks, or missing sign panels, and the land adjacent shall be kept free from debris, weeds, and trash. Signs which are not properly maintained as determined by the Building Official, or which are abandoned, shall be removed by the property owner within thirty (30) days after abandonment of the principal use or may thereafter be removed or repaired by the Building Official after proper notification as set forth in this Ordinance. Removal expense of such shall be charged to the property owner as outlined and authorized by Chapter 16 of the Grandview City Code.
- (2) Owners of signs that do not conform with the maintenance requirements of this ordinance at the time of its adoption shall have six months from the date of adoption to bring the non-conforming sign into compliance with the ordinance. Signs that do not comply with the maintenance requirements of this ordinance after said six months have elapsed shall be subject to removal as authorized by Chapter 16 of the Grandview City Code.
- (3) Notwithstanding any other provision of this Section 31-24 to the contrary, signs which would otherwise be deemed abandoned and subject to removal may remain on property that becomes vacant or unoccupied if said sign conforms to the maintenance requirements of this ordinance and if obsolete sign faces are replaced with blank sign faces. (*Ord. #6471, 7/26/11*)

(H) Sign Contractor's License

No applicant, person, firm or corporation shall hereinafter install, erect or maintain any sign (except that banner signs shall be exempted from this provision) which is electric, which extends more than fifteen feet (15') above the ground level or which is greater than thirty-two (32) square feet in area, until such person, applicant firm, or corporation has been licensed by the City of Grandview as a sign contractor. Further, no license will be approved until such contractor has filed with the City of Grandview a certificate of an insurance company duly authorized to do business in Missouri, stating that there is, in effect, a liability insurance policy of \$50,000 and \$100,000 bodily injury limits of liability and \$50,000 property damage limits of liability insuring the applicant. The certificate of insurance shall also state that the policy shall not be canceled, amended, changed or altered without giving the City ten (10) days written notice.

(I) Off-Premise Signs

An off-premise sign is any permanent, freestanding sign that advertises, promotes, or gives information about products, businesses, or services not connected with the premises upon which the sign is located. An off-premise sign shall be subject to the following provisions:

- (1) The maximum area of the sign, shall be four hundred (400) square feet per face. No embellishments are permitted.
- (2) Off-premise signs shall be spaced a minimum of one-thousand feet (1,000') apart as measured along the centerline of U.S. Highway 71 or Missouri Highway 150.
- (3) Off-premise signs shall be restricted to property abutting U.S. Highway 71 or Missouri Highway 150.
- (4) Off-premise signs shall be located a minimum of five hundred feet (500') from any residential zone, residential use, or any planned residential use as shown in the adopted Comprehensive Plan.
- (5) Placement of said sign shall comply with the building setbacks of the zoning district.
- (6) Off-premise signs may be located on the property line, but shall not extend over or into the right-of-way. No off-premise signs shall be located within a sight triangle.
- (7) Off-premise signs shall be a maximum of thirty five feet (35') in overall height, including the sign and support structure, and thirty feet (30') in length.
- (8) Off-premise signs shall be permitted only on lots with a minimum frontage of seventy feet (70').
- (9) Off-premise signs shall not be allowed on the same lot with more than one freestanding sign.
- (10) Off-premise signs shall only be permitted in the C-2, General Commercial District.

(Ord. #6116, 08/28/2007)

(J) Non-Conforming Signs

Any sign which becomes a non-conforming sign on the effective date of this Ordinance or which becomes a nonconforming sign at any future date shall be regulated according to the rules set forth in Section 31-25(A) of this Ordinance. In the event that the structural framework or supporting members, or one or more parts thereof of such non-conforming sign require modification or replacement, then such non-conforming sign shall be made to conform to the maximum area, number, allowable structure type, protection, height, lighting, and motion requirements for signs otherwise permitted in the zoning district or be removed. The changing of the copy or advertising material on the face of the structure shall not be deemed modification or replacement. *(Ord. #6116, 08/28/2007)*

(K) Sign Area Calculations

(L) Reserved for future use

(M) Sign Area:**(1) On-Premise Sign Area:**

- (a) Single Panel: The area of a single panel sign shall be measured by calculating the area of the extreme limits of the sign panel(s). If a single-faced sign contains more than one sign panel, the area of each sign panel shall be calculated separately and then the area of each sign panel shall be added together to yield the total sign area of a single faced sign. In no case shall the area between any sign panels or the supporting sign structure be calculated as part of the sign area.
- (b) Double-Faced (or Panel): Same as single panel sign except that a double-faced sign shall only count one (1) face for sign area determination.
- (2) Off-Premise Sign Area: The area of off-premise signs shall be measured in the same manner as on-premise signs, except for off-premise signs that have "add-ons" or embellishments to the principal sign panel then each additional "add-on" shall be calculated separately for its area and added to the principal sign panel. However, in no case shall the total area of the principal sign panel when added to the "add-ons" exceed the maximum sign area provided within the district in which it is located.

(N) Sign Construction Standards**(1) Design**

- (a) General. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this Section. Bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs supported on buildings, the dead and lateral loads shall be transmitted to the ground in a manner so as to avoid overstressing the elements of the structural frame.

The overturning moment produced by lateral forces shall not exceed two-thirds of the dead-load resisting moment. Uplift due to overturning shall be resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

- (b) Wind Loads. Signs and sign structures shall be designed and constructed to resist wind forces as specified in the Grandview Building Code.
- (c) Seismic Loads. Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the Grandview Building Code.

- (d) Combined Loads. Wind and seismic loads need not be combined in the design of signs or sign structures; only the loading producing the larger stress need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with wind or seismic loads.
- (e) Allowable Stresses. The design of wood, concrete, steel or aluminum members shall conform to the Grandview Building Code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in the Grandview Building Code.

The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners. Working stresses for wind or seismic loads combined with dead loads may be increased as specified in the Grandview Building Code.

- (f) If required by the Building Official, an engineer's seal may be required to certify the design of the sign.

(2) Listing Required. Every electric sign of any type shall be listed and installed in conformance with that listing in the National Electrical Code, unless otherwise permitted by special permission.

ZONING DISTRICT	ALLOWABLE CONTENT	NUMBER	STRUCTURAL TYPE	MAX AREA	MAXIMUM HEIGHT	MAX PROJECTION INTO R-O-W	ADDITIONAL REGULATIONS
R-1A R-1 R-1M R-2 R-3	Signs identifying religious or educational institutions	1 / business	Freestanding	50 sq ft / face	12' pole base+ or 5' monument base	0'	
		no limit	Wall-mounted	50 sq ft / wall	Below eave or parapet	0'	
	Signs identifying real-estate development or subdivision	1 / street entrance	Freestanding on a monument base	32 sq ft / face	5' monument base	0'	
		1 / street entrance	Wall-mounted	32 sq ft / wall	Below eave or parapet	0'	
	Temporary Quasi-public / Business signs	AS REGULATED IN SECTION 31-24 (F)					
	Parking Lot Directional Signs	As approved on Site Plan	Freestanding	6 sq ft / face	4'	0'	No Permit Required
		Wall-mounted	6 sq ft each	Below eave or parapet	0'		
C-1	Signs identifying religious or Educational institutions	1 / business	Freestanding*	50 sq ft / face	12' pole base+ or 5' monument base	0'	
		No limit	Wall-mounted	50 sq ft / wall	Below eave or parapet	0'	
	Signs identifying name, occupants & hours of operation	1 / business	Freestanding*	50 sq ft / face	20' pole base+ or 5' monument base	0'	
		No limit	Wall-mounted	50 sq ft / wall	Below eave or Parapet	0'	
	Temporary Quasi-public / Business signs	AS REGULATED IN SECTION 31-24 (F)					
	Parking Lot Directional Signs	As approved on Site Plan	Freestanding	6 sq ft / face	4'	0'	No Permit Required
			Wall-mounted	6 sq ft / each	Below eave or parapet	0'	
	Nameplate	1 / business per street frontage	Wall-mounted	6 sq ft / wall	Below eave or parapet	0'	No permit required; if under canopy sign, 8' clearance required

ZONING DISTRICT	ALLOWABLE CONTENT	NUMBER	STRUCTURAL TYPE	MAX AREA	MAXIMUM HEIGHT	MAX PROJECTION INTO R-O-W	ADDITIONAL REGULATIONS
OS C-2 CS I-1 I-2 AG P-1	Signs identifying name, profession, occupants, and hours of operation to include signs identifying religious or educational institutions.	1/business; if frontage is > 500; then 1 additional sign is permitted	Freestanding*	50 sq. ft/face except along US 71 HWY, then 130 sq. ft.	25' pole base+, except along US 71 HWY, then 35' pole base above the elevation of the roadway of US 71 Hwy, not including frontage roads, as measured from the nearest point of the sign to the road +, or 5' monument base	0'	Minimum of 100' between free standing sign as measured along closest line where 2 freestanding signs are allowed
		No Limit	Wall-mounted	20% of area first facade; 10% of area of any other facade; not to exceed 750 sq.ft per wall Note**	Below eave or parapet	0'	
	Temporary Quasi-public / Business signs.	AS REGULATED IN SECTION 31-24 (F)					
	Parking Lot Directional Signs.	As approved on Site Plan	Freestanding	6 sq. ft / face	4'	0'	No Permit Required
			Wall-mounted	6 sq ft each	Below eave or parapet	0'	
	Nameplate	1/business per street frontage	Wall-mounted	6 sq ft / wall	Below eave or parapet	0'	No Permit required if under canopy sign 18' clearance required.
Shopping Center (5 or more Separately Operated establishments) to include office or industrial complexes (see fig. 7)	1 / center; if frontage is > 500' then 1 additional sign permitted.	Primary Free-standing sign for center as a whole.	130sq. ft / face	35' pole base +, along US 71 HWY, then 35' pole base above the elevation of the roadway of US 71 Hwy, not including frontage roads, as measured from the nearest point of the sign to the road +	0'	In addition, wall-mounted signs are allowed for each business as regulated above under "Signs identifying name profession; occupants, and measured along closest line where 2 free-standing signs are allowed.	
C-2	Off-premise Signs	AS REGULATED IN SECTION 31-24 (I)					

ZONING DISTRICT	ALLOWABLE CONTENT	NUMBER	STRUCTURAL TYPE	MAX AREA	MAXIMUM HEIGHT	MAX PROJECTION INTO R-O-W	ADDITIONAL REGULATIONS
OS C-2 CS I-1 I-2 AG P-1		1 / separate business located in its own detached building (4ext walls) on separate pad site & which shares parking or access with center ++	Free Standing*				
	Menu Board	2 / business	Freestanding	48 sq ft / face		0'	
			Wall-mounted	48sq ft / each	Below eave or parapet	0'	
	Directory Sign	1 shopping center 5 or more independtly owned operated businesses.	Freestanding or Monument Base	6 sq ft / business	35' pole base+ or 5' monument base	0'	
I-1 I-2 (only)	Signs identifying an industrial Subdivision of Four or more separately owned or operated establishments on separate lots to include Lease lots	1 / side of major street entrance (arterial or collector street)	Freestanding	50 sq ft / face	12' pole base+ or 5' monument base	0'	
C-3	Signs identifying Name, profession, Occupants & hours of operation to include signs identifying religious or educational institutions.	1 / business	Freestanding*	50 sq ft / face	25' pole base+ or 5' monument base	0'	
		No limit	Wall-mounted	20% of façade area, not to exceed 750 sq ft total / wall Note**	Below eave or parapet	18'	If wall-mounted signs are used, then a projecting sign is not allowed
		1 / business	Projecting	20 sq ft / face	25' with a min. of 8' between the bottom of the sign & the ground level	54" but in no case closer than 24" from the curb line of any roadway	If a projecting sign is used, then wall-mounted signs are not allowed.
I-1 I-2 (only)	Nameplate	1 / business per street frontage	Wall-mounted	6 sq. ft. / wall	Below eave or parapet	0'	No permit required in under canopy sign 18' clearance required
PD same as underlying zoning district, except further limited by the ordinance establishing the PD.							

* Changeable Copy sign may be used in addition to the allowed Free Standing sign. See definitions

** For wall-mounted signs on a canopy, the total of all facades is calculated, then 10% of that amount is permitted.

+ A minimum of eight (8) feet of clearance allowed between bottom of the sign and the ground level shall be provided if sign is within ten feet (10') of a public right of way.

++ If a building is located on its own separate pad site which does not share parking or access with the center overall, then the business shall be treated as a separate entity, and shall be permitted its own freestanding sign as provided for herein.

31-25 SUPPLEMENTAL REGULATIONS - USE**(A) Nonconformities****(1) Nonconformities, in General**

Within the zoning districts established by this Ordinance or any subsequent amendment, there exist: a) lots; b) structures; c) uses of land; d) uses of structures; e) uses of land and structures in combination; and f) characteristics of use, which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or its subsequent amendment. Such instances shall hereafter be considered lawful nonconformities.

The burden of proof of such claim shall be upon the property owner. Failure of the City to identify any lawful nonconformity shall not constitute evidence or be construed as an admission by the City that such property conforms to the regulations contained in this Ordinance. *(Ord. #6116, 08/28/2007)*

(2) Nonconformities, Intent

It is the intent of this Ordinance to recognize the legitimate interests of owners of lawful nonconformities by allowing such lawful nonconformities to continue, subject to the provisions contained herein. At the same time, it is recognized that lawful nonconformities may substantially and adversely affect the orderly development, maintenance, use and taxable value of other property in the same zoning district, property that is itself subject to the regulations and terms of this Ordinance. In order to secure eventual compliance with the City's Comprehensive Plan and with the standards of this Ordinance, it is therefore necessary to carefully regulate lawful nonconformities and to prohibit the re-establishment of such nonconformities that have been discontinued.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. "Actual building construction" is hereby defined to include the placement of construction materials in permanent position and fastened in a permanent manner.

(3) Nonconformities, Lawful

(a) Lots: Any lot having insufficient area, width or depth for the zoning district in which it is located, frontage on an improved public street or an improved private street of a planned district, or any combination thereof, shall be considered a lawful nonconforming lot only if 1) it was lawfully platted and recorded and on file in the office of the Jackson County Recorder prior to the adoption of this Ordinance; 2) there has been a building permit issued on that lot; or 3) it was lawfully recognized by the City prior to January 1, 1978. On any single lawful non-conforming lot within a zoning district which permits single-family detached residential dwellings, one such dwelling may be constructed by right, provided that height, lot coverage, and off-street parking requirements of

the zoning district within which the parcel is located are complied with, and all appropriate permits are obtained prior to any construction activity. Required yard setbacks for the district may be reduced by no more than 25 percent of the requirements of the zoning district within which the parcel is located if necessary and approved by the Director of Community Development. Further, no zoning lot or portion thereof shall be used or sold in a manner which will increase its degree of non-conformity.

(b) Structures: Structures that were lawfully constructed prior to the adoption of this Ordinance, but which could not be constructed under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, setbacks (yards), location on the lot or other requirements concerning structures, shall hereafter be considered lawful non-conforming structures. As such, they may continue to exist so long as they remain otherwise lawful, provided that no reconstruction, enlargement or alteration of said structures shall occur that will increase their nonconformity except as provided for in Section 31-25(A) of this Ordinance. However, any lawful non-conforming structure or portion thereof may be altered to reduce its nonconformity.

(c) Uses:

(i) Uses of Land: Any use of land, or use of land which involves no individual structure with a replacement value exceeding one thousand dollars (\$1,000) which would not be permitted under the terms of this Ordinance but was lawfully existing at the time of the adoption of this Ordinance shall hereafter be considered a lawful nonconforming use of land. As such, it may be continued so long as it remains otherwise lawful and provided that no enlargement, increase or extension of the lawful nonconforming use of land occurs so that a greater area of land is occupied than was occupied at the time of the adoption of this Ordinance, and that no additional structures or additions to structures existing at the time of the adoption of this ordinance shall be constructed on the same zoning lot.

Further, no such lawful nonconforming use of land shall be moved or relocated in whole or in part to any other portion of the zoning lot on which it is located than that portion occupied at the time of the adoption of this Ordinance. If any lawful nonconforming use of land ceases for any reason for a period of more than ninety (90) consecutive days, and subsequent use of such land shall conform to the terms of this Ordinance.

(ii) Uses of Structures: Any use of a structure with a replacement cost of one thousand (\$1,000) or more which would not be permitted under the terms of this Ordinance but was lawfully existing at the time of the adoption of this Ordinance shall hereafter be considered a lawful nonconforming use of that structure. As such, it may be continued so long as it remains otherwise lawful and provided that the structure in which the lawful nonconforming use is located shall not be enlarged,

extended, constructed, reconstructed, moved, relocated or structurally altered except in changing the use to a permitted use in the district in which it is located or as otherwise provided for in this Ordinance. However, a lawful nonconforming use of a structure may be extended throughout any parts of the structure in which it is manifestly arranged or designed for such use at the time of the adoption of this Ordinance, but if any lawful nonconforming use of a structure is discontinued for any reason for a period of 180 days, (except when government action impedes access to the premises), such structures shall only thereafter be used in conformity with the terms of this Ordinance. (*Ord. #6116, 08/28/2007*)

- (iii) Uses of Land and Structures in Combination: Any use of land in combination with a structure with a replacement cost of more than one thousand dollars (\$1,000) which would not be permitted under the terms of this Ordinance but was lawfully existing at the time of the adoption of this Ordinance shall thereafter be considered a lawful nonconforming use of land and structure in combination. As such, it may continue so long as it remains otherwise lawful and provided that the provisions of Section 31-25(A)(3)(C) of this Ordinance are complied with.
- (iv) Characteristics of Use: When an otherwise lawful existing use is permitted generally in any given zoning district but where, due to the adoption of this Ordinance, required off-street parking, paving of parking area, landscaping, screening, and similar regulations are not provided, such deficiencies attributable to the use shall be considered lawful, nonconforming characteristics of such use. Said deficiencies shall be brought into conformance when the use they attributable to is expanded, enlarged or the intensity is increased, even though the use itself is permitted generally.

(4) Change from One Nonconforming Use to Another

One existing lawful nonconforming use of a structure may be changed to one other nonconforming use of the same structure by the Director of Community Development based upon a review of the following criteria and when he/she reasonably believes that such a change will not adversely affect the purposes and intent of this Ordinance. If any of the criteria cannot be met or are violated due to the requested change from one nonconforming use to another, than the request shall be reviewed by the Board of Adjustment in accordance with the provisions set forth in Section 31-27 of this Ordinance for their disposition.

- (a) The proposed use is no more intensive than the existing use;
- (b) The proposed use occupies no more area of the structure than the existing use;
- (c) The proposed use requires no more off-street parking than the existing use; and

- (d) Existing lawful nonconforming uses of a structure that change owners but continue the same use shall be permitted to do so provided that an agreement is signed by the new owner and kept on file in the Department of Community Development stating that the new owner agrees to all conditions placed on the previous owner and use(s) of the structure.

All signage for the existing use shall be removed and all signage for the proposed use shall conform to the underlying district in which it is located as provided in Section 31-24 of this Ordinance except that where signage is prohibited then one (1) wall-mounted sign of a maximum area of 40 square feet shall be permitted and the proposed use otherwise complies with the terms of this Ordinance and a Conditional Use Permit has first been obtained before any change or conversion is commenced.

(5) Lawful Nonconforming Uses Superseded

Anywhere a lawful nonconforming use is superseded by a permitted use, such lawful nonconforming use shall not thereafter be resumed.

(6) Expansion of Certain Lawful Nonconformities

Certain lawful nonconformities may be expanded by the Director of Community Development based upon a review of the following criteria and when he/she reasonably believes that such an extension will not adversely affect the purposes and intent of the Ordinance.

If any of the criteria cannot be met or are violated due to the expansion of the nonconformity, then the request shall be reviewed by the Board of Adjustment in accordance with the provisions set forth in Section 31-27 of this Ordinance for this disposition.

- (a) They are either a residential dwelling in a zoning district other than residential, or a commercial use allowed as a permitted or conditional use in one commercial zoning district but located in a different commercial zoning district where such use is not provided for;
- (b) The current capital investment in buildings, structures, or other facilities of the enough to indicate that such use is likely to be maintained on the property for the foreseeable future;
- (c) The continuance thereof will not be contrary to the public health, safety, welfare or the spirit of this Ordinance;
- (d) The proposed expansion does not require additional off-street parking;
- (e) The proposed expansion does not generate additional noise, vibration, odor, or is more intensive than what currently exists;

- (f) The use and its proposed expansion do not and are not likely to significantly depress the value of nearby properties;
- (g) No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use does not conform;
- (h) The aggregate extent of the expansion does not exceed fifteen percent (15%) of the gross floor area of the building devoted to the nonconforming use such expansion shall comply with the schedule of district regulations in the district in which it is located; and
- (i) The public will receive some benefit from the proposed expansion through improvement of conditions on the property including but not limited to upgrading the appearance of the premises, removal of nonconforming signs, and addition of off-street parking and loading facilities.

No vested interest shall arise out of the approval of a Conditional Use Permit pursuant to this Section.

(7) Reconstruction of Certain Lawful Nonconforming Structures Should any lawful nonconforming structure be destroyed by any means to an extent of more than seventy-five percent (75%) of its replacement cost at the time of destruction, it may only be reconstructed in conformance with the provisions of this Ordinance; except that lawful nonconforming structures that are owner-occupied, single-family detached dwellings, may be reconstructed to their former condition, dimensions and location on the lot provided that the destruction was caused by an accident or act of God occurring after the adoption of this Ordinance and such reconstruction does not increase the degree of nonconformity where permitted must commence within twelve (12) months of destruction. In such case where reconstruction does not commence within this time limit, the nonconformity will be considered abandoned and such structure shall be permitted reconstruction only as a permitted use.

(8) Prohibition on the Re-Establishment of Nonconforming Uses of Land and Structures in Combination Where nonconforming status applies to a use of land and structure in combination, the removal or destruction of the structure which was caused by an accident or act of God occurring after the adoption of this Ordinance by more than seventy-five percent (75%) of its replacement cost at the time of destruction shall prohibit the re-establishment of the nonconforming use in any case.

(B) Home Occupations

(1) Intent. The intent of the home occupation provisions contained herein is to permit the use of residences as a place of livelihood or supplementing of personal and family incomes, while protecting residential areas from adverse impacts of activities associated with home occupations.

(2) Performance Standards. Home occupations shall be permitted as accessory uses within any dwelling unit provided they meet the following performance standards, permitting requirements and all other requirements of the district in which they are located:

- (a) The home occupation must be clearly incidental and secondary to the primary residential use of the dwelling.
- (b) The home occupation must not change the outside appearance of the dwelling or be visible from the street. Exterior signage shall not be permitted unless mandated by Missouri State Law.
- (c) The home occupation must not generate traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood.
- (d) The home occupation shall not use more than one private commercial vehicle, limited to three-quarter ton capacity. The home occupation shall not use a trailer for equipment storage or hauling. Parking at or on the street adjacent to the home which is generated by the conduct of a home occupation shall increase by no more than one additional vehicle at a time.
- (e) The home occupation shall not create a hazard to person or property, result in electrical interference, or become a nuisance in the neighborhood.
- (f) No outside storage of any kind related to the home occupation shall be permitted.
- (g) Only persons residing on the premises shall be employed on the premises by the home occupation.
- (h) No more than twenty-five percent (25%) of the gross floor area of the dwelling unit shall be used for the operation of the home occupation. Home occupations shall not be conducted in accessory buildings.
- (i) Deliveries of materials to and from the premises in conjunction with the home occupation shall not require the use of vehicles other than parcel post or similar parcel service vehicles.
- (j) Noise, vibration, smoke, odors, heat or glare as a result of a home occupation which would exceed that normally produced by a single residence shall not be permitted.
- (k) No retail sales are allowed on the premises in conjunction with the home occupation unless clearly incidental to the home occupation.

- (l) All home occupations shall have an approved occupational license and any other license(s) as mandated by other applicable local, state, and/or federal laws.
- (m) Where babysitting is operated as a home occupation, it shall operate in conformance with all Laws of the State of Missouri and Department of Health. (See definitions of babysitting and day care center under Section 31-3 of this Ordinance.)
- (n) To the extent possible, customer and client contact shall not occur on the premises of the home occupation, except those home occupations such as tutoring, teaching, babysitting or personal services which cannot be conducted without personal contact and as permitted in the following Section.

(3) Home Occupation Permit

All home occupations shall apply for a Home Occupation Permit on an application form provided by the Community Development Department. Home Occupation Permits shall have the same duration as the occupational license and no license shall be issued for more than one (1) year. Applications and renewal applications shall include information sufficient to show the business's compliance with the required performance standards.

(4) Existing Home Occupations

Home occupations with valid home occupation permits on the date of passage of this ordinance, but which otherwise would not be allowed under the provisions of this Section 31-25(B), shall be allowed to continue as a legal, non-conforming use pursuant to Section 31-25(A) provided that:

- (a) The home occupation is approved by the Community Development Department; and
- (b) The home occupation annually applies for and receives both an occupational license pursuant to Chapter 13 of the Code of Laws and a home occupation permit pursuant to Section 31-25(B)(3).

(5) Noncompliance - Revocation of Permit

All home occupations, including existing home occupations that have been approved by the Community Development Department as of the date of this Ordinance and grandfathered home occupations, shall comply with the provisions of Section 31-25 (B) (2) (b). In the case that any of these provisions are violated, a general ordinance complaint may be issued by the City and court action taken to insure compliance with

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the performance standards. The City of Grandview retains the authority to revoke a home occupation permit and an occupational license and any approval associated therewith at any time when the above stated performance standards are violated.

(6) Prohibited Home Occupations

The following uses, by the nature of the investment or operation, have a tendency to rapidly increase beyond the limits permitted for home occupations and thereby, impair the use and value of a residentially zoned area for residential purposes. Therefore, the following uses shall be specifically prohibited as home occupations:

- (a) Animal grooming, boarding, and/or related services;
- (b) Automobile and other motor vehicle repair services and/or sales;
- (c) Commercial home cooking, canning, or preserving;
- (d) Equipment rental;
- (e) Lawn care services;
- (f) Photographic studio, where photographs are taken on the premises;
- (g) Physicians, dentists, chiropractors;
- (h) Printing and/or typesetting services;
- (i) Radio, television, phonograph, recorder, small appliance and small engine repair services;
- (j) Sales to the public on the premises;
- (k) Scrap collection and hauling; and
- (l) Towing services.

Any proposed home occupation not specifically prohibited in Section 31-25 (B) (6) above shall be permitted provided that all performance standards listed above are observed. However, if any one of these performance standards may potentially be violated, due to the nature of the home occupation, the Director of Community Development shall retain the authority to deny the home occupation. Further if, after establishment of a home occupation, any one of the performance standards listed above is violated, a general ordinance complaint may be issued by the City and court action taken to insure compliance with the performance standards. The City of Grandview reserves the authority to revoke an occupational license and any approval associated therewith at any time when the above stated performance standards are violated.

(Ord. #6526, 03/27/2012)

(C) Group Homes, Residential Care Agency Facility for Children, and Residential or Outpatient Treatment Facilities.

- (1) Group Homes and Residential Care Agency Facility for Children. Group homes as defined in Chapter 89.020, RSMo and residential care agency facilities

for children, as defined in Chapter 210.481, RSMo, where no more than eight unrelated mentally or physically handicapped persons, as defined by the Americans with Disabilities Act of 1990, reside and where no more than two additional persons reside acting as houseparents or guardians, who need not be related to each other or to any of the residents, shall be determined to be a permitted use in any single family dwelling.

Such group homes and residential care agency facilities for children as defined in Chapters 89.020 and 210.481 RSMo., must be located at least 1,320 feet from any such other homes. Group homes and residential care agency facilities for children where more than eight persons reside or where more than two houseparents or guardians reside shall be permitted in the following districts only:

R-3 Low Density Multi-Family Residential District
OS Office/Service District

The exterior of all group homes and residential care agency facilities for children shall be in reasonable conformance with the general surrounding neighborhood standards.

- (2) Residential or Outpatient Facilities for the Treatment of Alcohol and Other Drug or Substance Abuse. Residential or outpatient facilities for the treatment of alcohol and other drug or substance abuse shall be allowed as a conditional use in OS, C-2, C-3, I-1, and I-2 districts and shall be in conformance with Section 31-26(F) and the following standards:

- (a) A site plan has been submitted, reviewed, and approved by the City Site Plan Review Team as to the following:
- (i) Minimum lot area shall be 20,000 square feet.
 - (ii) Minimum building size shall be three hundred (300) square feet for each resident patient and resident staff.
 - (iii) No more than twelve (12) residents or patients plus staff shall be occupants.
 - (iv) Screening provided to buffer adjacent uses shall be in accordance with Section 31-23.
 - (v) At a minimum, rear and side yards setbacks shall be 20 feet or the most restrictive required by the specific zoning district in which it is located.
- (b) The applicant shall demonstrate that there will be no negative impact upon the public.

(D) Adult-Oriented Entertainment.

See Chapter 2A of the Grandview Code of Laws entitled "Adult-Oriented Entertainment."

(E) Oil and Gas Well Regulations

(1) Intent.

These regulations are intended to promote the orderly and economic development, production, and utilization of oil and gas while protecting the health, safety and welfare of the public.

(2) Application for Permit

- (a) Forms: Any person(s) who propose to drill, own, operate, or maintain an oil or gas well or any appurtenances thereof, shall make written application on forms provided by the Department of Community Development. The application shall contain the well owner's and drilling operator's name, address, and telephone number, general location of subject property or lease and a certification statement by the owner or agent that they are in compliance with all applicable federal, state and local laws governing such oil gas well production.
- (b) Location Plat: When making application for said permit, the applicant shall furnish to the Community Development Department one copy of the location plat required by the Missouri Oil and Gas Council. In addition to the information required by said Council, the following information shall be supplied:
- (i) The location of all buildings and structures on the property and the distance between buildings, wellheads, and storage tanks.
 - (ii) The location of all proposed, staked wellheads.
 - (iii) The location of all proposed storage tanks and separators, and all appurtenances such as dikes, sumps, basins and drainage ditches.
 - (iv) The location of all landscaping, berms, and other screening as required by this Ordinance.
 - (v) The location of all fencing as required by this Ordinance.
- (c) Insurance: Prior to the commencement of any oil or natural gas drilling or pumping operation, the property owner, lessor or their agent shall provide proof of liability insurance in the amounts of One Million Dollars (\$1,000,000) combined single limit for bodily injury and property damage per occurrence with a Three Million Dollar (\$3,000,000) aggregate limit. The Certificate of Insurance shall also state that the policy shall not be canceled nor in any manner amended, changed or altered without giving the City ten (10) days' written notice thereof. Such insurance shall be continued until such operation has

ceased and all wells insured by such policy are all properly plugged in accordance with City and State standards.

- (d) Bonding: The applicant shall provide proof that a bond or other financial guarantees as required by the State of Missouri have been provided to assure the reclamation of the site in accordance with the requirements of the State.
- (e) Fees: Application for an oil or gas permit shall be accompanied by a fee of twenty dollars (\$20.00) per wellhead with a maximum of one hundred dollars (\$100.00) per lease.

(3) General Provisions

- (a) Insurance of Permit: Upon application for a permit, the Director of Community Development or his representative shall review the application for conformance with the provisions of this article. If the applicant is in compliance with this article and all the rules and regulations of the State of Missouri, the City of Grandview, and the Grandview Fire Code are met, said Director shall issue the permit.
- (b) Period of Effectiveness:
 - (i) A permit to drill, own, maintain, or operate an oil or gas well shall be in effect for the life of the well, subject to revocation for noncompliance with the provisions of this Ordinance.
 - (ii) A permit to drill a well shall become null and void if operations to drill said well are not commenced within one hundred and eighty (180) days after the permit's date of approval.
 - (iii) Whenever operation on a well cease for a period of two (2) years or more, said well shall be considered abandoned, and any City permits issued on that well shall no longer be in effect. The site of the abandoned well shall be returned to its natural state before the two (2) year period has elapsed.
- (c) Leases Under More Than One Ownership: Oil and gas well permits may be issued for tracts of land which are under more than one ownership provided that all the provisions of this Ordinance are met.

(4) Permits

- (a) Valid Permits: It is unlawful for any person(s) to commence the operation of any oil or gas drilling or production without possessing a valid permit issued by the City of Grandview. A person must comply with the provisions of this article to be entitled to receive such a permit. Permits shall not be transferable. A valid permit shall be posted on the premises of such an operation at all times.

- (b) Penalties:
- (i) General Penalty: Any person(s) who owns, drills, maintains, or operates an oil or gas well or any appurtenances thereof without first obtaining a valid permit from the City of Grandview shall be subject to the penalties provided for in this Ordinance.
 - (ii) Revocation of Permit: Any person(s) in possession of a valid City permit who owns, drills, maintains, or operates an oil or gas well or any appurtenances thereof in violation of the provisions of this Ordinance shall be subject to immediate revocation of said permit.
- (c) Blanket Permits: Should the applicant plan to drill more than one well on any given tract of land, application may be made for two (2) or more wells simultaneously, subject to the following conditions.
- (i) Any permit issued shall be only for the wells indicated on the application form.
 - (ii) All wells indicated on said application shall be staked on the site in order that City staff may inspect the site.
 - (iii) At such time that more wells are proposed on said tract which are not indicated on the previously submitted permit application form, another permit application shall be made, and another application fee shall be submitted.
 - (iv) Permits shall be issued only for those wells for which state permits have been issued.
- (d) State Permits: Prior to issuance of any drilling permits, it is necessary to have applied for and received a permit from the Missouri Oil and Gas Council. Proof of the granting of a permit by the State of Missouri must be presented at the time of application for the City permit.
- (e) Fire Permits: All oil and gas wells shall be drilled, owned, operated, and maintained in compliance with the Grandview Fire Code. Prior to issuance of any oil well permits as specified in this article, a permit shall have been obtained from the Grandview Fire Department.

(5) Restrictions:

- (a) Screening: Screening of wellheads, storage tanks, and appurtenances to a height not less than six feet (6'), 100% opacity shall be supplied within two (2) months after the installation of the pump. Screening of the storage tanks and their appurtenances must occur within two (2) months of the installation of the said tanks. Extensions of this time

period may be granted by the Director of Community Development should special circumstances exist which justify the extension.

- (b) Fencing: Fencing to a height not less than six feet (6') shall be provided to protect the safety of domestic livestock and citizens, most particularly children. Fencing shall be either around the property as a whole, or around each separate well.
- (c) Drilling:
 - (i) Interference with Traffic: Drilling shall not cause the obstruction of any public thoroughfare.
 - (ii) Length of Drilling: Drilling operations shall cease and drilling and accessory equipment shall be removed from the site within sixty (60) days of the commencement of any one well.
 - (iii) Storage Ponds: Open storage or sludge ponds, basins, or sumps used for the storage of sludge, oil, or other by-products of drilling operations shall be filled in, seeded and otherwise returned to their natural state within one hundred and twenty (120) days of the completion of the drilling operation.
- (d) Storage Tanks:
 - (i) Storage Dikes: Dikes shall be provided around all storage tanks adequate to hold seventy-five percent (75%) of the maximum capacity of the tanks located within said dikes.
 - (ii) Tank Maintenance: All storage tanks shall be maintained in a leakproof condition with an adequately painted, rust-free exterior surface.
- (e) Pumps:
 - (i) Pumping Motors: Only electric motors shall be permitted to operate pumping equipment when such equipment is located in or within five hundred feet (500') of a residential zoning district.
 - (ii) Excess Gas: Excess natural gas shall not be burned off at the wellhead.
- (f) Drainage: The drilling and operating of the oil and gas wells and the construction of any access roads, shall not alter the existing drainage pattern so that it adversely impacts surrounding property.
- (g) Setbacks:

- (i) Wellheads: Wellheads shall be located a minimum of one hundred and sixty-five feet (165') from any property or lease line and structure and shall be located not less than 1000 feet from adjacent wells unless waived by the Oil and Gas Council of the State of Missouri.
- (ii) Storage Tanks: Storage tanks and their appurtenances, other than those containing fuels to power individual pumps, shall be located a minimum of one hundred and sixty-five feet (165') from any property or lease line and structure.
- (h) Storage of Wastes: All wastes generated from drilling or pumping shall be contained and not permitted to flow off of the site. Salt water may be returned to a salt water strata under the conditions imposed by the Oil and Gas Council of the State of Missouri.

(6) Release from Damages: The property user or lessee shall submit a notarized statement holding and saving the City harmless from all claims, damages, expenses and losses arising out of the drilling or production of oil or gas.

(7) Exemptions: Any oil or gas wells which are temporary in nature and existing for one week or less shall be exempt from the fencing and screening restrictions as required in Section 31-25 (D) (5).

(8) Security for Maintenance or Removal of Oil or Gas Well: In order to ensure that the owner maintains or removes any oil or gas well when and as required by the following subsections, the owner shall provide the following to the City:

- (a) Financial security in the form of a bond, letter of credit, or other financial security as required by the Director of Community Development; and
- (b) Right of access.

(9) Oil or Gas Well Maintenance: To insure the safety and integrity of oil and gas wells, the owner of an oil or gas well shall insure that it is maintained in compliance with standards contained in the Grandview building code and all applicable local, state, and federal regulations for such wells, as they may be amended from time to time. If, upon inspection, the Building Official or other local, state, or federal official with jurisdiction, concludes that an oil or gas well fails to comply with such codes and regulations and constitutes a danger to persons or property, then upon notice being provided to the owner of the oil or gas well, the owner shall have thirty (30) days to bring such oil or gas well into compliance with such standards. If the owner fails to bring such oil or gas well into compliance within said thirty (30) days, the Director of Community Development shall report the noncompliance to the Board of Aldermen under the provisions of Chapter 6, Article V, entitled "Dangerous Buildings". The Board of Aldermen may then order the oil or gas well removed or repaired at the owner's expense under the provisions of said Chapter 6 and may draw upon the financial security to recover incurred costs.

(10) Removal of Abandoned Oil or Gas Wells: Any oil or gas well that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner shall be notified by the Community Development Director by certified mail, return receipt requested, of such determination and be given fifteen (15) days to respond. If the owner fails to respond or acknowledges that the oil or gas well has not operated for a continuous period of more than twelve (12) months, the owner of such oil or gas well shall remove the same within ninety (90) days of a receipt of notice from the Board of Aldermen notifying the owner of such abandonment. If such oil or gas well is not removed within said ninety (90) days, the Board of Aldermen may remove such oil or gas well at the owner's expense under the provisions of Chapter 6, Article V and may draw upon the financial security to recover incurred costs.

(F) Removal, Fill or Storage of Soil, Sand, or Other Material

(1) Intent

The intent of these regulations is to allow for removal, fill, or storage of soil, sand or other material either related to or unrelated to approved on-site construction.

(2) Permitted as a Temporary Use in any District Related to Approved Construction The normal removal, fill, or storage of soil for the construction of an approved building, structure, or subdivision plat shall be permitted in any district as a temporary use for a period not exceeding six (6) months from the start of construction. However, residential structures of four (4) or less units per building shall be declared exempt from this provision provided any related site work is completed within a six (6) month period after the start of construction.

(3) Permitted as a Conditional Use only in I-1 and I-2 Districts if Unrelated to Construction

Where the use of land involves the removal, addition, or regrading of soil or other acceptable materials as outlined below and is unrelated to current development for which a permit has been issued, such activity shall only be permitted under a conditional use permit as authorized by Section 31-26(F) of this Ordinance and in accordance with the standards below. (*Ord. #6116, 08/28/2007*)

- (a) A site plan drawn to scale has been submitted, reviewed, and approved by the City Site Plan Review Team showing legal description, property boundaries, structures, existing topographic contours, finished topographic contours, existing easements, access, existing water courses, existing drainage easements, and utility easements.

For pond, dike, levee and similar construction, engineering design and construction drawings shall be required prior to review of the conditional use application.

- (b) A completed application with the required fee has been submitted with the site plan.

- (c) Demolition debris shall contain only approved building materials and soil resulting from building or site clearance, construction, and excavation, which may include concrete, asphalt, brick, stone and earth but shall not include such items as refuse, trash, garbage, trees, lumber, tree roots, drainage ditch liners, scrap iron, appliances, junk automobiles, tires, junk, ashes, slags, or any metal or structural material used for drainage structures, sanitary sewers, or sewage structures, etc.
- (d) The demolition debris landfill shall be protected from use by unauthorized persons.
- (e) The demolition landfill shall be maintained in accordance with Code of Laws of Grandview, Chapter 23.
- (f) The demolition debris landfill site shall be graded and compacted by use of machines for this purpose as the fill material is introduced into the landfill area. After compaction, landfill debris materials shall not be larger than four inches (4") in size. When the approved elevation has been achieved, the site shall be graded smooth and seeded or sodded in accordance with the specific requirements of the approved site plan.
- (g) The approval of the application and permit to allow a demolition debris landfill shall be for a time period specified by the Director of Community Development but shall not exceed five (5) years. Such landfilling shall begin within six (6) months of issuance of the Temporary Use Permit. If the activity has not commenced within this time period, the Temporary Use Permit shall become null and void.
- (h) Regulation and Inspection. The Director of the Department of Community Development or his representative shall have the right to enter upon the site to make all reasonable inspections. If the applicant is found to be in violation of the performance standards of requirements, the Temporary Use Permit shall be revoked immediately.

(4) Not to Include Sanitary Landfills

Materials which are prohibited for storage or fill under this Section, as either temporary or conditional use, include, but are not limited to, the storage of used lumber, scrap iron, appliances, junk automobiles, tires, junk, garbage, miscellaneous debris, rubbish, refuse, ashes, slag or other industrial or construction wastes or by products.

(G) Flood Damage Prevention

Chapter 11A of the Codes of Laws entitled "Flood Damage Prevention" and the P-1, Conservancy District, shall regulate development in areas identified as flood hazard areas, including both floodways and flood fringes as defined in said Chapter 11A and in this Ordinance.

(H) Garage Sales or Rummage Sales

Garage sales or rummage sales may be permitted as a temporary accessory use in any zoning district with the following limitations:

- (1) A maximum of four (4) per calendar year no longer than three (3) consecutive days.
- (2) A nuisance is not created as determined by the Director of Community Development.

(I) Communication Towers and Facilities.

The purpose of these regulations is to control the location, construction, maintenance, and removal of communications towers and facilities.

(1) Definitions:

- (a) “Antenna” shall mean an exterior apparatus designed for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.
 - (i) “Communication Antenna” shall mean an antenna or array of antennas at one location intended to broadcast and receive signals as part of a wide-area, communication system such as cellular telephone systems, pager systems or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.
 - (ii) “Directional Antenna” shall mean an antenna or array of antennas, including panels, microwave dishes and satellite dishes, designed to concentrate a radio signal in a particular direction.
 - (iii) “Omni-Directional Antenna” shall mean an antenna that transmits signals in 360 degrees. Such as a whip antenna.
 - (iv) “Satellite Dish Antenna” shall mean a dish-shaped antenna used to receive signals transmitted from satellites. Large satellite dish antennas are those where the maximum diameter of the dish is greater than 36 inches. Small satellite dish antennas are those where the maximum diameter of the dish is 36 inches or less in diameter.
- (b) “Architecturally Designed Tower” shall mean a tower which is designed and constructed in such a manner that the tower appears to be an integral part or element of another permitted structure on the site, such as a church tower, bell tower, etc.
- (c) “Communication Tower” shall mean a ground-mounted guyed, monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for

transmitting or receiving television, AM/FM radio, digital microwave, cellular, telephone or similar forms of electronic communication.

- (d) “Monopole Tower” shall mean a communication tower consisting of a single pole, constructed without guy wires and ground anchors.
- (e) “Lattice Tower” shall mean a guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.
- (f) “Provider” shall mean a person, business, or telecommunications firm using a communication tower.

(2) Zoning Districts - Where Permitted.

The location of communication towers and facilities shall be determined as follows:

FACILITY TYPE

Zoning District	Antennas on Existing Structures (1)	Architecturally Designed	Freestanding Tower
P1, AG	P	CUP	CUP
R-1A, R-1, R-1M, R-2, R-3	P	CUP*	CUP
OS, C-1, C-2, C-3, CS	P	CUP	CUP
I-1, I-2	P	P	P
PD	**	**	**

1 Permitted on buildings and structures 2 stories in height or greater. Allowed on buildings less than 2 stories in height when architecturally compatible to the building architecture. The mast supporting the antenna may extend up to ten (10) feet above the roof line. In residential districts the existing structure must be on property developed with a non-residential use.

* Towers must be designed as an architecturally compatible element to an existing non-residential use such as schools, churches, etc. and communication antennas mounted on existing non-residential structures.

** Must be approved as part of Conceptual Development Plan.

P = Permitted by right provided the tower or antenna conforms to all city, state and federal standards.

CUP = Conditional Use Permit

(3) Application for Conditional Use Permit for Communication Tower.

Applications for conditional use permits to construct communication towers and related facilities shall conform to Section 31-26 (F) of this chapter and include, as a minimum, the following information:

- (a) Site plan.
- (b) A report from a licensed professional engineer which describes the tower's capacity, including the number and type of antennas it can accommodate.
- (c) A study comparing all potential host sites within an approximate one-half mile radius of the subject site. Potential sites shall include existing buildings and towers in excess of 100 feet and properties where towers are permitted by right or by conditional use permit. The Director of Community Development, the Planning Commission or the Board of Aldermen may require the review of additional sites pending review of the initial study. The study shall include a description of the surrounding sites, a discussion of the ability or inability of the site/tower to host a communications facility and the reasons why the site/tower was excluded from consideration. The applicant must demonstrate to the city's satisfaction that the alternative site or tower is not available due to one or more of the following reasons:
 - (i) Unwillingness of the owner to entertain a communications facility proposal.
 - (ii) Topographic limitations of the site.
 - (iii) Adjacent impediments that would obstruct adequate communication tower transmission.
 - (iv) Physical site constraints that would preclude the construction of a communication tower.
 - (v) Technical limitation of the system.
 - (vi) The planned equipment would exceed the structural capacity of existing and approved towers and facilities, considering existing and planned use for those facilities.
 - (vii) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
 - (viii) Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably.
 - (ix) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (d) A signed statement from the applicant indicating their intention to share space on the tower with other providers.
- (e) A copy of the lease between the applicant and the land owner. The lease is encouraged to contain the following provisions:

- (i) The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.
- (ii) The landowner shall be responsible for the removal of the communications tower or facility in the event the lessee fails to remove it upon abandonment.

(B) Application for a Co-Location Permit. Any provider of communication towers and facilities adding/modifying a type of antenna and/or equipment to an existing site shall submit a new site plan, including any information listed in this section for approval by the Director of Community Development only if architectural design construction. (*Ord. #6116, 08/28/2007*)

(4) Development Standards.

- (a) Height - The maximum height which may be approved for a communications tower is 150 feet. However, if a tower is designed and constructed to accommodate more than one (1) provider, the height may be increased up to 200 feet. A lightning rod, not to exceed 10 feet, shall not be included within the height limitations. All new towers in excess of 100 feet shall be designed to accommodate at least 2 additional providers. The location of additional antennas or providers on a legally existing tower shall not require additional action from the Planning Commission and Board of Aldermen.
- (b) Tower color - All towers shall maintain a galvanized finish unless otherwise recommended by the Planning Commission and/or approved by the Board of Aldermen.
- (c) Tower design - All communication towers shall be encouraged to be of a monopole design unless recommended by the Planning Commission and required by the Board of Aldermen to be architecturally compatible to the surrounding development.
- (d) Setbacks - Towers shall be set back from the property line a minimum of two-thirds the height of the tower for a monopole tower and a minimum setback equal to the height of guyed or lattice towers. City-owned emergency communications towers are exempted from compliance with any minimum setback distances. Accessory buildings shall meet the setbacks of the zoning district in which they are located. The setbacks for towers locating on residentially zoned property shall be determined at the time of the conditional use permit.

All towers, except city-owned emergency communications towers and those designed as an architecturally compatible element in terms of material, design and height to the existing or proposed use of the

property, shall be setback 200 feet from any surrounding property which is zoned R-1A, R-1, R-1M, R-2, and R-3. Provided, however, that the distance may be reduced or waived as recommended by the Planning Commission and approved by the Board of Aldermen where the residentially zoned land is designated for uses other than very low density or low-density residential.

- (e) Separation Requirements - All communication towers, except those designed as an architecturally compatible element in terms of material, design and height to the existing or proposed use of the property, shall comply with the following distance separation requirements:

MINIMUM DISTANCE BETWEEN TOWERS

Towers Greater than 100' in height -- 1,500'

Towers 100' or less in height ----- 1,000'

The Planning Commission may recommend and the Board of Aldermen shall have the ability to grant a deviation from the separation standards. In support of a deviation request from the separation standards, the applicant shall submit a technical study acceptable to the City which confirms that there are no other suitable sites available.

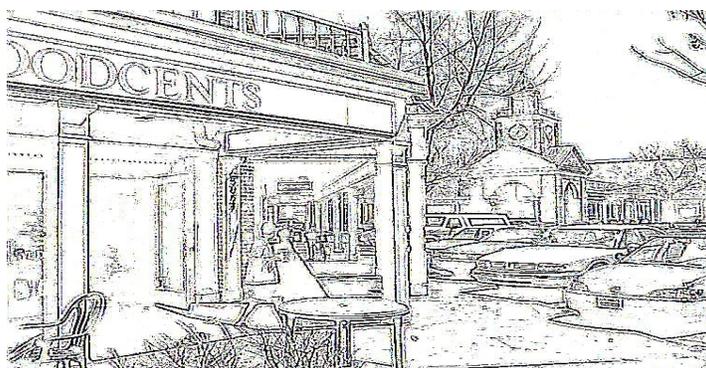
- (f) Parking areas and drives. All parking areas and drives associated with the communications tower shall comply with Section 31-22.
- (g) Equipment storage - Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the communication towers unless repairs to the tower are being made.
- (h) Accessory Uses. Accessory uses shall include only such buildings and facilities necessary for transmission functions and satellite ground stations associated with them, and shall not include broadcast studios, offices, vehicle storage area, nor other similar uses not necessary for the transmission function. All accessory buildings shall be constructed of building materials consistent with the primary use of the site and shall be subject to site plan or final development plan approval. Where there is no primary use other than the tower, the building materials for the accessory building shall be subject to the review and recommendation of the Planning Commission and approval of the Board of Aldermen.
- (i) Lighting. Communication towers shall only be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Administration. Security lighting around the base of a tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights of way.

- (j) Screening and Landscaping. The base of the tower shall be densely landscaped from view to a height of a minimum of six (6) feet. The materials of any security fence, including any proposed razor wire or other security wire, shall be subject to the recommendation of the Planning Commission and approval of the Board of Aldermen. A continuous landscaped area shall be provided around the perimeter of the accessory building and security fence. All plant materials are subject to Section 31-23 and shall include a mixture of deciduous and coniferous planting materials. Drought tolerant plant materials are encouraged. Where the visual impact of the equipment building would be minimal, the landscaping requirement may be reduced or waived upon recommendation by the Planning Commission and approval of the Board of Aldermen.
- (5) Security for Maintenance or Removal of Antenna or Tower. In order to ensure that the owner maintains or removes any antenna or tower, as required by the following subsections, the owner shall provide the following to the City:
- (a) Financial security in the form of a bond, letter of credit, or other financial security as required by the Director of Community Development; and
- (b) Right of access.
- (6) Tower Maintenance. To insure the structural integrity of towers, the owner of a tower shall insure that it is maintained in compliance with standards contained in the building code and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Official concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the Director of Community Development shall report the noncompliance to the Board of Aldermen under the provisions of Chapter 6, Article V, entitled "Dangerous Buildings". The Board of Aldermen may then order the tower removed or repaired at the owner's expense under the provisions of said Chapter 6 and may draw upon the financial security to recover incurred costs.
- (7) Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner shall be notified by the Community Development Director by certified mail, return receipt requested, of such determination and be given fifteen (15) days to respond. If the owner fails to respond or acknowledges that the tower or antenna has not operated for a continuous period of more than twelve (12) months, the owner of such

antenna or tower shall remove the same within ninety (90) days of a receipt of notice from the Board of Aldermen notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the Board of Aldermen may remove such antenna or tower at the owner's expense under the provisions of Chapter 6, Article V and may draw upon the financial security to recover incurred costs. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(J) Commercial and Industrial Building Appearance Guidelines.

- (1) Site and Building Design: Compatibility with Other Development:
 - (a) The form and proportion of buildings should be consistent or compatible with the scale, form and proportion of other development within the business park.
 - (b) The rhythm of structural mass to voids, such as windows and glass doors, of a front facade should relate to the rhythms established in adjacent buildings.
 - (c) Care should be exercised to coordinate final grades and site arrangement with those of adjoining properties and streets.
- (2) Location: Buildings should be located to ensure the provision of adequate open space for outdoor gathering areas, facilities, services and amenities and to provide natural indoor light, air and privacy to the extent possible. All buildings, parking lots and other structures should be located to integrate with the natural topography and to avoid deep cuts and fills, excessive foundation wall depth, unnecessary steps and steep access gradients.



Site Design should integrate building and parking elements with pedestrian ways.

- (3) Lot Coverage: The maximum lot coverage should be 70 percent. Lot coverage includes those portions of the net site area covered by the ground floor of any structure, parking lots, and private streets and drives. Lot coverage does not include sidewalks or plazas.
- (4) Design Focus: The front facade of a building, as well as the main entrance(s), should be designed as focal points to the building. The main entrances should incorporate devices such as canopies, overhangs, arcades,

raised parapets over the door, larger door openings, display windows, accent colors, and other architectural details such as moldings. The remaining portions of the building should be designed in a way that complements and is consistent with the building's street façade.



Building details should be incorporated to break the façade of a structure.

(5) Visual Interest:

- (a) Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. Monotonous design should be avoided. Variation of detail, form, and siting should be used to provide visual interest. Facades should be articulated with variations in the building plane and parapet height, materials and colors, entrance canopies, and landscaping. At a minimum, facades facing a public or private street should incorporate at least two of the following features along each applicable façade. These standards should be applied to each façade individually:
- (i). Recesses and projections along at least 20 percent of the length of the building façade.
 - (ii). Windows, awnings, arcades or other significant architectural features used along at least 60 percent of the front building façade length or 30 percent of the side or rear building façade length.
 - (iii). Brick, natural or fabricated all weather stone covering at least 50 percent of the area when applied to the front building façade or 25 percent of the area when applied to a side or rear building façade.
 - (iv). Landscaping islands or planting against the building, covering at least 30 percent of the length of the building facade.



Recesses and projections along at least 20% of the length of the building façade.

- (b) Loading docks, trash enclosures, outdoor storage and similar facilities and functions should be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are reduced to as great an extent as possible and are out of view from adjacent properties and public streets.
 - (c) Long expanses of overhead doors should be relieved by matching their color to the wall or trim, recessing the doors, or adding architectural details to diminish the dominance of the doors.
 - (d) The use of unusual shapes, color and other characteristics that cause new buildings to call excessive attention to themselves and create disharmony should not be allowed.
- (6) Materials:
- (a) The use of high-quality materials such as brick, glass, stucco, natural and fabricated stone, treated wood or similar durable and visually pleasing material should be used on the front facade and main entrances to the building. The remaining portions of the building should be designed to be compatible with the front facade and building entrance features. The following construction materials should be permitted:
 - (i). Reinforced Concrete and Masonry– A concrete finish or pre-cast concrete panel (tilt-wall) must have an exposed aggregate, be hammered or sandblasted, or be covered with a cement-based acrylic coating to add visual interest. Masonry includes solid cavity faced or veneered-wall construction or materials. Brick material used for masonry should be composed of hard fire (kiln fired) all-weather common brick or other all weather facing brick.
 - (ii). Corrugated Metal or Aluminum Panels – The use of panels on front building facades or side building facades when

abutting a public or private street is prohibited. Corrugated metal or aluminum facades should be complemented with the use of masonry, weather brick, stone, stucco, split-face block, or broken up with the use of landscaping. Panels should have a depth of one (1) inch or greater and/or a thickness greater than U.S. Standard 26 gauge.

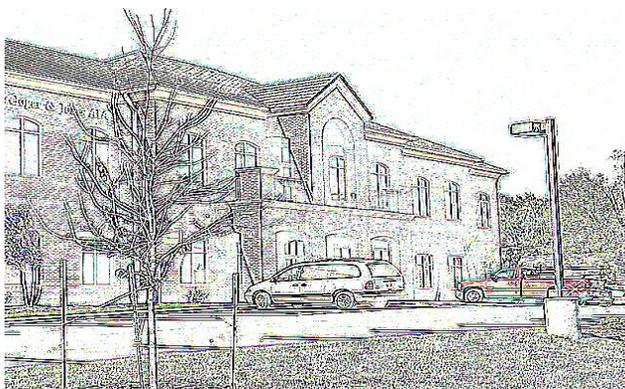
- (iii). Stucco or Gypsum Concrete/Plaster – These materials should be complemented with the use of masonry, whether brick, stone, stucco, split-face block, or broken up with the use of landscaping.
- (iv). Treated Wood –Wood paneling or plywood should not be used on the front building façade or side building facades when abutting a public or private street.
- (v). Structural Steel or Structural Aluminum
- (vi). Glass



Reinforced concrete and masonry-type construction.

- (b) All elevations of the building should be designed in a consistent and coherent architectural manner.
 - (c) Where a change in material, color, or texture along the exterior side of a building is proposed, the demarcation of the change should occur a minimum of twenty (20) feet on both adjacent sides of the building or to the natural dividing point established by the physical plan of the building.
 - (d) Building materials and design should be subject to the approval of the Plan Commission.
- (7) Building Color: Building color should be limited to light, medium, and dark shades of earth tone gold and brown colors. Approximately 90 percent of each building wall surface should be light and medium colors. The remaining surfaces should be restricted to a darker color. The use of walls in a single color, with little detailing or completely blank, should not be permitted.

- (8) Roofs: Careful consideration of durable materials, proportions, and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design, is particularly important. Building roof tops should have at least two of the following features:
- (a) Parapets concealing flat roofs and roof top equipment;
 - (b) Overhanging eaves; and
 - (c) Sloped roofs.
- (9) Parking:
- (a) Parking should be designed in a ways that do not dominate the character of the development nor appear as a dominant feature of the site.
 - (b) With the exception of customer/visitor parking, parking should be located to the rear and interior side of the building. Customer/visitor parking stalls should be located to the front or street side of the building, provided that it is designed as follows:
 - (i). The parking area should not exceed 30 percent of the overall parking area;
 - (ii). Parking should not span more than 50 percent of the lot width or depth;
 - (iii). Parking should not be located closer than 20 feet to the front or street-side property or lease line or 10 feet to the interior or rear lot lines;
 - (iv). Parking should be screened as required for parking visible from residential development; and
 - (v). Planting islands should cover a minimum of 10 percent of the parking area located to the front or street side of the building. Parking islands should be planted with a minimum of one Ornamental Tree and shrubbery and/or ground cover.



Customer/visitor parking in front of building.

- (c) On-street parking or loading should be prohibited.
 - (d) Off-street parking and loading should be provided on the same lot as the use served except as otherwise approved as part of a shared parking concept.
- (10) Access: Pedestrian access should be an integral part of the overall design of the development. The pedestrian access should provide not only safe and convenient access to and from off-street parking areas but should also connect with abutting properties and developments so as to accommodate an alternative means of transportation such as walking or biking to and from work and surrounding activities. Access to site or park amenities should also be provided.
- (11) Sidewalks:
- (a) Detached sidewalks at least 5 feet in width should be provided along all sides of a lot that abut a dedicated public or private street where sidewalks are required by the City's public improvement manual and/or subdivision code. A continuous internal pedestrian sidewalk should be provided from the perimeter public sidewalk to the principal building entrance(s).
 - (b) Sidewalks should be provided along the full length of any facade featuring a customer entrance and along any facade abutting a public parking area. Such sidewalks should be located at least ten feet away from the building facade to provide planting areas for landscaping along the foundation of the building.
- (12) ADA Compliance: All sidewalks, crosswalks, parking lots, or other areas of pedestrian circulation shall comply with ADA accessibility guidelines and standards (See Section 31-21(I)).
- (K) Commercial and Industrial Building Appearance Guidelines, Landscaping and Screening.**
- (1) Landscaping Plan: Every site on which a building will be placed should be landscaped in accordance with plans and specifications

submitted to and approved the appropriate local reviewing agency. An on-site grading plan should be part of this landscape plan, which should be submitted along with the building plans.

- (2) Installation: Required landscaping or screening should be installed at the time of building construction as the season permits. All other materials should be installed during the next planting season.
- (3) Maintenance: The plan should include provision for ground maintenance such as an adequate supply of hose bibs. After completion, such landscaping should be maintained in a slightly and well-kept condition.
- (4) Grass Sod and Seed, and Ground Cover: The required front and street side yards should be entirely graded and sodded or seeded from the existing or proposed street curb back to the building excepting only such areas used for plantings, drives, parking, or walks. Rear yards and interior side yards should be seeded or sodded except areas used for plantings, storage, parking, drives, or walks. Other types of ground cover in limited areas may be approved. All existing trees should be saved when possible.
- (5) Street Trees: One street tree should be required for every 40 feet of street frontage. Street trees should be located in the street yard setback, and should not be located in the right-of-way.
- (6) Landscape Materials: Landscape materials used for required landscaping and screening should be from an approved "Permitted Plant Materials" list, unless otherwise approved by the Planning Commission. Evergreen trees and shrubs or approved deciduous trees and shrubs should be used as the primary landscape materials when required for screening.
- (7) Roof Mounted Equipment: Roof mounted equipment, including ventilators, and satellite dishes greater than 30" should be screened from view (100% opacity) or isolated so as not to be visible from ground level of any adjacent public thoroughfare or residentially-zoned area, up to a maximum of three hundred feet (300') away. Screening should completely obscure from ground level all surfaces of the equipment. The appearance of roof screens should be coordinated with and integral to the building design to maintain a unified appearance, not merely a separately designed afterthought. It is not the intent of this requirement to increase the height of the screening significantly above that of the equipment in order to screen it from view from tall buildings or from higher ground.
- (8) Utilities: All telephone and cable television lines, electrical services and distribution lines should be placed underground, except that this provision shall not include meters, electric and telephone service

pedestals, transformers, three-phase feeder lines, subtransmission and transmission lines, electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction. These aboveground utilities should be located as close to the building as permitted by the utility company and screened from view of public streets to the extent possible through the use of landscaping or screening walls that are integrated into the overall site design.

- (9) Mechanical Equipment: All electrical and mechanical equipment located adjacent to the building and visible from any adjacent public thoroughfare or residentially-zoned area should be screened from view (100% opacity), up to a maximum of three hundred feet (300') away. Screening should completely obscure from ground level all surfaces of the equipment. Such screens and enclosures should be treated as integral elements of the building's appearance.
- (10) Trash: All trash, refuse, debris or garbage should be contained within an enclosed building or container designed for such purposes. Outdoor containers or dumpsters should be shielded on all sides by a wall or decorative fence constructed of the same or complementary materials to those used on the primary building. The use of landscaping to further decrease the visual impact of the trash enclosures is encouraged.
- (11) Loading Docks:
- (a) Loading areas should not be located at the front of the building, and where visible from the front of the building, should be screened from view from the street and neighboring properties.
 - (b) Where visible from a public street or residential-zoned property, the visual impact of loading docks should be minimized to the greatest extent possible through the use of landscaping, fences and berms.
 - (c) Where possible, the screening should be an integral part of the building structure and be used in conjunction with landscaping, ground cover, trees and shrubbery. If the screening is not an integral part of the building, then landscaping ground cover, trees and shrubbery should be used to screen the loading area.
- (12) Exterior Storage: Except during permitted construction periods, all exterior storage of equipment, raw materials or finished products should be fully screened from the view of adjacent parcels and streets by a visual barrier such as a solid screen fence. Such exterior storage should not exceed the height of the barrier. The barrier should be a minimum of 6 feet in height. Additional height or screening such as

landscaping may be required based upon the height of the items to be screened. Chain-link fence with vertical slats should not be permitted.

- (13) Parking: Parking lots should be screened from view from surrounding residential development. Such screening should be effective to a height of 42 inches for vehicles under 6 foot in height. For vehicles over 6 foot in height, the screen should be effective to a height of 6 foot. If landscaping is utilized to provide screening, the effective height should be reached upon maturity, but in no case should the initial effectiveness be less than 50% of the required effectiveness.
- (14) Lighting:
- (a) Light Mitigation: Cut-offs and lighting shields should be used to prevent spill over and glare onto adjoining streets and residential properties. Exposed lighting sources such as unshielded wall packs should not be permitted.
 - (b) Color: Lighting should predominantly consist of lights that have a “warm” appearance. Parking lot lighting should be of a type that provides sufficient lighting for safety and security without distorting the perception of color. Low-pressure sodium lights may not be used in parking areas or at main entrances.
 - (c) Coverage: Light coverage should be localized as part of an overall lighting plan. Light fixtures that broadcast light over large areas or that are a source of glare, sky-glow or other light pollution should not be permitted.
 - (d) Height:
 - (i). Building mounted lighting should not extend above the roof line of the building on which it is mounted.
 - (ii). Pole lighting heights should be a maximum of 14 feet.
- (15) Signs:
- (a) Types of Signs:
 - (i). On-Site Ground Sign - a sign on one or more supports erected parallel with (one-sided) or at right angles to (two-sided) the street frontage. The ground sign should not exceed (5) five feet in height from ground elevation, and should not exceed 50 square feet in area except as otherwise permitted in Section of this ordinance.
 - (ii). Wall Sign – a sign at the main entrance to the building displaying the company name and address only. Wall

signs should be limited to 5 square feet in area. Wall signs should be constructed of raised lettering of a single color complementary to that of the building, and should not project more than one foot from the face of the building.

- (iii). On-Site Temporary Sign - ground or wall – a sign for the purposes of describing a construction or improvement project or advertising the lease of a site or buildings. The sign should be limited to 50 square feet and should not remain longer than completion of construction.
- (b) Message: Signs should be limited to advertising only the names of the firms, companies or corporations operating the use conducted on the site or the products produced or sold thereon.
- (c) Movement: Signs should not rotate, gyrate, blink or move in any animated fashion.
- (d) Illumination: Illumination of the signs should be limited to 40 percent of the surface of the sign for non-neon lighting and 10 percent for neon lighting. In all instances, illumination should not be a nuisance to surrounding property nor conflict with aircraft operations. All lighting should be shielded and confined within property lines. Internal illumination brightness level should be from 100-200 ft. lam.

(L) Residential Overlay District Development Guidelines

Good urban design can help new developments relate to adjacent developments to form strong neighborhoods. The land use pattern of a neighborhood plays a major role in determining its strengths and weaknesses. Most older neighborhoods are linked in the traditional grid street pattern, which today is called a "neo-traditional" pattern. Neo-traditional concepts are encouraged in new infill development and in growth areas.

Residential land use should reflect a strong emphasis on the implementation and enforcement of the Zoning Regulations and Subdivision Regulations, while exploring innovative regulatory approaches in response to private sector development needs. The following section contains guidelines based on neo-traditional planning principles for new and infill development.

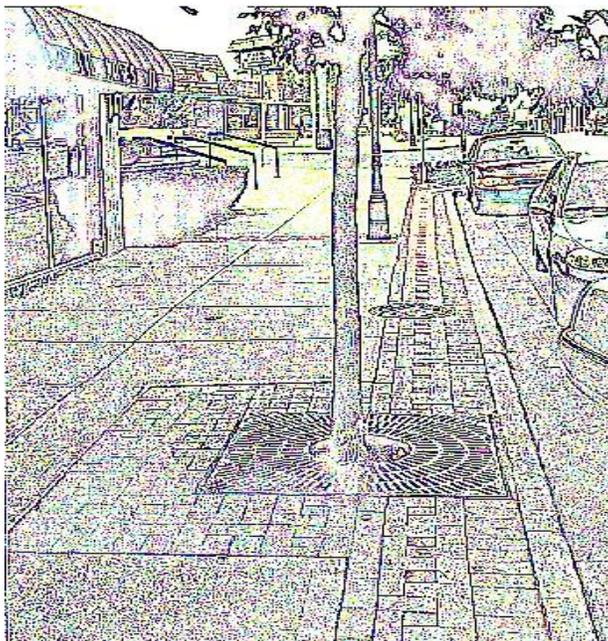


- (1) Encourage the development of logical, interconnected street grids, and avoid “angled” street systems. Interconnected, grid-like street systems allow for a more dispersed traffic pattern because there are multiple routes to move from one place to another within the city. A grid configuration of streets helps to minimize peak hour traffic flows. In addition, these interconnected systems are more comprehensible and, thus, easier for visitors and residents alike to find their way around the city. On the contrary, “angled” street systems, with no apparent repetition or order, can be disorienting and tend to funnel traffic to collector-type roads, even for short distance travel. This situation contributes to unnecessarily heavy traffic on main roads at peak traffic periods. It should be noted that a grid street pattern does not necessarily require all streets to be straight. The design of the roadway system should work with the land. The basic goal for the city's overall road layout is a system of north-south roads that regularly intersect with east-west roads.
- (2) Require the development of tree-lined streets. Street trees provide shade for streets and sidewalks, improve aesthetics, and generally encourage pedestrian use of sidewalks. Street trees also maintain a ceiling or canopy that further imbues a pedestrian scale to the streetscape.
- (3) Require landscaping, primarily through preservation of mature trees and existing vegetation. Trees, shrubs, flowers, and other elements of the surrounding environment of a housing area greatly contribute to the quality of life within that area. Shade, wind breaks, beautification, and attraction of songbirds and other wildlife are all benefits of substantial plant communities within housing areas. By far the easiest way to capture these benefits for the residents of a housing area is to preserve the existing vegetation of a site as it is developed, rather than relying on newly planted materials to grow and mature, slowly recreating an environment which already existed in many cases.



- (4) Require grass or planting strips between curbs and sidewalks. This space provides safety for pedestrians on the sidewalks and creates a visually appealing area.
- (5) Encourage a diversity of housing façade styles and colors in new or infill developments. Repetitive or redundant façade styles within residential developments tend to diminish the visual interest and perception of quality in an area. Providing several façade styles allows for more individual expression of interest and taste.
- (6) Encourage front porches on new houses. Front porches allow homeowners to comfortably spend more time near the front yard and street. This creates a greater opportunity to know ones neighbors, maintain a casual surveillance of the area, and thereby maintain a safe residential neighborhood. This also reinforces a small-town village ambiance.
- (7) Sidewalks should be encouraged on both sides of residential streets. One of the most significant elements of small-town atmosphere and function is that residents can easily walk to other places within the community. By placing sidewalks on both sides of streets, pedestrian use is indicated as a priority in the community because of a prominent, safe, and accessible system.
- (8) Encourage bike/hike paths connecting to existing or proposed trails. The development of bike/hike trails creates alternative modes of access and transportation for neighborhood children and adults. Links can provide access to parks, community centers and shopping areas while reducing a family's reliance on the automobile.
- (9) Promote the creation of deeper lots for more green space. Deep residential lots allow for more green space within a residential community by providing room for more backyard shade trees, landscaping, and in instances where existing vegetation is nearby, more beneficial wildlife habitat. Houses should not be allowed to be pulled back off of the streets because of deeper lots as this diminishes the small-town pedestrian quality of the street environment. Yard setback requirements should also specify a "build-to" line.
- (10) Encourage visually appealing, points of beautification and identification within subdivisions. The development of points of beautification within new

subdivisions can enhance the perception of neighborhood, a characteristic that is important in the development and maintenance of small-town atmosphere. Beautification areas should be encouraged particularly at entrances, including the inclusion of subdivision identification monument signs.



- (11) Develop fence specifications to control type of fencing used in residential areas. Fences help individual property owners establish a clearly defined space around their homes, which is an important element in developing a sense of security in a residential area. Most fencing types should be allowed in residential areas, except privacy fences which prohibit visual access to property and makes casual surveillance by law enforcement and neighbors more difficult. Visual surveillance is an important part of creating a safe neighborhood environment.
- (12) De-emphasize garages extending out from house fronts. Garages which extend out from the front of a house create an emphasis on the automobile system of a neighborhood, diminish the effects of inviting front doors and porches, and are simply less attractive than the house itself. All of these effects break down the pedestrian oriented quality, which is sought for new residential areas.



- (13) Design new subdivisions in order to minimize initial and future public and private costs. Clarify and enforce policies and regulations to assure that public improvements are paid for by private development rather than the city-at-large.

31-25A. HISTORIC PRESERVATION*(Ord. #5763, 05/11/2004-repealed 10/23/2007; new provisions Ord. #6137 10/23/2007)***(A) Purpose.**

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

- (1) Providing a mechanism to identify and preserve the distinctive historic, archaeological and architectural characteristics of Grandview which represent elements of the city's cultural, social, economic, political, and architectural history;
- (2) Promoting the use of historic and conservation districts and historic landmarks for the education, pleasure, and welfare of the people of the City;
- (3) Fostering civic pride in the beauty and noble accomplishments of the past as represented in Grandview's landmarks and historic and conservation districts;
- (4) Conserving and improving the value of property designated as landmarks or within historic or conservation districts;
- (5) Providing for economic benefits to encourage business and residential owners to locate and invest in historically significant properties;
- (6) Protecting and enhancing the attractiveness of the City to home buyers, tourists, visitors, and shoppers, thereby supporting and promoting business, commerce and industry, and providing economic benefit to the City;
- (7) Fostering and encouraging preservation, restoration, and rehabilitation of the historic structures, areas and neighborhoods, thereby preventing future urban blight; and
- (8) Promoting the identification, evaluation, protection and interpretation of the prehistoric and historic archaeological resources within the incorporated limits of the City.

(B) Definitions.

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

Alteration - any act or process that changes one or more historic, architectural or physical features of an area, site, landscape, place and/or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities; and clearing, grading or other modification of an area, site, or landscape that changes its current condition.

Archaeological Site – Earthworks, any subsurface remains of historical, archaeological or architectural importance, or any unusual ground formations or archaeological significance.

Area - A specific geographic division of the City of Grandview.

Building Official - The official who is charged with the administration and enforcement of the City's Building Code.

Certificate of Appropriateness - A certificate issued by the Historic Preservation Commission (HPC) indicating its approval of plans for alteration, construction, removal or demolition effecting a defined feature or improvement of a landmark or of a structure within a historic or conservation district.

Certificate of Economic Hardship - A certificate issued by the HPC authorizing an alteration, construction, removal or demolition, even though a certificate of appropriateness has previously been denied.

Conservation District – An area designated as a “conservation district” by ordinance of the Board of Aldermen which possesses special historical, architectural or cultural significance as part of the heritage of the city, but is of lesser historical or architectural significance than a “historic district.” A conservation district has retained a sufficient amount of its historical and architectural character for interpretation as part of the development of the City, including, but not limited to scale, massing, and orientation of buildings, although some alterations have been made.

Construction - The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Contributing Properties – Buildings, structures, public improvements, sites or objects adding to the historic significance of a site or district which by location, design, setting, materials, workmanship, feeling and association add to the site’s or district’s sense of time and place and historical development. While these buildings, structures, and improvements, or sites or objects, by themselves may not meet the definition of “significant properties”, they maintain their historical and/or architectural integrity and contribute to their site or district based upon their scale, design, use of materials, location, or age, and retain qualities or have the potential to make a positive and compatible contribution to the character and appearance of a defined area.

Cultural Resources - Districts, buildings, sites, structures, objects and evidence of some importance to a culture, a subculture, or a community for scientific, engineering, art tradition, religious or other reasons, significant in providing resource and environmental data necessary for the study and interpretation of past lifeways and for interpreting human behavior.

Demolition - Any act or process which destroys in part or in whole a Landmark or a structure within a Historic or Conservation District, or which threatens to destroy a Landmark or a structure within a Historic or Conservation District, or which destroys or threatens to destroy a potentially significant property or structure by failure to maintain it in a condition of good repair and maintenance.

Design Guidelines - A standard of appropriate activity that may be adopted by the Historic Preservation Commission from time-to-time to preserve the historic, prehistoric, architectural, scenic or aesthetic character of a landmark or historic district.

District – A Conservation District or an Historic District is defined herein.

Exterior Architectural Appearance - The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Historic District - An area designated as an "historic district" by ordinance of the Board of Aldermen which may include individual landmarks, as well as other properties or structures which, while not of such historic and or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics and historical significance of the historic district.

HPC - Historic Preservation Commission.

Historic significance - Character, interest or value as part of the development, heritage, or culture of the community, county, state or country; as the location of an important local, county, state or national event; or through identification with a person or persons who made an important contribution to the development of the community, county, state or country.

Landmark - A property or structure designated as a "Landmark" by ordinance of the Board of Aldermen, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, interpretation and preservation because of its historic, architectural or archaeological significance to the City of Grandview.

Minimum Maintenance - The minimum regulations governing the conditions and maintenance of all existing structures and properties as codified at Article VIII of Chapter 6 of the Grandview Code of Laws entitled, "Minimum Standards for Buildings".

Non-Contributing Properties – A building, structure, public improvement or site not contributing to the historic significance of a site or district by virtue of the fact that it lessens the site's or district's sense of time and place and historical development; or one where the integrity of the original design or individual architectural features or spaces has been irretrievably lost; or one where physical deterioration and/or structural damage has made it not feasible to rehabilitate the property. Ordinarily, structures and buildings that have been built within the past fifty (50) years will be considered non-contributing unless a justification concerning their historical or architectural merit can be established or the historical attributes of the district are considered to be less than fifty (50) years old. Any future development of these sites will be of concern because of the effect on the continued quality of the surrounding site or district.

Ordinary Maintenance – Any work for which a building permit is not required by municipal ordinance, where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a structure or any part thereof and to restore the same, as nearly as may be practical, to its condition prior to the occurrence of such deterioration, decay or damage, and does not involve change of materials nor of form.

Owner of Record - The person, corporation or other legal entity listed as owner on the records of the County Recorder of Deeds.

Public Improvement Project - An action by the City of Grandview or any of its departments or agencies involving modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping, parking, or other portions of the public infrastructure servicing commercial, residential, recreational or industrial development; or any undertakings affecting city parks or city owned structures.

Removal - Any relocation of a structure, object or artifact on its site or to another site.

Repair - Any change that is not construction, alteration, demolition or removal and is necessary or useful for continuing normal maintenance and upkeep.

Secretary of the Interior's Standards – The Secretary of Interior's Standards for the Treatment of Historic Properties are sets of treatment standards intended to assist users in making sound historic preservation decisions for the preservation, rehabilitation, restoration or reconstruction of historic properties. The Standards are codified as 36 CFR Part 68 in the July 12, 1995, Federal Register (Vol. 60, No. 133).

Significant Properties – Those historical, architectural, or archaeological resources which are determined eligible for the local or National register of Historic Places using the Secretary of Interior's Standards. Significant is present in districts, sites, buildings, structures, objects, and land such as viewsheds that possess integrity of location, design, setting, materials, workmanship, feeling, and association.

Site - The traditional, documented or legendary location of an event, occurrence, action or structure significant in the life or lives of a person, persons, groups, or tribe, or any place with evidence of past human activity. Sites include, but are not limited to, cemeteries, burial grounds, occupation and work areas, evidence of farming or hunting and gathering, battlefields, settlements, estates, gardens, groves, river crossings, routes and trails, caves, quarries, mines or significant trees or other plant life.

Stop Work Order - An order directing an owner, occupant, contractor or subcontractor to halt an action for which a certificate of appropriateness is required, and notifying the owner, occupant, contractor or subcontractor of the application process for a certificate of appropriateness. A stop work order is also issued to stop work that is being done contrary to the provisions of a certificate of appropriateness.

Structure - Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae and towers, and swimming pools.

Survey - The systematic gathering of information on the architectural, historic, scenic, and archaeological significance of buildings, sites, structures, areas, or landscapes, through visual assessment in the field and historical research for the purpose of identifying landmarks or districts worthy of preservation.

(C) Historic Preservation Commission

- (1) Composition of Historic Preservation Commission. The Historic Preservation Commission (HPC) shall consist of seven (7) members, all of whom shall be appointed by the Mayor and ratified by the Board of Aldermen and two of whom shall be a member of the Board of Aldermen and a member of the Planning Commission. Of the remaining five (5) members, one (1) or more shall be a resident and/or business owner in each locally designated historic district or conservation district or an owner/resident of a locally designated landmark. Preference for appointments to the HPC shall be given to residents of the City of Grandview. All Commission members must have a demonstrated interest, competence or knowledge in historic preservation. To the extent available in the community, the HPC shall include professional members representing such disciplines as architecture, architectural history, prehistoric and historic archaeology, planning, urban design, cultural geography, cultural anthropology, folklore, curation, conservation, landscape architecture, law, real estate brokerage, banking, history or other fields related to historic preservation.
- (2) Terms. The terms of office of the members of the HPC shall be for three years, excepting that the membership of the first HPC appointed shall serve respectively for terms of two for one year; two for two years; and three for three years. Vacancies shall be filled for the un-expired term only. Action to fill vacancies shall be initiated within 60 days. The HPC shall hold at least four (4) meetings per year and any member of the HPC who fails to attend at least fifty percent (50%) of all meetings, regular and special, in any calendar year, shall thereby automatically vacate the membership.
- (3) Officers. Officers shall consist of a chairman and a vice-chairman elected by the HPC who shall each serve a term of one (1) year and shall be eligible for re-election; but no member shall serve as chairman for more than two (2) consecutive years. The Board and Planning Commission representatives shall not be eligible for office. The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, a temporary chairman shall be elected by those present. The secretary of the HPC shall be a City employee appointed by the Community Development Department and shall have the following duties:
 - (a) Take minutes of each HPC meeting;
 - (b) Be responsible for publication and distribution of copies of the minutes, reports, and decisions to the members of the HPC;
 - (c) Give notice as provided herein by law for all public hearings conducted by the HPC;
 - (d) Advise the Mayor of vacancies on the HPC and expiring terms of members; and
 - (e) Prepare and submit to the Board of Aldermen a complete record of the proceedings before the HPC on any matter requiring Board of Aldermen consideration.

- (4) Meetings. A quorum shall consist of four of the members. All decisions or actions of the HPC shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the HPC at the beginning of each calendar year or at any time upon the call of the chairman, but no less than once each quarter. Public notice of all meetings shall be posted in conformance with standard City policy and RSMO Section 610.020. No member of the HPC shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member. No action shall be taken by the HPC that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meeting of the HPC, as provided herein. The chairman, and in his absence, the acting chairman, may administer oaths and require the attendance of witnesses. All meetings of the HPC shall be open to the public except as allowed by State law. The HPC shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the City Clerk and shall be public record. All HPC rules of procedure, designation criteria, design guidelines and forms shall be available to the public at the Office of the Community Development Director.
- (5) Funding. The Board of Aldermen shall annually appropriate funds, within budget limitations, for operation of the HPC. The HPC may, with the consent of the Board, apply for, receive, or expend any federal, state or private grant, grant-in-aid, gift or bequest, in furtherance of the general purposes of this ordinance.
- (6) Compensation. The members shall serve without compensation but shall be reimbursed for properly documented and legitimate expenses they incur while on commission business.
- (7) Powers and Duties. The HPC shall have the following powers and duties:
- (a) To adopt its own by-laws and procedural regulations, provided that such regulations are consistent with this chapter and the Revised Statutes of the State of Missouri;
 - (b) To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city; and to maintain the research information in an inventory accessible to the public (except for archaeological site locations, which shall be restricted);
 - (c) To investigate, and recommend to the Planning Commission and to the Board of Aldermen the adoption of ordinances designating for protection of properties or structures having special cultural, historic, archaeological, community or architectural value as "Landmarks";

- (d) To investigate and recommend to the Planning Commission and the Board of Aldermen the adoption of ordinances designating for protection areas as having special cultural, historic, archaeological, community or architectural value as "Conservation Districts" or "Historic Districts";
- (e) To keep a register of all properties and structures which have been designated as landmarks or historic or conservation districts, including all information required for each designation;
- (f) To confer recognition upon the owners of landmarks and property or structures within historic or conservation districts by means of certificates, plaques, or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic or conservation district to another;
- (g) To advise and assist owners of landmarks and property or structures within historic or conservation districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- (h) To nominate landmarks and historic districts to the National Register of Historic Places through the Missouri State Historic Preservation Office and to review and comment on all nominations to the National Register of Historic Places for properties within the jurisdiction of the City of Grandview;
- (i) To inform and educate the citizens of the City of Grandview concerning the historic, archaeological and architectural heritage of the City through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the City, the HPC, or other appropriate parties.
- (j) To hold public hearings and to review applications for construction, alteration, removal or demolition affecting proposed or designated landmarks or structures within historic or conservation districts and issue or deny certificates of appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;
- (k) To hold public hearings on each proposed nomination of a landmark or a historic or conservation district and on the guidelines developed for each nomination;
- (l) To request the Building Official to issue stop work orders for any construction, alteration, removal or demolition undertaken without a certificate of appropriateness or to stop work that violates the conditions of a certificate;
- (m) To review all applications for demolition permits within the corporate limits of the City to determine impact to significant cultural

- resources, including those not yet nominated as landmarks or as contributing properties within an historic or conservation district;
- (n) To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness has been denied;
 - (o) To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction, or removal of landmarks or property and structures within historic or conservation districts;
 - (p) To review proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated landmarks or historic or conservation districts;
 - (q) To administer on behalf of the City of Grandview any property of historical significance of full or partial interest in real property, including easements, that the City of Grandview may have or accept as a gift or otherwise, upon approval by the Board of Aldermen;
 - (r) To accept and administer on behalf of the City of Grandview, upon approval of the Board, such gifts, grants, and money as may be appropriate for the purposes of this ordinance. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other functions for the purpose of carrying out the duties and powers of the HPC and the purposes of this ordinance;
 - (s) To call upon available city staff members as well as other experts for technical advice;
 - (t) To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time;
 - (u) To testify before all boards and commissions, including the Planning Commission and the Board of Aldermen, on any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas;
 - (v) To make recommendations to the Board of Aldermen concerning budgetary appropriations to further the general purposes of this ordinance;
 - (w) To develop a preservation component in the Comprehensive Plan of the City and to recommend it to the Planning Commission and to the Board of Aldermen;
 - (x) To periodically review the Zoning Ordinance and to recommend to the Planning Commission and the Board of Aldermen any amendments appropriate for the protection and continued use of landmarks or property, sites and structures within historic or conservation districts; and;

- (y) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purpose of this ordinance.

(D) Surveys and Research

The HPC shall undertake an ongoing survey and research effort in the City of Grandview to identify neighborhoods, areas, sites, structures, and objects that have historic, cultural, archaeological, architectural or aesthetic importance, interest or value, and shall maintain an inventory of that information. Before the HPC shall on its own initiative nominate any landmark or district for designation, it shall develop a plan and shall conduct or arrange for the conducting of a comprehensive survey of the City of Grandview to identify significant resources. As part of the survey, the HPC shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The HPC shall systematically identify potential landmarks and historic or conservation districts and adopt procedures to nominate them based upon the following criteria:

- (1) The potential landmarks and historic or conservation districts in one identifiable neighborhood or distinct geographical area of the City of Grandview;
- (2) The potential landmarks and historic or conservation districts associated with a particular person, event, or historical period;
- (3) The potential landmarks and historic or conservation districts of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman;
- (4) The potential landmarks and historic or conservation districts containing historic and prehistoric archaeological resources with the potential to contribute to the understanding of historic and prehistoric cultures; and
- (5) Such other criteria as may be adopted by the HPC to assure systematic survey and nomination of all potential landmarks and historic or conservation districts within the City of Grandview.

All inventory material shall be in conformance with standards and guidelines for cultural resource inventory as established by the State Historic Preservation Office.

(E) Nomination of Landmarks, Historic Districts and Conservation Districts

- (1) General. Nominations shall be made to the HPC on a form prepared by it and may be submitted by a member of the HPC, owner of record of the nominated property or structure, or the Board of Aldermen. Nominations shall be turned in to the Community Development Director, who will within seven (7) days of receipt mail a notification of intent to nominate to the owner of record of the nominated property. Forms and criteria for nomination will be available at the Office of the Community Development Director.
- (2) Criteria for Designation of Landmarks and Historic Districts. The HPC shall, upon such investigation as it deems necessary, make a determination as to

whether a nominated property, structure, site, area or district meets one or more of the following criteria, based on Criteria for Evaluation for the National Register of Historic Places:

- (a) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state or country;
- (b) Its overall setting and harmony as a collection of buildings, structures, objects where the overall collection forms a unit;
- (c) Its potential to be returned to an accurate historic appearance regardless of alterations or insensitive treatment that can be demonstrated to be reversible;
- (d) Its location as a site of a significant local, county, state, or national event;
- (e) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country;
- (f) Its embodiment of distinguishing characteristics of an architectural type valuable for the study of a period, type, method of construction, or use of indigenous materials;
- (g) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or country;
- (h) Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- (i) Its embodiment of design elements that make it structurally or architecturally innovative;
- (j) Its unique location or singular physical characteristic that make it an established or familiar visual feature of the neighborhood, community, or city;
- (k) Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
- (l) Its suitability for preservation or restoration;
- (m) Its potential to yield information important to history and prehistory; and/or
- (n) Is listed on the National Register of Historic Places.

Any structure, property, or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.

- (3) Criteria for Designation of Conservation Districts. The HPC shall, upon such investigation as it deems necessary, make a determination as to whether a group of contiguous buildings or structures, landscape elements or any integrated combination thereof, meet one or more of the following criteria:
 - (a) Was developed at least fifty (50) years ago and retains distinctive architectural and historical characteristics that are worthy of

- conservation, but which has less historical, architectural or cultural significance than a historic district;
- (b) Has a recognized neighborhood identity and character by virtue that it possesses unifying distinctive elements of either exterior features or by environmental characteristics that create an identifiable setting, character, or association;
 - (c) Has a relationship to an identifiable urban or neighborhood center or historic area where preservation of this relationship is determined to be critical to the protection of such center or historic area; and/or
 - (d) Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature or development pattern of the neighborhood, community or City.
- (4) Public Hearing on Nominations for Designation. Upon receipt of a completed nomination of a landmark, historic district or conservation district, the HPC shall schedule a public hearing within forty-five (45) days to solicit input and comment on the proposed nomination and guidelines for certificates of appropriateness. Notice of the public hearing shall be given, including posting on the property or within the proposed district. Written notice shall be given the owners of property under consideration for designation.
- (5) Report and Recommendation of HPC. The HPC shall, within forty-five (45) calendar days after close of the public hearing, adopt by resolution a recommendation that the nominated landmark or district does or does not meet the criteria for designation in Section 31-25A(E)(2) or (3) of this chapter.
- (a) The resolution shall be accompanied by a report to the Planning Commission containing the following information:
 - (1) Explanation of the significance or lack of significance of the nominated landmark or district as it relates to the criteria for designation; and
 - (2) Explanation of the integrity or lack of integrity of the nominated landmark or district.
 - (b) In the case of a nominated Landmark found to meet the criteria for designation, the report to the Planning commission shall contain the following additional information:
 - (1) The significant exterior architectural features of the nominated landmark that should be protected; and
 - (2) The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that

should be reviewed for appropriateness pursuant to the provisions of Section 31-25A(F) of this chapter.

- (c) Archaeological significance and recommendations for interpretation and protection. In the case of a nominated historic or conservation district found to meet the criteria for designation, the report to the Planning Commission shall contain the following additional information:
- (1) The types of significant exterior architectural features of the structures within the nominated district that should be protected;
 - (2) The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of Section 31-25A(F) of this chapter;
 - (3) The type and significance of historic and prehistoric archaeological sites within the nominated district;
 - (4) Proposals for design guidelines of HPC review of certificates of appropriateness within the nominated district;
 - (5) The relationship of the nominated district to the ongoing effort of the HPC to identify and nominate all potential cultural resources that meet the criteria for designation;
 - (6) Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, lot size, and parking regulations necessary or appropriate to the preservation of the nominated district, including recommendations for buffer zones to protect and preserve visual integrity; and
 - (7) A map showing the location and boundaries of the nominated district.

The recommendations and report of the HPC shall be sent to the Planning Commission within seven (7) days following the vote on the resolution and shall be available to the public in the Office of the Community Development Director.

- (6) Notification of Nomination. The Planning Commission shall schedule and hold a public hearing on the nomination following receipt of a report and recommendation from the HPC that a nominated landmark or district does or does not meet the criteria for designation. The meeting shall be scheduled, held and conducted in the same manner as other meetings to consider applications for zoning district map amendments or zoning ordinance text amendments. Notice of the date, time, place and purpose of the meeting and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators.
- (7) Public Hearing. Oral or written testimony concerning the significance of the nominated landmark or district shall be taken at the Planning Commission public hearing from any person concerning the nomination. The HPC may present expert testimony or present its own evidence regarding the

compliance of the nominated landmark or district with the criteria for consideration of a nomination set forth in Section 31-25A(E)(2) of this chapter. The owner of any nominated landmark or of any property within a nominated district shall be allowed reasonable opportunity to present evidence regarding significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert witnesses. The hearing shall be closed upon completion of testimony.

- (8) Determination by Planning Commission. Within forty-five (45) calendar days following close of the public hearing, the Planning Commission shall make a determination upon the evidence whether the nominated landmark or district does or does not meet the criteria for designation. Such a determination shall be made upon a motion and vote of the Planning Commission and shall be accompanied by a report stating the findings of the Planning Commission concerning the relationship between the criteria for designation in Sections 31-25A(E)(2) or (3) of this chapter and the nominated landmark or district and all other information required by Section 31-25A(D) of this chapter.
- (9) Notification of Determination. Notice of the determination of the Planning Commission, including a copy of the report, shall be sent by regular mail to the owners of record of a nominated landmark and of all property within a nominated district and to the nominator within seven (7) days following adoption of the resolution. Within seven (7) days following a determination by the Planning Commission that the nominated landmark or district does meet the criteria for designation, a copy of the resolution and report accompanied by a recommendation that the nominated landmark or district be designated shall be sent to the Board of Aldermen.
- (10) Appeal. A determination by the Planning Commission that the nominated landmark or district does not meet the criteria for designation shall be a final administrative decision reviewable under the Missouri Administrative Procedure and Review Act provided, however, that the nominator or any owner of the nominated landmark or of property within the nominated district, may within thirty (30) days after the postmarked date of the notice of the determination file with the City Clerk a written appeal to the Board of Aldermen.
- (11) Action by Board of Aldermen. The Board of Aldermen shall, within sixty (60) days after receiving the recommendation that the nominated landmark or district be designated or receiving a written appeal, either reject the recommendation or written appeal by formal resolution or designate the landmark or district by an ordinance. The Board of Aldermen shall hold a public hearing before enacting the ordinance and provide notice and take testimony in the same manner as provided in Section 31-25A(E)(6) of this chapter. Any ordinance shall be accompanied by a written statement explaining the reasons for the action of the Board of Aldermen. The City Clerk shall provide written notification of the action of the Board of Aldermen by regular mail to the nominator, the appellant, and the owner(s) of record of the nominated landmark or of all property within a nominated

district. The notice shall include a copy of the designation ordinance passed by the Board of Aldermen and shall be sent within seven (7) days of the Board of Aldermen action. A copy of each designation ordinance shall be sent to the HPC, Planning Commission and Building Official.

- (12) The Designation Ordinance; Overlay Zone. Upon designation, a landmark or historic district shall be classified as a "District H-Historic" and a Conservation District shall be classified as "District C-Conservation." The designating ordinance shall prescribe the significant features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulation; minimum dwelling size; floor area; lot size; sign regulation; and parking regulations. The official zoning map of the City of Grandview shall be amended to show the location of the "District H-Historic" or "District C-Conservation" as an overlay zone.
- (13) Interim Control. No building permit shall be issued by the Building Official for alteration, construction, demolition, or removal of a nominated landmark or of any property or structure within a nominated district from the date of the public hearing before the HPC at which a nomination form is first considered until the final disposition of the nomination by the Board of Aldermen unless such alteration, removal, or demolition is authorized by formal resolution of the Board of Aldermen as necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred eighty (180) days.
- (14) Amendment and Rescission of Designation. Designation may be amended or rescinded upon petition to the HPC and compliance with the same procedure and according to the same criteria set forth herein for designation.

(F) Applications for Certificates of Appropriateness

- (1) Activity Requiring Certificate of Appropriateness. A certificate of appropriateness shall be required before the following actions affecting the significance of any landmark or any structure within a historic district or conservation district may be undertaken:
- (a) Issuance of any demolition permit;
 - (b) Issuance of a conditional use permit to determine effect of use on any landmark or property within a historic district or conservation district;
 - (c) Actions effecting the exterior architectural appearance of a building, structure, or object or any landscape features, including walls, brick streets, and curbs that were defined in the ordinance designating any landmark or property within a historic district or conservation district including:
 - (i) Any construction or alteration, in whole or in part, which requires a

permit from the City.

- (ii) Construction, alteration, or demolition, in whole or in part, not requiring a permit, but effecting an exterior architectural feature(s), that is defined in the ordinance designating the landmark or historic or conservation district.
 - (iii) Any construction, alteration, or demolition in whole or in part proposed by the City of Grandview or any of its agencies or departments, for a landmark or a building or structure within a historic district or conservation district and which effects a significant exterior architectural feature(s) that is defined in the designating ordinance or which would require a building permit if undertaken on privately-owned property.
 - (iv) Any public improvements and land acquisition projects by the City of Grandview within three-hundred feet (300') of any landmark, historic district or conservation district boundary;
 - (d) Relocation of a building or structure effecting any landmark or property within a historic district or conservation district. Actions shall include removal, re-orientation, or re-positioning of a building or structure from a site and the placement of a building or structure on a site;
 - (e) The erection or replacement of any permanent sign on an individually designated site or within a designated historic or conservation district;
 - (f) Removal of existing front yard trees on an individually designated site or within a designated historic or conservation district.
- (2) Processing Applications. Applications for a certificate of appropriateness shall include accompanying plans and specifications affecting the significance of a designated landmark or of a property within a designated historic district or conservation district; and applications for demolition permits shall include plans and specifications for the contemplated use of the property. Applications for building and demolition permits shall be forwarded by the Building Official to the HPC within seven (7) days following receipt of the application. A building or demolition permit shall not be issued until a certificate of appropriateness has been issued by the HPC. Any applicant may request a meeting with the HPC before the application is reviewed by the HPC or during the review of the application. Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the HPC and available at the office of the Director of Community Development. The HPC shall consider the completed application at its next regular meeting.
- (3) Stop Work Order. Whenever the HPC or the Director of Community Development has reason to believe that an action for which a certificate of appropriateness is required has been initiated, or is about to be initiated, or that a violation of the conditions of an issued certificate of appropriateness has occurred, it shall request

that the Building Official make every reasonable effort to contact the owners, occupants, contractor or subcontractor and inform them of proper procedures. If the HPC or Director of Community Development determines that a stop work order is necessary to halt an action, it shall request the Building Official to send a copy of a stop work order by regular first class mail to the owners, occupants, contractors and subcontractors, and if appropriate, notify them of the process of applying for a certificate of appropriateness. The Building Official shall also cause a copy of said notice to be prominently posted on the subject property. A copy of the proper application form shall be included in the notice. If necessary, a second or subsequent stop work order may be issued for the same project.

- (4) Determination by the Historic Preservation Commission. The HPC shall schedule a public hearing concerning the application within forty-five (45) days of receipt of a complete application and shall give public notice of said hearing to the applicant and owner of record of the landmark or district. Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided the applicant and the Building Official within seven (7) days following conclusion of the public hearing and shall be accompanied by a certificate of appropriateness in the case of an approval.
- (a) Time Limits. A certificate of appropriateness shall become void unless construction is commenced within six months of date of issuance. certificates of appropriateness shall be issued for a period of eighteen months and are renewable. If the project is not completed according to the guidelines provided in the certificate of appropriateness, the project shall be deemed in violation of this ordinance.
- (b) Denial of a Certificate of Appropriateness. A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The HPC shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the HPC to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the HPC. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendation of the HPC.
- (5) Standards for Review; Landmarks and Significant or Contributing Properties. In considering an application for a certificate of appropriateness for a property which has been designated as a landmark or which has been designated as a significant or contributing property in an historic district, the HPC shall be guided in principal by the Secretary of the Interior's Standards, as follows, in addition to any design guidelines in the ordinance designating the landmark or historic district or conservation district. Applications, standards for review and design guidelines shall be available in the office of the Director of Community Development for distribution to the public.
- (a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building

and its site and environment.

- (b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - (c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - (d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - (e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - (f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - (g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - (h) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - (j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (6) Standards for Review; Conservation Districts and Non-Contributing Properties. In considering an application for a certificate of appropriateness for a property that has been designated as part of a conservation district or has been classified as a “non-contributing” property in an historic district, the HPC shall use the following guidelines, in addition to any design guidelines in the ordinance designating the conservation district:
- (a) New construction or additions to buildings shall be to a height roughly equal

to the average height of existing buildings on the streetscape. New construction that greatly varies in height from other buildings in the immediate vicinity shall be considered inappropriate.

- (b) The scale, massing, and orientation of proposed buildings or additions to existing buildings shall be compatible with older buildings in the immediate vicinity.
 - (c) The emphasis or horizontality or verticality shall be compatible with the character of buildings in the immediate area.
 - (d) New construction or alterations must follow the existing setback pattern for residential dwellings or structures and shall maintain the same entry height as neighboring buildings.
 - (e) The sense of entry of primary entrance locations shall be compatible with existing patterns in the streetscape.
 - (f) Roof forms of new buildings and alterations should duplicate the existing or traditional roof shapes, pitches and materials found in the area.
- (7) Standards for Review; Removal. In considering an application for a certificate of appropriateness for removal, the HPC shall consider the following:
- (a) When a building or structure is to be moved from a landmark site or a historic district or conservation district, the factors to be considered shall include: the possibility that the building or structure may be demolished in its present location, the contribution that the building or structure makes in its present location and the effect of the new location on the historical and architectural qualities of the building or structure.
 - (b) When an application is made for moving a building or structure to a landmark site or a historic district or conservation district the factors to be considered shall include the architectural and historical integrity and craftsmanship of the building or structure, the impact on the site and area to which the building or structure will be moved, and the possibility that the building or structure may be demolished in its present location.
 - (c) For all applications, the HPC shall evaluate the evidence submitted on the feasibility of successfully moving the building or structure.
- (8) Standards for Review; Demolition. In considering applications for a certificate of appropriateness for demolition, the HPC shall determine and consider:
- (a) The property's significance and integrity;
 - (b) The integrity of the streetscape and surrounding neighborhood;
 - (c) The grounds for the proposed demolition and data supporting said reason,

- including but not limited to, a structural stability report prepared by a licensed professional engineer, written justification, and a site plan and elevations for proposed infill, if applicable;
- (d) Whether every reasonable effort has been made to rehabilitate, reuse, or relocate the property;
 - (e) The proposed reuse of the parcel and compatibility of proposed infill. Any applicant seeking permission to demolish a historic building or structure shall submit evidence that the site will be used for a new structure or building and will not be left vacant unless the site will be incorporated into development of adjoining contributing property;
 - (f) Whether the property has sustained damage by a natural or man-made disaster and whether or not the building sustained irreparable structural damage;
 - (g) Whether the property has been declared substandard or a dangerous building by the Building Official;
 - (h) Whether the property owner made a reasonable effort to preserve the building through rehabilitation, leasing for rehabilitation, sale, or relocation of the building for rehabilitation;
 - (i) Whether provisions have been made by the owner for architectural salvage of significant features to be retained or offered to interested individuals or groups;
 - (j) Whether every effort has been made to incorporate the building into the redevelopment proposals, if applicable or whether an attempt was made to relocate the building or structure to another site for rehabilitation;
 - (k) Whether retention and rehabilitation of the building represent an economic hardship to the owner;
 - (l) Whether the property owner has been cited for previous code violations including demolition by neglect; and
 - (m) Whether the demolition has a detrimental impact upon the historical, architectural, cultural, or economic character of the district or community in general.
- (9) Design Guidelines. Design guidelines for applying the criteria for review of certificates of appropriateness shall, at a minimum, consider the following architectural criteria:
- (a) Height - The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district or conservation district.

- (b) Proportions of Windows and Doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district or conservation district.
- (c) Relationship of Building Masses and Spaces - The set back and relationship of a structure within a district to the open space between it and adjoining structures should be compatible.
- (d) Roof Shape - The design of the roof should be compatible with the architectural style and character of the landmark, and with surrounding structures in a district.
- (e) Landscaping - Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts or conservation districts.
- (f) Scale - The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a district.
- (g) Directional Expression - Facades in historic districts or conservation districts should blend with other structures with regard to directional expression. Structures in a historic district or conservation district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
- (h) Architectural Details - Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district or conservation district.
- (i) Signage - The character of signs should be in keeping with the historic architectural character of a landmark or district. Character of a sign includes the number, size, area, scale, location, type, (e.g., off-site advertising signs and on-site business signs), letter size or style, and intensity and type of illumination.
- (j) Minimum Maintenance - Significant features should be kept in a condition of good repair and maintenance. All structural and mechanical systems should be maintained in a condition and state of repair that will prevent decay, deterioration or damage to significant features, or otherwise adversely affect the historic or architectural character of structures within a historic district or conservation district.

- (10) Certificate of Economic Hardship. Application for a certificate of economic hardship shall be made on a form prepared by the HPC only after a certificate of appropriateness has been denied. The HPC shall schedule a public hearing concerning the application and provide public notice and individual notice to the applicant and owners of record in the same manner as in Section 31-25A(E)(6)(7), and any person may testify at the hearing concerning economic hardship. All testimony, objections thereto and rulings at such public hearing shall be taken down by electronic tape recording equipment made available by the City of Grandview. The HPC may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:
- (a) Estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the HPC for changes necessary for the issuance of a certificate of appropriateness;
 - (b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - (c) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the HPC, and, in the case of a proposed demolition, after renovation of the existing property for continued use; and
 - (d) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure.
- (11) Appeals. Owners who have been denied a certificate of appropriateness or a certificate of economic hardship for their property may appeal to the Board of Aldermen. Appeal shall be filed within fifteen (15) calendar days from the date of denial of the certificate of appropriateness. The Board of Aldermen shall act within thirty (30) calendar days after receiving the appeal. The Board of Aldermen may approve or disapprove the decision of the HPC, which decision shall be based solely upon the record of the HPC public hearing and any new evidence presented to the Board.

(G) Review of Public Improvement and Land Acquisition Projects

Public improvement and land acquisition projects by the City of Grandview or any of its departments or agencies shall be reviewed by the HPC in the following manner:

- (1) The HPC shall review and comment upon any public improvement project proposed by the City of Grandview or any of its agencies or departments within any historic district, on the site of or within two hundred (200) feet of any landmarks, or within two hundred (200) feet of any boundary of a historic district conservation district. The Department of Public Works shall send a completed preliminary design for a

public improvement project to the HPC simultaneously with its submission to the Board of Aldermen for its public hearing. The HPC shall have at least thirty (30) days to complete its review and report to the Board of Aldermen, except when the Department of Public Works, if necessary to accelerate the design review process, may specify a time less than thirty (30) days within which the HPC shall complete its review and report to the Board of Aldermen.

- (2) The HPC shall review and comment upon any proposed acquisition of a landmark or of land or buildings within a historic or conservation district by the City of Grandview or any of its agencies or departments. The Board of Aldermen or the Department of Public Works shall, at the earliest possible date that will not interfere with acquisition negotiations, send the HPC information concerning the location, size, purchase price, current use, and proposed use of the land or building to be acquired, and specify the date by which the HPC shall report to the Board of Aldermen.
- (3) The HPC shall review the public improvement or land acquisition projects to determine its effect upon the historic, archaeological or architectural character of the landmark or district and report to the Board of Aldermen within any time specified by the Board of Aldermen or Community Development Department but not to exceed forty-five (45) days. The report by the HPC shall include any recommendations for changes to the preliminary design or land acquisition that will lessen or alleviate any adverse effect of the proposed project upon the historic, archaeological or architectural character of the landmark or district. The Board of Aldermen shall take no final action on the preliminary design or land acquisition until it has received and reviewed the report of the HPC.

(H) Maintenance of Historic Properties

- (1) Ordinary Maintenance Exclusion. Nothing in the section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure contained within the definition of "Exterior Architectural Appearance".
- (2) Ordinary Maintenance. Any work, for which a building permit is not required by municipal law, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage and does not include change of materials nor of form.
- (3) Minimum Maintenance Requirement. All buildings and structures designated by city ordinance as "District H - Historic" or "District C - Conservation" shall be preserved against decay and deterioration and free from certain structural defects in the following manner, by the owner thereof or such other person or persons who may have the legal custody and control thereof shall repair such building if it is found to have any of the following defects:
 - (a) The deterioration of exterior walls or other vertical supports;
 - (b) The deterioration of roofs or other horizontal members;

- (c) The deterioration of external chimneys;
- (d) The deterioration or crumbling of plasters or mortar;
- (e) The deterioration or ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- (f) The peeling of paint, rotting, holes, and other forms of decay;
- (g) The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
- (h) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

If minimum maintenance is not being maintained per Section 31-25A(H)(3), the owner of the property or other person having legal custody thereof shall be notified by the Building Official. The notice shall be in accordance with Article VIII of Chapter 6 of the Code of Laws entitled, "Minimum Standards for Buildings", and shall specify each item in the property or landmark that fails to meet minimum maintenance requirements. The owner or other person having legal custody of the property shall have thirty (30) days from the receipt of notice to comply with the minimum maintenance requirements. The HPC, for good cause shown, may extend the thirty (30) day period. If after the original thirty (30) day period or any extension granted by the Building Official the owner or person having legal custody of the property should fail to meet the minimum maintenance requirements, the owner or person having legal custody of the property shall be in violation of this section and shall be subject to penalties in accordance with Section 31-25A(L).

(I) Review of Applications for Zoning Amendments, Special Use Permits and Variances

Applications for zoning amendments, special use permits, or variances for a landmark or structures within a historic or conservation district shall be referred to the HPC by the Community Development Department at least fifteen (15) days prior to the date of the public hearing set by the Planning Commission or the Board of Adjustment. The HPC may review these applications using any format which it deems appropriate provided, however, that the applicant shall be notified of the time and place of such review and shall be given the opportunity to appear and be heard. Within fifteen (15) days after receipt of said application, the HPC shall forward its comments to the Community Development Department for presentation to the Planning Commission for their consideration in reviewing the application.

(J) Public Safety Exclusion

None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Director of Community Development and where the proposed measures have been declared necessary, by such department or departments, to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire or other calamity, or by Act of God or by the public enemy, to such an extent that in the opinion of the aforesaid department or departments it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

(K) Fees

The Board of Aldermen shall establish an appropriate system of processing fees for the review of nominations and certificates of appropriateness.

(L) Penalties

It shall be unlawful for any person to undertake or cause an alteration, construction, demolition or removal of any nominated or designated landmark or structure within a nominated or designated historic district or conservation district without a certificate of appropriateness.

It shall be unlawful to not maintain designated landmarks or structures within designated historic districts or conservation districts within the minimum maintenance requirements of Section 31-25A(H) of this chapter.

Any person convicted of violating the provisions of this ordinance shall be punished by a fine no greater than Five Hundred Dollars (\$500.00) or imprisonment for a period not to exceed sixty (60) days, or both fine and imprisonment. Each day each violation shall continue to exist shall constitute a separate violation.

Note: The entire Section 31-25A was added to the Zoning Ordinance by Ordinance No. 5763, adopted on May 11, 2004. This ordinance was repealed in its entirety with Ordinance No. 6137 on October 23, 2007, and a new Section 31-25A enacted.

31-26 ADMINISTRATION, ENFORCEMENT, AND PENALTIES**(A) Ordinance Administration**

The Director of Community Development shall be the administrator for the enforcement and administration of this Ordinance and may be assisted by such other persons as the City Administrator may direct.

- (1) Duties of Administrator. The Director of Community Development shall have the following duties and responsibilities:
 - (a) To enforce the provision of this Ordinance by investigating information concerning violations thereof and by taking such actions of issuing such orders or directives as are deemed appropriate to insure compliance with the ordinance.
 - (b) To keep accurate and complete records of all investigations, enforcement proceedings, Site Plans, Preliminary or Final Development Plans, Zoning Correspondence and such other records as he may be required to keep under the provisions of this Ordinance.
 - (c) To faithfully and promptly execute all other duties or responsibilities delegated to him under this Ordinance.
- (2) Interpretation by Administrator. In making any judgment, interpretation, or decision authorized by this Ordinance, the Director shall consider and be guided by the particular provisions of this Ordinance and relevant statements of intent contained herein provided. However, nothing herein shall be deemed to authorize the Director, in the performance of his duties, to permit any exception or variance from the provisions or requirements of this Ordinance or to otherwise impinge upon the powers vested in the Zoning Board of Adjustment.

(B) Enforcement, Violations and penalties

- (1) Enforcement. The provisions of this Ordinance shall be administered and enforced by the Director of Community Development.
- (2) Violations and Penalties.
 - (a) Complaints Regarding Violations: Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a complaint of such alleged violation with the Director of Community Development stating fully the facts or grounds upon which the complaint is based. The Director shall promptly record and investigate such complaint and take appropriate action as provided by this Ordinance.

- (b) Enforcement Procedure: Whenever the Director finds that any of the provisions of this Ordinance are being violated, he shall promptly notify in writing the person(s) responsible for such violations, indicating in such notice the nature of the violation and the actions ordered to correct it. The Director shall in all cases take such actions or issue such orders or directives as are authorized by this Ordinance to insure compliance with or to prevent violations of its provisions.
- (c) Actions, Orders and Directives: The Director or his designated representative shall have the authority to establish priorities for the abatement of zoning violations and implement appropriate procedures or remedies as provided herein to abate violations. In addition to all other powers conferred upon him by this Ordinance, the Director shall have the power to issue appropriate written orders or directives to any person deemed to be responsible for a violation of this Ordinance, as provided above. A failure to promptly comply with such lawful orders or directives shall be deemed a violation of this Ordinance, punishable as provided in Section 31-26(D) of this Ordinance. Such orders or directives shall include, but shall not be limited to: orders to discontinue illegal use of land, buildings, or structures; orders to remove illegal buildings or structures, or illegal additions, alterations or structural changes to buildings or structures; orders to discontinue illegal work or construction or any other appropriate orders to prevent or correct violations of this Ordinance.

The Director or his designated representative shall have, but not be limited to, the following remedies available to him or his designees with respect to abatement of zoning violations:

- (i) No Action. After careful consideration of the facts and circumstances, the Director or his designee may authorize no action be taken on a complaint of an alleged zoning violation.
- (ii) Informal contact. The Director or his designee shall have the authority to effectuate the abatement of zoning violations through informal meetings or conversations.
- (iii) Agreement to Abate. The Director or his designee may enter into an agreement with a violator whereby the violator agrees to abate the violation within a certain time frame based upon certain conditions within the agreement. This time frame shall not exceed a period of six (6) months from date of execution of the abatement agreement.
- (iv) Notice and Order. The Director or his designee may issue a notice and order to the violator ordering the cessation of illegal conditions within a specified period of time based upon the nature of the violation but not to exceed ten (10) days following

receipt of notice as outlined in the following Notification Procedures.

- (v) Municipal Court Action. The Director or his designee may issue a General Ordinance Complaint to the violator requiring appearance in Municipal Court for abatement of the violation.
- (vi) Right of Entry: The Director or his designee shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out his duties in the enforcement of this Ordinance, including abatement of violations.
- (d) Notification Procedures: Whenever a violation of this Ordinance occurs, the Director, Building Official, Planner, or his designated representative shall give written notice of such violation either personally or by United States mail to the owner(s) of such premises, or to the person(s) responsible for such violation or shall post such notice on the Premises. The notice shall direct that, within ten (10) days following receipt of said written notice, the violation shall be corrected. If after such time, but within five (5) days, said violation continues or ever occurs again, the City may issue a general ordinance complaint requiring the violator to answer to the charges in Municipal Court or may enter upon the premises at a reasonable time to abate said violation, or both. It should be noted that if a violation is abated, but occurs again at a later date, the City is not required to re-notify the same violator of the same violation.

(C) Issuance of Building Permits

(1) In General. No building or other structure shall be erected, moved, added to, or structurally altered without a building permit therefore, issued by the Building Official, as provided herein and in accordance with Chapter 6 of the Grandview Code of Laws. Further, no building permit shall be issued by the Building Official except in conformity with the provisions of this Ordinance, unless he receives a written order from the Zoning Board of Adjustment in the form of an administrative review or variance as provided by this Ordinance.

(2) Application, Site and Building Plans, and Compliance with Plans. No permit for the erection, construction, reconstruction, alteration, conversion, maintenance or use of any building, or the use of any premises shall be issued by the Building Official unless there is first filed in its office by the applicant therefore, a plan in duplicate, drawn to scale, correctly showing the location and actual dimensions of the lots to be occupied, the dimensions and location of the building to be erected, constructed, reconstructed, altered, converted, maintained, or used, with measurements in feet and inches from all lot lines to all foundation lines of the building, together with a true statement, in writing, signed by the applicant, showing the use for which such building or premises is arranged, intended or designed, and the location and dimensions of all accessory buildings or structures. Further, no permit shall be issued unless such plan shall show in all details that such a building or structure is to be erected, constructed,

reconstructed, altered, converted, maintained, or used, and such premises are to be used in conformity with all the provisions of this Ordinance. A record of such applications shall be kept in the office of the Building Official. Failure of any applicant or of his agents, servants or employees to erect, construct, reconstruct, alter, convert, maintain, or use any buildings, structures or premises in conformance with such plans on which such permit is issued, when such failure constitutes a violation of any provision of this Ordinance, shall render such permit void, and the Building Official is hereby authorized and directed to revoke any such permit by giving written notice to the applicant, or his agents, servants or employees and all work upon such buildings, structures, or premises shall be immediately discontinued on the serving of such notice until such buildings, structures or premises shall be changed so as to comply with such plans a permit.

(3) Refusal to Issue Building Permit. If the Building Official refuses to issue same, he shall state in writing his reasons for such refusal and furnish applicant with a copy thereof.

(4) Certificates of Occupancy:

- (a) In General. No vacant land shall be occupied or used, except for agricultural uses, and no building shall be occupied or used (to include a change in use or occupancy) or hereafter erected or structurally altered until a certificate of occupancy shall have been issued by the Building Official.
- (b) Certificates of Occupancy to be Kept on File. Certificates 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 Official, and copies shall be furnished on request to any person having a proprietary or tenant interest in the building affected.
- (c) Certificates of Occupancy for a Building. Certificate of occupancy for a new building or the alteration of an existing building or a change in use of an existing building shall be applied for in writing or in connection with the application for a building permit and shall be issued within fifteen (15) working days after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations, all applicable building and health ordinances, resolutions, and other requirements which may be imposed by the Board of Aldermen from time to time. Should any of the above provisions not be fully complied with, the Director shall retain the authority to withhold a regular Certificate of Occupancy until all requirements have been met and accepted by the City. Pending the issuance of a regular certificate, and at the discretion of the Director, a temporary certificate of occupancy may be issued for a period not to exceed six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates 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 Ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. Additionally, a temporary certificate of occupancy shall not be issued until such request is made in writing to the Building Official and an adequate surety instrument provided in a form that is acceptable and will be met within a specified time.

- (d) 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 fifteen (15) working days after the application has been made, provided such use is in conformity with the provisions of these regulations.

(D) Penalties for Violations

- (1) In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction or reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent the occupancy of said building structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by the Director, Building Official or other officer authorized to issue building permits, who is empowered to cause any building, structure, place or premises, to be inspected and examined and to order in writing the remedying of any condition found to exist therein or threat in violation of any provision of this Ordinance.
- (2) The owner or general agent of a building or premises where a violation of any provision of the regulations of this Ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, or by imprisonment for ten (10) days for each and every day such violation shall continue. However, if the offense be willful, on conviction thereof, the punishment shall be a fine not less than one hundred dollars (\$100.00) or more than two hundred and fifty dollars (\$250.00) for each and every day that such violation shall continue, or by both such fine and imprisonment in the discretion of the Court. Any such person, who having been served with an order to remove any such violation shall fail to

comply with such order within ten (10) days after such service or shall continue to violate any provisions of the regulations made under authority of Chapter 89 of Missouri State Statutes in the respect named in such order, shall also be subject to a civil penalty of two hundred and fifty dollars (\$250.00).

(E) Procedures for District Map or Text Amendments

(1) Zoning District Map Amendments

(a) Intent. It shall be the intent of the Board of Aldermen to reclassify property where:

- (i) that circumstances and conditions affecting the property in question have so materially changed as to demand reclassification in the public interest; or
- (ii) that the change is consistent with and in furtherance of the implementation of the Comprehensive Plan.

[Ord. # 6005, 04/25/2006]

It is intended under this Ordinance that the Planning Commission is the body responsible for the formulation and continuing review of the City's Zoning Ordinance and Comprehensive Plan and that the Commission shall be charged with the duty of periodically reviewing the policies and provisions of this Ordinance in light of its own initiative, such district reclassification or Ordinance amendments as may be deemed appropriate to secure the public welfare.

(b) Initiation of Amendments. Boundaries of the zoning districts established by this Ordinance, the classification of property uses therein, or other provisions of this Ordinance may be amended from time to time. Amendments of this Ordinance may be initiated by:

- (i) The verified application of one or more owners of property requesting that the Ordinance be amended to reclassify their property.
- (ii) The Board of Aldermen.
- (iii) The City Planning Commission.

(c) Planning Commission Action. Following the public hearing as described in 31-26 (E)(1)(e), the Commission may act to recommend approval or disapproval of the request. The affirmative vote of a majority of the Commission members present shall constitute a recommendation of approval of a zoning reclassification request. A failure of the Commission to consider a zoning reclassification request within sixty (60) days following receipt of the request shall constitute Commission recommendation of approval thereof. A recommendation

of the Commission shall forthwith be transmitted to the Board of Aldermen for its action.

- (d) Board of Aldermen Action. Following receipt of any recommendation of the Commission, or on finding that the Commission has not considered the request within the sixty (60) day limitation, The Board of Aldermen shall initiate final action on the request. The Board of Aldermen shall act to hold its own public hearing on the requested reclassification, at which time all interested parties shall have an opportunity to be heard. Proper notice of said hearing shall be given as provided in Section 31-26 (E)(1)(e).

Following the public hearing, the Board of Aldermen shall act to adopt or reject the reclassification request. In cases where the Commission has recommended disapproval of the reclassification, the affirmative vote of at least two-thirds (2/3) of the Board of Aldermen shall be required to enact the reclassification.

Furthermore, in case of a written protest against the reclassification request which is filed with the Department of Community Development and signed by the owners of thirty percent (30%) or more of the area of the lots included in the request, or by the owners of thirty percent (30%) or more of the property which is located within one hundred eighty-five feet (185') of the exterior parallel boundaries of the property being considered for classification, such request shall not be enacted except by the favorable vote of at least two-thirds (2/3) of the Board of Aldermen.

- (e) Notice and Hearing Requirements. Notice of the time and place of all public hearings to be held by the Planning Commission or Board of Aldermen shall be published in a newspaper of general circulation in the City at least fifteen (15) days prior to the date of the hearing. A reasonable effort shall be made to notify by regular mail those property owners whose property is being considered for reclassification and those adjacent owners of property within one hundred eighty-five feet (185') as measured parallel therefrom, prior to the first public hearing in which the reclassification request will be considered. Where the Commission or Board of Aldermen has set a public hearing on a reclassification request, the Department of Community Development shall take responsible steps to give notice of the time, place, and subject of the hearing by a courtesy mailing to all property owners within one hundred eighty-five feet (185') of the property as measured parallel for which reclassification is requested, and to the owner(s) of the property included in such request.

In all cases, however, the notice shall be mailed not less than fifteen (15) days prior to the public hearing announced therein. It shall be noted that this mailing is a courtesy mailing only and not required by State Statute.

At all public hearings held by the Planning Commission or Board of Aldermen, any interested persons shall have an opportunity to express their opinions on the proposed amendment, either in person or by agent subject, in all cases, to reasonable rules of procedure.

(2) Zoning Text Amendment Procedure.

- (a) Initiation and Commission Action. Any person may propose amendments to the provisions of this Ordinance by delivering a copy of the proposed amendment to the Department of Community Development. Such proposals shall be considered in regular session by the Planning Commission which will diligently act to set the proposal for public hearing as provided in Section 31-26 (E)(1)(e) of this Ordinance. Following the public hearing, the Commission may act to recommend approval or disapproval of the proposed amendment.

The affirmative vote of a majority of the Commission members present shall be required to constitute a recommendation of approval of the proposed amendments. The Commission's recommendation shall be forthwith transmitted to the Board of Aldermen for their action. A failure by the Commission to act within sixty (60) days following receipt of the proposed amendment shall constitute Commission recommendation of approval thereof.

- (b) Board of Aldermen Action: Following receipt of the Commission's recommendation or expiration of the sixty (60) day limit for Commission action, the Board of Aldermen shall act to hold its own public hearing on the proposed amendment, at which all interested parties shall have an opportunity to be heard. At least fifteen (15) day's notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City.

Following the public hearing, the Board of Aldermen shall adopt or reject the proposed amendment. In those cases where the Commission has recommended disapproval of the amendment, the affirmative vote of at least two-thirds (2/3) of the Board of Aldermen shall be required to enact the amendment.

(3) Application Schedule. Whenever any application shall have been denied by the Board of Aldermen, no new application covering the same property or the same property and additional property shall be filed with or considered by the Board of Aldermen until one year shall have elapsed from the date of filing the first application.

Under no circumstances shall the required fee and notice costs be refunded upon failure of a proposed application to be enacted into law.

(Ord. #6116, 08/28/2007)

(F) Conditional Use Procedures

(1) Intent. It is intended that a "Conditional use" means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration, as provided for this ordinance, of the impact of such use upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be granted by the Board of Aldermen.

(2) Application Requirements. Any property owner or person representing the property owner may file an application to use a property for one of the Conditional Uses permitted in the district in which the property is located. All applications for a Conditional Use Permit shall be filed with the Department of Community Development. The applicant shall be required to supply all pertinent items of information required to review such application. Review of the application for a conditional Use Permit may be obtained by delivering two (2) copies of the completed application form to the Director together with payment of the required fee as specified in this Ordinance. Upon receipt of the completed forms and the required fee, the Director shall forthwith transmit one (1) copy of the form to the Planning Commission while retaining the original form as part of his permanent records. Prior to its review, the Planning Commission may require the applicant for a Conditional Use Permit to supply any further information beyond that contained in the application form where it reasonably considers such information necessary to make the determinations required by this Ordinance.

(3) Application Schedule. Whenever any application shall have been denied by the Board of Aldermen, no new application covering the same property or the same property and additional property shall be filed with or considered by the Board of Aldermen until one year shall have elapsed from the date of filing the first application.

Under no circumstances shall the required fee and notice costs be refunded upon failure of a proposed application to be enacted into law.

(Ord. #6116, 08/28/2007)

(4) Standards for Granting a Conditional Use Permit. No Conditional Use Permit shall be granted unless the Board of Aldermen determines, on the basis of specific information presented at the public hearings, or contained in the application for such use, that each of the following conditions have been satisfied:

- (a) The proposed Conditional Use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations, and all other standards or conditions contained in the provisions authorizing such use.
- (b) Adequate utility, drainage and other necessary facility or improvements have been or will be provided.

- (c) Adequate access roads or entrance and exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
- (d) All necessary permits and licenses required for the operation of the Conditional Use have been obtained, or it clearly appears that such permits are obtainable for the proposed Conditional Use on the subject property.
- (e) All exterior lighting fixtures are shaded wherever necessary to avoid casting direct light upon any property located in a residential district.
- (f) The location and size of the Conditional Use, the nature and intensity of the activities to be involved or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to the Conditional Use, shall be such that it will be in harmony with the appropriate and orderly development of the district and neighborhood in which it is located.
- (g) The location, nature and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures.
- (h) The proposed Conditional Use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public.
- (i) Additional standards for granting a Conditional Use Permit for a change in nonconforming uses.

The granting of any Conditional Use permit under this subsection shall not be deemed to authorize any other use not specifically listed as a Permitted or Conditional Use for the district.

The Planning Commission and Board of Aldermen may solicit the opinion or advice of its Staff or any other public agency or employee(s) whose advice it considers necessary to properly make the determinations required by this Section. Such opinions or advice shall be read or otherwise publicly presented at the public hearing and is specifically identified as a determining consideration in the Board of Aldermen's final written decision.

(5) Public Hearing and Commission Action. Following receipt of the completed application form and any additional information required by the Planning Commission, the Planning Commission shall hold a public hearing to consider the application for a Conditional Use Permit.

Notice of the time and place of the public hearing shall be published in the newspaper of general circulation at least fifteen (15) days prior to such hearing. Proper notice of said hearing shall be given as provided in Section 31-26(E)(1)(e) of this Ordinance.

At the public hearing, all interested parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent.

Following the public hearing, the Commission may act to recommend approval or disapproval of the request. The affirmative vote of the majority of the Commission members present shall be required to constitute a recommendation of approval of a Conditional Use. A failure of the Commission to consider a Conditional Use request within sixty (60) days following receipt of the request shall constitute Commission recommendation of approval thereof. A recommendation of the Commission shall forthwith be transmitted to the Board of Aldermen for its action.

(6) Public Hearings and Board of Aldermen Action. Following receipt of any recommendation of the Commission or on finding that the Commission has not considered the request within the sixty (60) day limitation, the Board of Aldermen shall initiate final action on the request. The Board of Aldermen shall act to hold its own public hearing on the requested conditional use at which time all interested parties shall have an opportunity to be heard. Proper notice of said hearing shall be given as provided in Section 31-26(E)(1)(e) of this ordinance.

Following the public hearing, the Board of Aldermen shall act to adopt or reject the Conditional Use request. In cases where the Commission has recommended disapproval of the Conditional Use, the affirmative vote of at least two-thirds (2/3) of the Board of Aldermen shall be required to enact the Conditional Use.

(7) Conditions and Restrictions on the Conditional Use Permit.

- (a) Imposition of Conditions and Restrictions. In granting a Conditional Use Permit, the Board of Aldermen may impose any conditions or restrictions it reasonably considers necessary to insure full compliance with the standards of Section 31-26(F)(3) to reduce or eliminate any detrimental effect of the proposed Conditional Use upon the neighborhood or the district, or to carry out the general purposes and intent of this Ordinance.
- (b) Modification of Conditions and Restrictions. Any subsequent change or modification of a condition or restriction imposed by the Board of Aldermen in granting a Conditional Use Permit must be approved in the same manner and with the same requirements as the original application for Conditional Use Permit.
- (c) Violation of Conditions and Restrictions. A violation of such conditions and restrictions, when made a part of the terms under which the Conditional Use Permit is granted, shall be deemed a violation of this Ordinance.

(8) Decision and Records: The Board of Aldermen shall render a written decision on an application for a Conditional Use Permit within sixty (60) days after the close of the public hearing. The decision of the Board shall contain specific findings of fact supporting the granting or denial of the Conditional Use Permit and shall clearly set forth any conditions or restrictions imposed pursuant to Section 31-26(F)(6). The Board of Aldermen shall maintain complete records of all actions with respect to applications for Conditional Use Permits.

(9) Period of Validity: No Conditional Use Permit granted by the Board of Aldermen shall be valid for a period longer than six (6) months from the date on which the Board of Aldermen grants the permit, unless within such six (6) month period:

- (a) A building permit is obtained and the erection or alteration of a structure is started, or
- (b) An occupancy permit is obtained, if required, and the use is commenced.

The Board of Aldermen may grant a maximum of two (2) extensions not exceeding six (6) months each, upon written application without notice of hearing.

31-27 ZONING BOARD OF ADJUSTMENT**(A) Establishment of Board.**

A Zoning Board of Adjustment is hereby established pursuant to Chapter 89 of the Missouri Statutes. The word, "Board" as used in this Section shall mean the Board of Adjustment. The current membership of the Board as of the date of adoption of this Ordinance shall be retained pursuant to the regulations established herein.

(1) Membership and Terms of the Board. The Board shall consist of five (5) members, who shall be residents of the City. The membership of the first Board appointed shall serve respectively: one for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter, members shall be appointed for terms of five years each. Three alternate members may be appointed to serve in the absence of or the disqualification of the regular members.

(2) Removal. Board members may be removed for cause by the Board of Aldermen upon written charges and after a public hearing.

(3) Vacancies. Vacancies on the Board shall be filled for the unexpired term of any member whose term becomes vacant.

(B) General Procedure

(1) Meetings. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto, and rulings thereon shall be taken down by a reporter employed by the Board for that purpose. The Board may, in addition, adopt general rules of procedure not inconsistent with the provisions of this Ordinance.

(2) Vote of the Board. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant or any matter upon which it is required to pass under this Ordinance, or to effect any rule of procedure adopted pursuant to this Section.

(C) General Powers.

The Board shall have the following powers:

(1) Variations. To vary or modify the application of any of the regulations or provisions of this Ordinance where there are practical difficulties in the way of carrying out the strict letter of such regulations or provisions relating to the construction or

alteration of buildings or structure (“area variance”), or where carrying out the strict letter of such regulations or provisions relating to the use of land would cause unnecessary hardship (“use variance”), so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(2) Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.

(3) Other Matters. To hear and decide all other matters referred to it or upon which it is required to pass under this Ordinance.

(D) Variance Procedure

(1) Application. Any person owning property may apply for a variance from the strict enforcement of the regulations or provisions of this Ordinance relating to the construction or alteration of buildings or structures or the use of land. All applications for a variance shall be filed with the Department of Community Development. The applicant shall be required to supply all pertinent items of information contained on the official application form as a condition to review such application. Review of the application for a variance may be obtained by delivering a copy of the completed application form to the Director or his designee together with payment of the required fee as specified in this Ordinance. Upon receipt of the completed forms and the required fee, the Director shall forthwith transmit a copy of the completed form to the Board, retaining the original form as part of his permanent records. Prior to its review, the Board may require the applicant to supply any additional information beyond that contained in the application form where it reasonably considers such information necessary to make the determination.

(2) Notice and Meeting Requirements. Following receipt of a completed application, the Board shall consider such application at a public hearing. Notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City at least fifteen (15) days prior to the date of the hearing and a courtesy notification sent by regular mail to all owners of property within one hundred eighty-five feet (185') of the property for which variance is sought. At the public hearing, all interested parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent. A record of such meeting shall be entered into the minutes of the Board.

(E) Requirements for the Granting of a Variance.

The Board may grant a variance only under exceptional circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the Board shall find all of the following:

(1) For an Area Variance:

(a) Hardship Due to Particular Property. This hardship relates to the particular property, because of size, shape, topography or other physical

conditions, rather than personal circumstances, and is unique, or nearly so, rather than one shared by surrounding properties; and

- (b) Reasonable Use. If the applicant complies strictly with the provisions of this Ordinance, he is unable to make reasonable use of the affected property; and
- (c) No Self-Imposed Hardship. This hardship does not exist because of conditions created by the owner or previous owners of the property; and
- (d) No Special Privileges. Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district; and
- (e) Not Contrary to Public Interest or Property Values. Granting of the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the intent and purpose of this Ordinance.

(2) For a Use Variance:

- (a) Unique Character of Property. Applicant must prove relief is necessary because of character of the particular property, rather than personal circumstances, and is unique, or nearly so, rather than one shared by surrounding properties; and
- (b) Reasonable Return. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone; and
- (c) Unique Circumstances. The owner's plight is due to unique circumstances and not to general neighborhood conditions; and
- (d) Character of Neighborhood. The grant of a variance will not alter the essential character of the neighborhood; and
- (e) Comprehensive Plan. Granting a variance will not destroy preservation of the Comprehensive Plan; and
- (f) Substantial Justice. Granting variance will result in substantial justice for all.

In ruling on a variance application, the Board may consider prospective financial loss or gain to the applicant, but such consideration shall not be the total reason for granting or denying a variance.

(Ord. #6571, 12/27/2012)

(F) Conditions and Restrictions Attached to the Granting of a Variance.

In granting a variance, the Board may impose any conditions or restrictions it reasonably considers necessary to insure full compliance with the standards of Section 31-27(E) of this ordinance to reduce or eliminate any detrimental effect of the proposed variance upon the neighborhood or the public welfare, or to carry out the general purposes and intent of this ordinance. A time limit of one (1) year within which the contemplated construction must be underway or completed, or the variance approval would become null and void. Violation of such conditions and restrictions, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Ordinance. (*Ord. #6116, 08/28/2007*)

(G) Decisions and Records.

The Board shall render a written decision on an application for a variance within sixty (60) days after the close of the public hearing. The decision of the Board shall contain specific findings of fact supporting the granting or denial of the variance and shall clearly set forth any conditions or restrictions imposed pursuant to Section 31-27(F) of this Ordinance. It should be noted that, although variances have been determined to run with the land, a variance which has been granted by the Board is tied to the specific application and site plan reviewed by the Board at the time the variance was granted. Revisions of the approved site plan related to the approved variance shall be approved by the Board. The Board shall maintain complete records of all action with respect to applications for a variance.

(H) Appeals to the Board, Standards and Procedure

(1) Authorization. Appeals to the Board may be made by any person aggrieved or by any municipal officer, department, board or bureau affected by any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.

(2) Procedure for Appeal. Appeals may only be filed within thirty (30) days immediately following the date of the administrative action which is the subject of the appeal. An appeal is filed by delivering to the Department of Community Development a completed application, together with the fee payment specified in this Ordinance. The Note of Appeal must, in addition to all other information required by the form, specify the particular grounds for the appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all documents constituting the record upon which action appealed from was taken.

(3) Effects of Appeal. 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 after the Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

(4) Board Decision of Appeal. In exercising its powers of appeal, the Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from any

may make such order, requirement, decision, or determination as ought to be made, and to that and shall have all powers of the officer from whom the appeal is taken.

(I) Appeals from Board Decisions.

Appeals from action or decision of the Board shall be made in the manner as provided herein as follows:

Any person or persons, jointly or severally aggrieved by any decision of the Board, or any officer, department, board or bureau of the municipality, may present to the Circuit Court of Jackson County a notarized 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.

Upon presentation of such petition, the court may allow a writ of certiorari directed to the Board to review such decision of the Board 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, or notice to the Board and on due cause shown, grant a restraining order.

The Board 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 such writ. The return shall concisely set forth such order facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with the 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.

Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

31-28 FEE SCHEDULE

[Fees Amended by **Resolution No. 2007-04 (02/13/2007)**—See that Resolution for further information]

(A) Fees Required.

Any application for the following shall be accompanied by the requisite fee:

- (1) Variance.
- (2) Appeals to the Board of Adjustment.
- (3) Conditional Use Permit.
- (4) Zoning reclassification or text amendment.
- (5) Planned District Proposals.
- (6) Sign permit.
- (7) Oil well application.
- (8) Temporary use permit.
- (9) Site Plan.

(Ord. #6116, 08/28/2007)

(B) Amount of Fee

The amount of each fee shall be as established by resolution of the Board of Aldermen in an official schedule including planning and zoning fees.

(C) Payment

All fees shall be collected by the Director at the time of application for deposit with the City Treasurer.

(D) Fee Exemption

No fee is required for applications filed in the public interest by majority vote of the Board of Aldermen, Planning Commission, the Board of Adjustment or the City Administrator.

APPENDIX

PERMITTED USES	P1	AG	RIA	R1	R1M	R2	R3	OS	C1	C2	C3	CS	I-1	I-2
ADULT-ORIENTED ENTERTAINMENT										C				
AGRICULTURAL SUPPLY SALES										P		P	P	P
AGRICULTURAL USES	P	P												
AMUSEMENT CENTER/INDOOR										C	C			
AMUSEMENT PARKS/ FAIRGROUNDS													C	P
ANIMAL HOSPITAL/CLINIC									C	P	P	P	P	P
APPLIANCE (SALES/SERVICE)									P	P	P	P		
ART GALLERY/MUSEUM/LIBRARY										P	P			
ARTIST STUDIO								P	P	P	P			
AUDITORIUM/ASSEMBLY HALL											P			
AUTO PARTS/SUPPLY										P	P	P		
AUTO REPAIR/BODY SHOP										P	P	P	P	P
AUTO SALES/SERVICE ; NEW										P		P		
AUTO SALES/SERVICE ; USED										C		C		
AUTO SALES/SERVICE											P			
AUTO SERVICE CENTER (TBA)										P	P	P	P	P
AUTOMATED BANK TELLER											P			
BAKERY (RETAIL ONLY)									P	P	P			
BAKERY (WHOLESALE COMMERCIAL)										P		P	P	P
BANK, S.&L. CREDIT UNION								P	P	P	P			
BAR/TAVERN										P	C			
BARBERSHOP/BEAUTY SHOP								P	P	P	P			
BED AND BREAKFAST			C	C	C	C	C							
BICYCLE SHOP SALES/RENTAL									P	P	P			
BOAT SALES/SERVICE										P		P	P	P
BOOK/STATIONERY STORE									P	P	P			
BUSINESS SERVICES										P	P	P	P	P
BUSINESS/SECRETARIAL SCHOOL								P			P			
CAMERA/PHOTO SUPPLY STORE									P	P	P			
CAR WASH (FULL SERVICE)										P		P	P	P
CAR WASH (SELF SERVICE)										P		P	P	P
CATALOG CENTER									P	P	P	P		
CEMETERY, MAUSOLEUM			C	C	C	C								
CHARITABLE/WELFARE INST.			C	C	C	C	C							
CHECK CASHING ESTABLISHMENT										C		C		
CHURCHES		P	P	P	P	P	P	P	P	P	P	P	P	P
CLOTHING/ACCESSORY STORE									P	P	P			
COLD STORAGE/LOCKER PLANT												P	P	P
COLLEGE/UNIVERSITY								P		P	P			
COMMERCIAL ART GALLERY										P	P			
COMMERCIAL NURSERY		C												
COMMUNITYSERVICES ORG.								C	C	P	C			
COMPOUNDING/PROCESSING (CHEMICAL)													P	P
COMPUTER SALES/SERVICES									P	P	P			
CONSUMER CREDIT LOAN BUSINESS										C		C		
CONSTRUCTION SUPPLY SALES/SERVICE										P		P	P	P
CONTRACTOR'S SHOP/STORAGE YARD												P	P	P
CONVENIENCE STORE (WITH GAS SALES)								C	P	P	P	P		
CONVENTION CENTER										P				
CREMATORIUM													C	
DEPARTMENT STORES										P	P			
DOG/HORSE RACING TRACK		C											C	

PERMITTED USES	P1	AG	RIA	R1	R1M	R2	R3	OS	C1	C2	C3	CS	I-1	I-2
DRIVE-UP AUTO-MATED BANK TELLER									P	P		P		
DRUG STORE/HEALTH CARE SUPPLIES								P	P	P	P			
ENGINE/MOTOR/SALES/SERVICE/REPAIR												P	P	P
EQUESTRIAN RIDING ACADEMY/STABLE		C											P	P
FARM IMPLEMENT SALES/SERVICE												P	P	P
FIELD CORPS AND FRUIT FARMING	P	P											P	P
FLOWER/GARDEN STORE/COMM. GREENHOUSE									P	P	P	P	P	P
FORESTRY	P													
FREIGHT TRANSFER FACILITY												C	P	P
FUELDEALER & MANUFACTURING														C
FURNITURE UPHOLSTERY/REPAIR									P	P	P	P	P	P
FURNITURE/HOME FURNISHING STORE									P	P	P	P		
GAS STATION (NOT INCLUDING SERICE STATION)								C	P	P	P	P		
GENERAL OFFICE								P	P	P	P	P	P	P
GIFT/SOUVENIR SHOP									P	P	P			
GOVERN. BUILDINGS AND USES	P							P	P	P	P	P		
GRAIN TERMINAL/ELEVATOR														C
GROCERY STORE									P	P	P			
GROUP HOME RES. CARE AGENCY FAC. FOR CHILDREN			P	P	P	P	P	P						
HARDWARE STORE									P	P	P			
HORSE STABLING/ GRAZING, RIDING	P	P	C	C										
HOSPICE						C	C							
HOSPITALS								P		P				
HOTELS										P	P			
HOUSING-EDERLY PERSONS, WITH DISABILITIES							P	P						
ICE DEALER AND MANUFACTURING												P	P	P
INTERMEDIATE CARE FACILITY							P	P						
JEWELRY STORE									P	P	P			
JUNK YARD/SALVAGE YARD														C
KENNELS		C											P	P
LANDSCAPING SERVICES/ NURSERY												P	P	P
LAUNDROMAT									P	P				
LAUNDRY/DRY CLEANER									P	P	P			
LIVESTOCK & ANIMAL HUSBANDRY	P	P												
LOCAL SHOPPING CENTER										P				
LUMBER YARD/BUILDING MATERIAL SALES										P		P	P	P
MACHINE SHOP												C	P	P
MAIL ORDER HOUSE										P	P	P	P	P
MANUFACTURE/ASSEMBLY (ELEC.)												C	P	P
MANUFACTURE/ASSEMBLY (MUSIC)												C	P	P
MANUFACTURING/ASSEMBLY/ CLOTHING												C	P	P
MANUFACTURE/ASSEMBLY ACID+)													C	P
MANUFACTURE/STORAGE/ PROCESSING (GLUE+)													C	P
MANUFACTURE/STORAGE/PROCESS														C

PERMITTED USES	P1	AG	RIA	R1	R1M	R2	R3	OS	C1	C2	C3	CS	I-1	I-2
(FLAM,ASPH, CONC)														
MEDICAL OFFICES AND CLINICS								P	P	P	P			
MEDICAL/DENTAL LABORTAORY								P	P	P	P	P	P	P
MORTUARY,FUNERAL HOME								P		P	P	P		
MOTEL										P	P			
MOTORCYCLE SALES/SERVICE										P		P		
MOVIE RENTALS AND SALES									P	P	P			
MOVING/STORAGE FACILITY												P	P	P
MUSIC STORE SALES/ SER. RENTAL									P	P	P			
NEIGHBORHOOD/SHOPPING CENTER														
NON-COMM. ART GALLERY/ MUSEUM/LIBRARY								P	P					
NON-COMMERCIAL NURSERIES & GARDENS		P	P	P	P	P	P							
NON-RESIDENTIAL WILDLIFE, ETC.	P													
NURSERY SCH./DAY CARE CENTER						C	C	P	P	P	P		C	
NURSING FACILITY,SKILLED							P	P						
OFF-STREET PARKING LOT							C	P	P	P	P	P	P	P
OFFICE SUPPLY									P	P	P	P		
OIL & GAS WELLS		C	C	C	C	C	C	C	C	C		C	C	C
OUTPATIENT CARE FACILITY								P		P	P			
PACKAGED LIQUOR SALES												P		
PACKING/PROCESSING (MEAT+)													C	P
PARK, GOLF COURSE, NATURAL REC AREA	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PARKING STRUCTURES										P	P	P	P	P
PAWN SHOP										C		C		
PERSONAL SERVICES								P	P	P	P	P		
PET SHOP										P	P			
PHOTOGRAPHIC STUDIO								P	P	P	P			
PRINTING/PUBLISHING										P	P	P	P	P
RADIO/T.V. ETC. (SALES/SERVICE									P	P	P	P		
RAILRD., PUB. OR QUASI-PUBLIC UTIL.	P	P	P	P	P	P	P	P	P	P	P	P	P	P
RECREATION ACTIVITIES (INDOOR)											C	C	C	
RECREATION FACILITIES (OUTDOOR)											C		C	P
REC. VEHICLE SALES/SERVICE										P		P	P	P
REDUCTION PLANT, FOUNDARIES, FORGES														C
REFRIG/EQUIP. SUPP. SALES/ SVC.											P	P	P	P
REFRIG. EQUIP. SUPPLY (NO SERVICE)										P				
RENTAL—SELF STORAGE										P	P	P		
RESEARCH/ENGINEERING LAB.												P	P	P
RESIDENTIAL CARE FACILITY							P	P						
RESIDEN.,OUTPATIENT TREAT./ FACIL.TREAT. OF ALCOHOL/ DRUG ABUSE								C		C	C	C	C	C
RESIDENTIAL SINGLE FAMILY (DETACHED)		P	P	P	P	P	P	P						
RESIDENTIAL USE ABOVE FIRST FLOOR ONLY								P	P	P	P			
RESIDENTIAL,2-FAM. (DUPLEX)						P	P	P						
RESIDENTIAL, 3+FAMILY (MULTI-FAMILY)							P	P						
RESIDENTIAL,TOWNHOUSE (LAT. ATTACHED S.F.)						P	P	P						

PERMITTED USES	P1	AG	RIA	R1	R1M	R2	R3	OS	C1	C2	C3	CS	I-1	I-2
DWELLING UNITS								P	P					
RESTAURANT, CARRY OUT									P	P	P			
RESTAURANT, DRIVE-IN									P	P				
RESTAURANT, SIT DOWN									P	P	P			
ROOMING/BOARDING HOUSE							C							
SCHOOLS K-12 (APPR. BY MO. STATE BD. OF ED.)			P	P	P	P	P				P			
SCHOOLS OF PRIVATE INSTR.			C	C	C	C	C	P	P	P	P			
SECTION 500 COMPANY										C		C		
SERVICE STATION										P	P	P		
SEWING/FABRIC STORE									P	P	P			
SHOE REPAIR								P	P	P	P			
SHOE STORE									P	P	P			
SNOWMOBILES, ALL-TERRAIN VEHICLES, OPERAT.		P												
SPORTING GOODS (SALES/RENTAL)									P	P	P			
STADIUM, ATHLETIC FIELD, SPORTS ARENA													C	P
SUPERMARKET										P	P			
TAILORING/ALTERATIONS									P	P	P	P		
TATTOO/BODY PIERCING PARLOR										C		C		
THEATRES (INDOOR)										P	P			
TITLE LOAN BUSINESS										C		C		
TOOL, DIE, PATTERN-MAKING												C	P	P
TOW LOT													P	P
TOY/HOBBY SHOP									P	P	P			
TRUCK SALES/SERVICE REPAIR										P		P	P	P
UPHOLSTERY SHOP										P	P	P	P	P
USED AUTO SALES/SERVICE										C		C		
VEHICLE RENTAL										P		P	P	P
VENDING/GAME MACHINE SALES/SERVICE										P		P	P	P
VOCATIONAL SCHOOL								P		P	P		P	P
WAREHOUSING/STORAGE (INDOOR)											C	P	P	P
WAREHOUSING/STORAGE (OUTDOOR)												P	P	P
WELDING SERVICES												P	P	P
WHOLESALE SALES/DISTRIBUTOR										C		P	P	P

(Ord. #6471, 7/26/11)