

## Chapter 400

### PLANNING, ADMINISTRATION AND ENFORCEMENT

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#### ARTICLE I General Provisions

**Section 400.010. Administrative Official and Powers.**

[CC 1995 §400.010; CC 1974 §40.010]

A. The Administrative Officer shall administer and enforce the provisions of this Title. The Administrative Officer shall be any person designated as such by the Board of Aldermen. The powers and duties of the Administrative Officer shall be as follows:

1. Issue all building permits and make and maintain records thereof.
2. Issue all certificates of occupancy and make and maintain records thereof.
3. Conduct inspections of buildings, structures, and the use of land to determine compliance with this Title.
4. Require that all construction or work of any type be stopped when such work is not in compliance with this Title.

5. Revoke any permit which was unlawfully issued or any permit wherein defective work has been performed, and when such work has not been corrected within ninety (90) days of notification.
6. Maintain permanent and current records of this Title, including, but not limited to, all maps, amendments, variances, appeals, and applications.
7. Provide and maintain a Public Information Bureau relative to all matters arising out of this Title.
8. Forward to the Planning Commission all applications for amendments to this Title.
9. Forward to the Board of Adjustment applications for appeals, variances or other matters on which the Board of Adjustment is required to pass under this Title. Issue permits regulating the erection and use of tents for periods not to exceed ten (10) days for specific purposes such as: temporary carnivals, churches, charities, or charitable uses, and revival meetings, such uses not being detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided however, that said tents or operations are in conformance with all other ordinances of the City.
10. Initiate, direct, and review, from time to time, a study of the provisions of this Title, and to make such reports available to the Planning Commission not less than once a year.

**Section 400.020. Building Permit Required.**

[CC 1995 §400.020; CC 1974 §40.020]

- A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor issued by the Administrative Official.
1. No building permit for alteration, repair, or construction of any building or structure shall be issued unless the plans and specifications show that the building or structure, and its proposed use, will be in compliance with provisions of the Zoning Code, Chapter 405 of this Title.
  2. A temporary building permit may be issued by the Administrative Official for a period not exceeding six (6) months during alteration or construction for partial occupancy of a building pending its completion, or for bazaars, carnivals, and revivals, provided that such temporary permit shall require such conditions and safeguards as will protect the safety of the occupants and the public.
  3. The failure to obtain the necessary building permit shall be punishable under Section 100.220 of this Code.
  4. Building permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement and construction set forth in such approved plans and specifications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Chapter and shall be punishable as provided by Section 100.220 of this Code.

**Section 400.030. Building Permit Application.****[CC 1995 §400.030; CC 1974 §40.030]**

- A. Applications for building permits shall be accompanied by a duplicate set of plans drawn to scale with the following information indicated in order to determine compliance with this Chapter:
1. A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected, or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.
  2. A survey prepared by a land surveyor registered in the State of Missouri of the boundaries of the lot on which the improvement is proposed to be located, or have on file with the City one (1) copy of a certified and recorded plat.
  3. The location of the said lot with respect to existing rights-of-way and adjacent lots.
  4. Any other information which the Administrative Official may deem necessary for consideration in enforcing the provisions of this Title.
- B. Any of the above requirements may be waived by the Administrative Official.
- C. If the building permit is denied on the basis of this Chapter, the applicant may appeal the action of the Administrative Official to the Board of Adjustment.
- D. No building permit for alteration, repair, or construction of any building or structure shall be issued unless the plans and specifications show that the building or structure, and its proposed use, will be in compliance with provisions of the Zoning Chapter, Chapter 405.

**Section 400.040. Amendments and Changes.****[CC 1995 §400.040; CC 1974 §40.040]**

- A. The Board of Aldermen may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Chapter and amend district boundary lines, provided that in all amendatory orders adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory order.
- B. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the legislative

body of such municipality. The provisions of Section 89.050, RSMo., relative to public hearing and official notice shall apply equally to all changes or amendments.

C. This Chapter shall be amended in the following manner:

1. Amendments may be proposed by any citizen, organization or governmental body.
2. An application for an amendment of this Chapter shall be filed with the Administrative Officer in such form and accompanied by such information as required by the Administrative Officer. The Administrative Officer, upon acquiring an application for amendment, shall transmit one (1) copy of such application along with all pertinent data filed therewith to the following agencies and/or entities for their review and written recommendations, protests or comments:
  - a. Planning Commission.
  - b. Board of Aldermen.
3. A fee of fifty dollars (\$50.00) shall be paid to the City for each application for an amendment to cover the cost of advertising. A fee for administrative expenses shall also be paid by the applicant based on the actual costs incurred by the City. The Board of Aldermen, Planning Commission and Board of Adjustment shall be exempt from this fee.
4. The Board of Aldermen shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Board of Aldermen. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Board of Aldermen shall, by rule, prescribe from time to time.
5. Notice of time and place of such hearing shall be published at least once in a newspaper of local distribution not less than fifteen (15) days before such hearing. Supplemental or additional notices may be published or distributed as the Board of Aldermen may, by rule, prescribe from time to time.
6. The Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the Board of Aldermen prior to the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
  - a. Relatedness of the proposed amendment to goals and outlines of the long-range physical plan of the City.
  - b. Existing uses of property within the general area of the property in question.
  - c. The zoning classification of property within the general area of the property in question.
  - d. The suitability of the property in question to the uses permitted under the existing zoning classification.



- e. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
7. The Board of Aldermen shall not act upon a proposed amendment to the Chapter until it shall have received a written report and recommendation from the Planning Commission on the proposed amendment.
8. The Board of Aldermen shall approve or deny the recommendation of the Planning Commission. In the event no recommendation is received by the Board of Aldermen within a ninety (90) day period following its initial submission, it shall be deemed to have been approved.

## ARTICLE II Board of Adjustment

### Section 400.050. Board of Adjustment Created.

[CC 1995 §400.050; CC 1974 §40.100]

There is hereby created within and for the City a Board of Adjustment with the powers and duties as hereinafter set forth.

### Section 400.060. Membership.

[CC 1995 §400.060; CC 1974 §40.110]

- A. The Board of Adjustment shall consist of five (5) members who shall be residents. The membership of the first (1st) Board appointed shall serve, respectively, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Thereafter, members shall be appointed for terms of five (5) years each.
  1. The Board shall elect its own Chairman who shall serve for one (1) year.
  2. All members shall be removable for cause by the appointing authority upon written charges and after public hearings.
  3. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

### Section 400.070. Procedure.

[CC 1995 §400.070; CC 1974 §40.120]

The Board shall adopt rules in accordance with the provisions of this Chapter. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his/her 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 City Clerk and shall be a public record. 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 on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

#### **Section 400.080. Appeals.**

**[CC 1995 §400.080; CC 1974 §40.130]**

A. Appeal from action taken by the Administrative Officer shall be taken in the following manner:

1. All appeals shall be taken within sixty (60) days of the date of the action which is appealed.
2. Appeals from the enforcement and interpretation of this Chapter, signed by the appellant, shall be addressed to the Board of Adjustment and presented to the Administrative Officer. A fee of fifty dollars (\$50.00) shall be paid to the City for each appeal to cover costs of advertising. A fee for administrative costs shall also be paid by the applicant based on the actual costs incurred by the City. The appeal shall contain or be accompanied by such legal descriptions, maps, plans, and other information so as to completely describe the decisions or interpretation being appealed and the reasons for such appeal.
3. The Administrative Officer shall transmit to the Board of Adjustment the appeal and all papers constituting the record upon which the action appealed was taken. The Chairman of the Board of Adjustment shall schedule a hearing to be held within sixty (60) days from the filing of the appeal. Public notice of the hearing shall be published in a newspaper of general circulation in the town at least once each week for two (2) successive weeks prior to the hearing. The Administrative Officer shall post notice on the property involved for a period of one (1) week prior to the hearing.
4. An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Officer certifies to the Board of Adjustment that by reason of facts in the record a stay would, in his/her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a court order.

#### **Section 400.090. Variances.**

**[CC 1995 §400.090; CC 1974 §40.140]**

A. Applications for variances to this Title shall be processed in the following manner:

1. An application for a variance from the terms of this Title signed by the applicant shall be addressed to the Board of Adjustment and presented to the Administrative Officer.

2. A fee of fifty dollars (\$50.00) shall be paid to the City for each application to cover the cost of advertising. A fee for administrative costs shall also be paid by the applicant based on the actual costs incurred by the City. The application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.
3. The Administrative Officer shall review the application and determine that sufficient data is contained to adequately describe the situation to the Board of Adjustment. If the data is not adequate, the Administrative Officer shall return the application to the applicant for additional information. Completed applications shall be forwarded to the Board of Adjustment.

**Section 400.100. Appeals and Variances Procedure.**

[CC 1995 §400.100; CC 1974 §40.150]

- A. The Board of Adjustment shall approve or deny appeals and variances in the following manner:
  1. The Chairman of the Board of Adjustment shall schedule a public hearing to be held within sixty (60) days after an application is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the City at least once a week for two (2) successive weeks prior to the hearing. The Administrative Officer shall post notice on the property involved for a period of one (1) week prior to the hearing.
  2. The Board of Adjustment shall review the uses listed in the specific district regulations as "Uses Permitted on Review". These are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses may make it desirable that they be permitted to locate therein. The following procedure is established to integrate properly the uses permitted on review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:
    - a. An application shall be filed with the Board of Adjustment for review. Said application shall show the location and intended use of the site, the names of all the property owners, and existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board of Adjustment may require.
    - b. The Board of Adjustment shall hold one (1) or more public hearings thereon.
    - c. The Board of Adjustment, within forty-five (45) days of the date of application, shall study the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities, and other matters pertaining to the general welfare, and authorize or deny the issuance of a permit for the use of land or buildings as requested.

**Section 400.110. Criteria of Appeal.****[CC 1995 §400.110; CC 1974 §40.160]**

- A. The Board of Adjustment shall approve or deny the application for variance following the public hearing. Before any variance is granted, the Board of Adjustment must find that all of the following criteria are met:
1. Special circumstances exist which are peculiar to the applicant's land, structure or building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity.
  2. Strict application of the provisions of this Chapter would deprive the applicant of reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures, or buildings in the same district.
  3. The special circumstances are not the result of action of the applicant taken subsequent to the adoption of this Chapter.
  4. Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Chapter.

**Section 400.120. Procedure by Board — Approval or Denial of Variance.****[CC 1995 §400.120; CC 1974 §40.170]**

- A. The following rules will be considered by the Board of Adjustment when approving or denying a variance:
1. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning.
  2. The Board does not possess the power to grant a variance permitting a zoned use of land or building that is not permitted as a principal use of structure, accessory use or structure in the district involved.
  3. In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Chapter. Violation of any of these conditions or safeguards shall be deemed a violation of this Chapter.
  4. Unless otherwise specified at the time the variance is granted, the variance applies to the subject property and not to the individual who applied. Consequently, the variance is transferable to any further owner of the subject property, but cannot be transferred by the applicant to a different site.
  5. A variance shall continue for an indefinite period of time unless otherwise specified at the time the variance is granted, except that when a variance has not been used within one (1) year after the date it was granted, the variance shall be canceled by the Administrative Official and written notices shall be given to the property owner.

**Section 400.130. Board of Adjustment — Decisions Subject to Review — Procedure.****[CC 1995 §400.130]**

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, or any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons, or any officer, department, board or bureau of the municipality, may present to the Circuit Court of the County or City in which the property affected is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and 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 his/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under this Chapter shall have preference over all other civil actions and proceedings.

**ARTICLE III****Planning Commission****Section 400.140. Commission Created.**

The Planning Commission shall consist of not more than fifteen (15) nor less than seven (7) members, including: (1) The Mayor, if the Mayor chooses to be a member; (2) A member of the Board of Aldermen selected by the Board of Aldermen, if the Board chooses to have a member serve on the Commission; and (3) Not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

**Section 400.150. Meetings — When.****[CC 1995 §400.150; CC 1974 §40.210]**

The Commission shall meet at a regular time and place as established by rule and shall elect a Chairman and Secretary from among the four (4) citizen members. The term of the Chairman and Secretary shall be for one (1) year with eligibility for re-election.

**Section 400.160. Duties of Planning Commission.****[CC 1995 §400.160; CC 1974 §40.220]**

The Commission shall be guided by and act under the applicable laws of the State of Missouri. The Commission shall report on any and all proposed changes in the Zoning Code when adopted, shall review all proposed subdivisions of land, and may recommend plans and physical improvement programs for the City to the Board of Aldermen.

# Chapter 405

## ZONING CODE

### ARTICLE I General Provisions

- Section 405.010. Title.
- Section 405.020. Purpose.
- Section 405.030. Definitions.
- Section 405.040. Zones.
- Section 405.050. Zoning Map.
- Section 405.060. Rules for Interpretation of District Boundaries.
- Section 405.070. Non-Conforming Use.
- Section 405.080. Application of Regulations.

### ARTICLE II Zoning Districts

- Section 405.090. "A-1" Agricultural Districts.
- Section 405.100. "R-1A", "R-1B", "R-1C" Single-Family Residential Districts.
- Section 405.110. "R-2" Two-Family Residential Districts.
- Section 405.120. "R-3" Multiple-Family Residential Districts.
- Section 405.130. "R-4" Town House Residential Districts.
- Section 405.140. "M" Mobile Home Districts.
- Section 405.150. "P" Planned Environment Unit Procedure.
- Section 405.160. "C-1" Neighborhood Commercial Districts.
- Section 405.170. "C-2" General Commercial Districts.

- Section 405.180. "C-3" Planned Shopping Center District.
- Section 405.190. "I-1" Restricted Light Industrial Districts.
- Section 405.200. "I-2" Light Industrial Districts.
- Section 405.210. "I-3" Heavy Industrial Districts.

### ARTICLE III Supplementary Regulations

- Section 405.220. Purpose.
- Section 405.230. Advertising Billboards or Signs.
- Section 405.240. Accessory Buildings.
- Section 405.250. Public Buildings and Utilities.
- Section 405.260. Floodplains.
- Section 405.270. Height.
- Section 405.280. Area.
- Section 405.290. Annexed Territory.
- Section 405.300. Vacation of Public Easements.
- Section 405.310. Storage and Parking of Trailers and Commercial Vehicles.
- Section 405.320. Child Care Center.
- Section 405.330. Off-Street Automobile and Vehicle Parking and Loading.
- Section 405.340. Court Requirements for Multiple-Family Dwellings.
- Section 405.350. Park and Open Space Requirements for

**Dwelling Units Under  
Residential Zoning.**

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Cross References — As to additional building provisions concerning mobile homes, ch. 515.

**ARTICLE I  
General Provisions**

**Section 405.010. Title.**

[CC 1995 §405.010; CC 1974 §41.010]

This Chapter shall be known and may be cited as "The City of Anderson, Missouri Zoning Code".

**Section 405.020. Purpose.**

[CC 1995 §405.020; CC 1974 §41.020]

In order to promote the health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure proper use of land; to facilitate adequate and economical public improvements and services; and to lessen or avoid congestion on the public streets; the following regulations and zones are imposed on the City of Anderson, Missouri.

**Section 405.030. Definitions.**

[CC 1995 §405.030; CC 1974 §41.430; Ord. No. 411-94 §§1 — 3, 5-9-1994]

For the purposes of this Chapter, certain terms and words are hereby defined as follows:

The words "used for" includes "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence" and the word "lot" includes the word "plot".

**ACCESSORY BUILDING** — A building customarily incidental and subordinate to the main building and located on the same lot with the main building.

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

**AGRICULTURAL USE** — The growing of crops in the open and the raising of such stock and poultry as are incidental to the acreage farmed, provided however, that such land shall consist of at least ten (10) acres in one (1) parcel or in contiguous parcels under common ownership or operation. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall the raising of fur-bearing animals, riding academies, livery or boarding stables or dog kennels be so considered.



**ALTERATIONS** — As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**APARTMENT HOUSE** — A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

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

**AREA, NET SITE** — The total area within the property lines excluding external streets and utility easements.

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

**BILLBOARD or SIGN BOARD** — Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from said display.

**BUILDING, FRONT LINE OF** — The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include steps.

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

**BUILDING, PRINCIPAL** — A building in which is conducted the main or principal use of the lot on which said building is situated.

**CHILD CARE CENTER** — Any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided however, this definition shall not include public and private schools organized, operated or approved under the laws of this State, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree of the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or are engaged in church activities.

**COMPREHENSIVE PLAN** — A long-range master plan for area development including studies of land use, traffic volume and flow, schools, parks, and other public buildings.

**COVERAGE** — That percentage of the plot or lot area covered by the building area.

**DOG KENNEL** — The keeping of more than three (3) dogs that are more than six (6) months old.

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

**DWELLING** — A building used entirely for residential purposes and it must:

1. Have a roof pitch of no less than three (3) inches of vertical rise to each twelve (12) inches of horizontal run.
2. Have roofing materials consisting of composition asphalt shingle, fiberglass shingle, wood shake, baked tile or crushed rock.
3. Have a roof overhang of not less than one (1) foot measured from the vertical side of the home. When attached carports, garages, porches or similar structures are an integral part of the home, this overhang may be waived where the accessory structure is attached to the home.
4. Have siding material consisting of wood or wood products, stucco, brick, horizontal lap steel or aluminum, horizontal lap vinyl or rock.
5. Have proper guttering attached.

**DWELLING, MULTIPLE-FAMILY** — A building or portion of a building designed for or occupied by more than two (2) families living independently of each other.

**DWELLING, SINGLE-FAMILY** — A detached building designed exclusively for occupancy by one (1) family, which shall include, but not be limited to, any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped residing in the home; and any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption. All single-family dwellings must have an exterior dimension, excluding garages, carports and accessory buildings, of not less than twenty-four (24) by forty (40) feet.

Single-family dwelling includes a manufactured or modular unit which, when placed on site:

1. Is permanently installed on a properly engineered, enclosed foundation system in accordance with the BOCA Basic Building Code and approved by the Building Inspector. The Building Inspector may require a plan to be certified by a registered architect or engineer. At the Building Inspector's discretion, the Building Inspector may or may not issue a building permit based upon code enforcement procedures contained in this Code.
2. Is installed in accordance with the manufacturer's instruction with axles, running gear, lights and towing apparatus removed.

**DWELLING, TWO-FAMILY** — A building designed exclusively for occupancy by two (2) families living independently of each other, including a duplex (one (1) dwelling unit above the other), or a semi-detached dwelling (one (1) dwelling unit beside the other).

**FAMILY** — An individual or married couple and the children thereof and no more than two (2) other persons related directly to the individual or married couple by blood or marriage, occupying a single housekeeping unit with single kitchen facilities, used on a non-profit basis. A family may include not more than one (1) additional person not related to the family by blood or marriage.

**FILLING STATION, PUBLIC GASOLINE** — Any area of land, including any structure or structures thereon, that is or are used or designed to be used for the supply of gasoline or oil or other fuel (not including liquid petroleum gases) for the propulsion of vehicles.

**FRONTAGE** — All the property fronting on one (1) side of a street between the two (2) nearest intersecting streets or other natural barriers.

**GARAGE** — Any garage not a private garage, and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

**HOME OCCUPATION** — Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or sign other than one (1) non-illuminated nameplate not more than two (2) square feet in area attached to the main or accessory building, and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which said occupation is conducted. No more than twenty percent (20%) of the usable floor area shall be devoted to such occupation.

**HOSPITAL** — A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified.

**HOTEL** — Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy by, or which are occupied by ten (10) or more individuals for compensation, whether it be paid directly or indirectly.

**HOUSE TRAILER** — Any portable or mobile vehicle used or designed to be used for living purposes and with its wheels, rollers or skids in place.

**JUNKYARD** — A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

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

**LOT** — Land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings, together with such yards and lot area as are required by this resolution, and having its principal frontage upon a street, or a place approved by the Commission.

LOT, CORNER — A lot, or portion thereof, not greater than one hundred (100) feet in width and situated at the intersection of two (2) or more streets, having an angle of intersection of not more than one hundred thirty-five degrees (135°).

LOT DEPTH — The horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

LOT WIDTH — The horizontal distance between the side lot lines measured at right angles to the lot depth at the building line.

MANUFACTURED HOME — A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

MOBILE HOME — A factory-built structure or structures which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, contains three hundred twenty (320) or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner.

MOBILE HOME AREA — Any area, tract or site or plot of land whereupon a minimum of twenty-five (25) mobile homes as herein defined are placed, located or maintained or intended to be placed, located or maintained for dwelling purposes only and upon a permanent or semi-permanent basis.

MOBILE HOME SPACE — A plot of ground within a mobile home community or park which is designed for and designated as the location for only one (1) automobile and one (1) mobile home and not used for any other purposes whatsoever other than the customary accessory uses thereof.

MODULAR UNIT — A transportable building unit designed to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational or industrial purposes. This definition shall not apply to structures under six hundred fifty (650) square feet used temporarily and exclusively for construction site office purposes.

MOTEL — A group of buildings including either separate cabins or a row of cabins or rooms which:

1. Contain individual sleeping accommodations for transient occupancy, and

2. Have individual entrances.

**MOTOR VEHICLE REPAIR SHOP** — A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

**NON-CONFORMING USE** — A building, structure or use of land existing at the time of enactment of this Chapter (1973) or an amendment thereto which renders a conforming use in existence at the time non-conforming and which does not conform to the regulations of the district or zone in which it is situated.

**PARKING SPACE, AUTOMOBILE** — Space within or on a building or a private or public parking area for the parking of one (1) automobile.

**PLAT** — A map, plan or layout of a City, township, section or subdivision indicating the location and boundaries of individual properties.

**SEAL** — A device, label or insignia issued by the Public Service Commission, U.S. Department of Housing and Urban Development, or its agent, to be displayed on the exterior of the manufactured home or modular unit to evidence compliance with the code.

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

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

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

**STREET EASEMENT** — All paved, unpaved, and utility easements.

**STREET LINE** — The legal line between right-of-way and abutting property.

**STRUCTURE** — Anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

**TOURIST CAMP** — Land used or intended to be used by campers or for trailer tents, or movable dwellings; two (2) or more trailers, whether parked or supported by donations, shall constitute a tourist camp.

**TOWN HOUSE** — A building or portion thereof designed exclusively for residential occupancy by more than two (2) families living independently of each other.

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

**YARD** — An open space other than a court on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward.

YARD, FRONT — A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

YARD, REAR — A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot lines.

YARD, SIDE — A yard between a main building and the side lot line extending from the front yard, or front lot lines where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

**Section 405.040. Zones.**

[CC 1995 §405.040; CC 1974 §41.030; Ord. No. 45.050, 3-14-1983]

A. The following zones and regulations shall be imposed within the incorporated limits of said City:

1. *Agricultural.* "A-1" Agricultural District.
2. *Residential.*
  - "R-1A", "R-1B", "R-1C" Single-Family Residential District.
  - "R-2" Two-Family District.
  - "R-3" Multiple-Family District.
  - "R-4" Town Houses.
  - "M" Mobile Home District.
  - "P" Planned Environment Unit Procedure.
3. *Commercial.*
  - "C-1" Neighborhood Commercial District.
  - "C-2" General Commercial District.
  - "C-3" Planned Shopping Center.
4. *Industrial.*
  - "I-1" Restricted Light Industrial District.
  - "I-2" Light Industrial District.
  - "I-3" Heavy Industrial District.

**Section 405.050. Zoning Map.****[CC 1995 §405.050; CC 1974 §41.040]**

- A. Said districts are bounded and defined as shown on a map entitled "Zoning Map for the City of Anderson, Missouri" adopted by the Board of Aldermen and certified by the City Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Title.
- B. The Zoning Map shall be kept and maintained by the City Clerk and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.

**Section 405.060. Rules for Interpretation of District Boundaries.****[CC 1995 §405.060; CC 1974 §41.050]**

- A. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, the following rules shall apply:
  - 1. Where district boundaries on the Zoning Map are indicated as approximately following the centerlines of streets, streams, highways, or railroads, such boundaries shall be deemed to be located at such midpoints.
  - 2. Where district boundaries are so indicated that they approximately follow lot lines or section lines, such lines shall be construed to be said boundaries.
  - 3. Where the boundary of a district follows a stream, lake or other body of water, said boundary lines shall be deemed to be at the limit of the jurisdiction of the City of Anderson unless otherwise indicated.

**Section 405.070. Non-Conforming Use.****[CC 1995 §405.070; CC 1974 §41.060]**

Except as provided, it shall be unlawful to use any land or building for any purpose other than is permitted in the district in which such land or building is located. The lawful use of land or buildings existing at the time of the passage of this Chapter (1973), or an amendment thereto which renders a conforming use in existence at the time, a non-conforming use although such does not conform to the regulations, may be continued. A non-conforming building, structure or portion thereof which is or hereafter becomes vacant and remains unoccupied for a continuous period of six (6) months shall not thereafter be occupied except by the uses which conform to the use regulations of the district in which it is located. In those instances where a non-conformity of use, land, or building exists, clear intent upon the part of the owner to abandon the non-conformity or nonconformities shall thereafter render the said property to the use regulations of the district in which it is located.

**Section 405.080. Application of Regulations.****[CC 1995 §405.080; CC 1974 §41.070]****A. Except as hereinafter provided:**

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered:
  - a. To exceed the height;
  - b. To accommodate or house a greater number of families;
  - c. To occupy a greater percentage of lot area; or
  - d. To have narrower or smaller rear yards, front yards, side yards, inner or outer courts  
  
than is specified herein for the district in which such building is located.
3. No part of a yard or other open space required about any building for the purpose of complying with provisions of this Section shall be included as a part of a yard or other open space similarly required for another building.

**ARTICLE II  
Zoning Districts****Section 405.090. "A-1" Agricultural Districts.****[CC 1995 §405.090; CC 1974 §41.100]**

- A. The following uses set out herein shall apply in all "A-1" Agricultural Districts.
- B. *General Description.* This district is intended to provide a location for the land situated on the fringe of the urban area, within the jurisdictional limits of the City, that is used for agricultural purposes, but will be undergoing urbanization in the foreseeable future. Therefore, the agricultural uses and activities should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect any agricultural uses until urbanization is warranted and the appropriate changes in district classification are made.
- C. *Uses Permitted.*
  1. Agricultural uses and their accessory structures as defined in this Article. No building permits shall be required for such structures.



2. Farmhouses, to the extent they are declared to be an essential agricultural use accessory by the Board of Adjustment.
  3. Bulletin board or sign not exceeding forty (40) square feet in area appertaining to the lease, hire, or sale of a building on the premises or of the premises, which sign or board shall be removed as soon as the same is leased, hired or sold.
- D. *Uses Permitted On Review.* The following uses may be reviewed by the Board of Adjustment, subject to such conditions and safeguards as they may deem appropriate.
1. Churches or similar places of worship, with accessory structures.
  2. Public schools and institutions of higher learning.
  3. Public parks, public playgrounds, and recreational area operated by membership organizations for the benefit of their members and not for gain.
  4. Sign or display, not exceeding two (2) in number, advertising the residential, commercial or industrial development of the land on which the sign or display is situated. All signs or displays shall be removed immediately upon completion of the development, but in no case shall they be permitted to remain longer than three (3) years from the date of issuance of the special permit. The type, location and lighting of the sign or display shall be such as to not be detrimental to the use of adjacent properties, or to restrict sight distances on public streets.
  5. A cemetery, airport, camp, hospital, sanitarium, correctional institution or institution for the insane.
  6. Rodeo or fairgrounds.
  7. Dog kennels.
  8. Athletic fields.

**Section 405.100. "R-1A", "R-1B", "R-1C" Single-Family Residential Districts.**

[CC 1995 §405.100; CC 1974 §41.110; Ord. No. 45.050 §41.110, 3-14-1983]

- A. The uses set out herein shall apply in all "R-1A", "R-1B", and "R-1C" Single-Family Residential Districts.
- B. *Uses Permitted.*
1. *Inclusion and exceptions.*
    - a. Single-family dwellings including manufactured modular housing units, "R-1A", excluding house trailers and recreational vehicles.
    - b. Single-family dwellings including manufactured modular housing units and manufactured double-wide housing units, "R-1B", excluding house trailers and recreational vehicles.

- c. Single-family dwellings including manufactured modular housing units, manufactured double-wide housing units, "R-1C", excluding house trailers and recreational vehicles.
  2. Public schools and institutions of higher education, public libraries, municipal buildings.
  3. Public parks, public playgrounds.
  4. Philanthropic, eleemosynary institutions other than camp, hospital, sanitarium, correctional institutions or institutions for the insane.
  5. Customary home occupations, provided that there shall be no external evidence of such occupations except a small announcement of professional sign not over two (2) square feet in area.
  6. Church or public building bulletin board not exceeding ten (10) square feet in area, and temporary signs not exceeding six (6) square feet in area pertaining to the lease, hire or sale of the building or premises where the sign is located.
  7. Temporary building for uses incidental to construction work, which building shall be immediately adjacent to said construction work and which building shall be removed upon the completion or abandonment of the construction work.
  8. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.
- C. *Building Height.* No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories, excluding basements, or thirty-five (35) feet in height.
- D. *Required Lot Area.* Every lot shall have a width of not less than sixty-five (65) feet and an area of not less than the following:
1. Single-family dwellings, not served by sanitary sewer system: one (1) acre, unless a County and/or State Health Officer approves a sanitary system that can be installed on a lesser-sized lot.
  2. Single-family dwelling, served by sanitary sewer system or with approval of the County and/or State Health Officer: seven thousand five hundred (7,500) square feet.
  3. All other uses: area and system as approved by the County Health Officer and Board of Adjustment.
- E. *Percentage Of Lot Coverage.* All buildings, including accessory buildings, shall not cover more than thirty percent (30%) of the area of the lot; detached accessory buildings, not used as dwellings, can be located in a rear yard and shall have clearance of at least five (5) feet from side to rear lot lines and may not be located within a public easement. An accessory building attached in any structural manner to the principal structure must conform to the side and rear requirements for principal structures.

- F. *Yard Required.* Each lot shall have front, side and rear yards not less than the depth or width following:
1. Front yard depth: twenty (20) feet. A fifteen (15) foot side yard width on a corner lot may be permitted.
  2. Each side yard width to be a minimum of ten percent (10%) of the lot width, except that a width greater than fifteen (15) feet shall not be required.
  3. Rear yard depth: twenty (20) feet, except rear yard depth of a corner lot may be fifteen (15) feet.
- G. *Parking Regulations.* See Supplemental Regulations on Off-Street Automobile and Vehicle Parking and Loading, Section 405.330.
- H. *Manufactured Housing Defined.*
1. Manufactured single-wide dwellings:
    - a. Must be built to construction and safety standards administered by U.S. Department of Housing and Urban Development, otherwise known as the HUD code; all such units must plainly bear the HUD seal;
    - b. Must not be less than twelve (12) feet in width nor less than forty-two (42) feet in length;
    - c. Shall be constructed of outer wall studding and inner weight-bearing walls of not less than two (2) inches by four (4) inches studding material;
    - d. Must be constructed as one (1) complete component built on a wheeled chassis consisting of two (2) "I" beams, two (2) or more axles, and a tongue. The axle, tongue and wheels shall be readily removable;
    - e. A manufactured single-wide housing unit shall not include any travel or recreational type vehicle or any other type of manufactured vehicle not bearing a HUD seal.
  2. Manufactured double-wide housing unit:
    - a. Must be built to construction and safety standards administered by U.S. Department of Housing and Urban Development, known as the HUD code. All such units must plainly bear the HUD seal; and
    - b. Shall be not less than twenty-four (24) feet in width nor less than forty-two (42) feet in length; and
    - c. All outer wall studding and inner weight-bearing wall studding shall be constructed of at least two (2) inch by four (4) inch studding; and
    - d. Shall be constructed as one (1) or more complete components; each component shall be built on a wheeled chassis consisting of two (2) "I" beams, two (2) or more axles, and tongue; each tongue, axle and wheel shall be readily removable;

- e. Manufactured double-wide units shall not include any travel or recreational type vehicle or any other type of double-wide unit not bearing a HUD code seal;
  - f. Manufactured double-wide units shall be constructed with a pitched roof with shingles;
  - g. Siding on manufactured double-wide housing units shall be of a hardboard material or material of comparable strength, appearance, and durability.
3. Manufactured modular housing units:
- a. Shall have a structural engineering number from the U.S. Department of Housing and Urban Development, otherwise known as HUD;
  - b. Must plainly bear the State of Missouri modular housing seal;
  - c. All manufactured modular housing units shall be not less than twenty-four (24) feet in width nor less than forty-two (42) feet in length;
  - d. All outer wall studding material and inner weight-bearing wall studding material shall be constructed of at least two (2) inch by four (4) inch studding;
  - e. Manufactured modular housing units must be constructed as one (1) or more complete components designed as one (1) unit;
  - f. Manufactured modular housing units shall not include any travel or recreational type vehicle or any other type of modular type unit not bearing a State Seal;
  - g. Manufactured modular housing units shall be constructed with a pitched roof with shingles;
  - h. Siding on manufactured modular housing units shall be of a hardboard material or material of comparable strength, appearance and durability;
  - i. Manufactured modular housing units shall be designed and constructed as one (1) component, and upon site placement shall not be movable.
- I. *Lot Preparation Requirements For Manufactured Housing Units.* All lots on which a manufactured housing unit shall be placed shall be prepared as follows:
- 1. A concrete pad of the entire area of the unit shall be constructed on which the unit shall sit; or
  - 2. In the alternative, a piercing system may be used, which piers shall be constructed of either concrete or masonry blocks; blocks or concrete shall be prepared in a permanent manner.
  - 3. *Skirting.* All manufactured housing units shall be skirted with either concrete masonry blocks or some other type masonry skirting, including a stone-type skirting, provided that the stone work or rock work is permanently joined with

some type of masonry material; all skirting shall be located on a poured cement footing of a minimum of four (4) inches in depth and ten (10) inches in width, and said skirting shall completely enclose the underportion of any manufactured housing unit.

4. *Steps.* All manufactured housing units shall have a rear and front porch, which porch shall be permanently attached to the real estate and the manufactured housing unit. The porch shall be of a platform deck type unit, with a minimum extension from the body of the manufactured housing unit of four (4) feet, and must bear an overall area on the top platform of at least twenty-four (24) feet. The porch shall be constructed of a masonry material, wood or metal.
  5. *Anchors.* All manufactured housing units excepting modulars shall be anchored to the real property by at least six (6) anchors, or as recommended by the manufacturer.
- J. *Other Provisions.* All tongues or hitches located on any manufactured housing unit shall be removed upon the setting or placement of said manufactured housing unit; thereafter, all evidence of tongue or hitch or "I" beam frame must be completely covered from view by the skirting as heretofore required.
- K. *Exceptions.* Manufactured housing units as heretofore described shall be excluded from and shall not be included in any prohibition of exclusion of house trailers or mobile homes as provided in this Code; nothing herein, however, shall exclude a manufactured housing unit from being placed in a mobile home or trailer park. Further, nothing included herein shall allow a manufactured housing unit to be placed in any subdivision in derogation of a subdivision's regulation excluding such manufactured housing.

#### **Section 405.110. "R-2" Two-Family Residential Districts.**

**[CC 1995 §405.110; CC 1974 §41.120]**

- A. The uses herein shall apply in all "R-2" Two-Family Residential Districts.
- B. *Uses Permitted.*
  1. All uses permitted in "R-1" Districts, subject to all the restrictions specified therefore in said "R-1" Districts.
  2. Two-family dwellings, but not including mobile homes.
- C. *Building Height.* Same as "R-1" District.
- D. *Required Lot Area.*
  1. Each single-family dwelling shall be located on a lot of the same area and width as required for "R-1" Districts.
  2. Each two-family dwelling shall be located on a lot having an area of at least nine thousand (9,000) square feet and an average width of at least sixty-five (65) feet.

- E. *Percentage Of Lot Coverage.* Same as "R-1" District.
- F. *Yards Required.* Same as "R-1" District.
- G. *Parking Requirement.* See Supplemental Regulations on Off-Street Automobile Vehicle Parking and Loading, Section 405.330.

**Section 405.120. "R-3" Multiple-Family Residential Districts.**

**[CC 1995 §405.120; CC 1974 §41.130]**

- A. The uses herein shall apply in all "R-3" Multiple-Family Residential Districts.
- B. *Uses Permitted.*
  - 1. All uses permitted in "R-2" Districts, subject to all of the restrictions specified therefore.
  - 2. Multiple-family dwelling, apartment house.
  - 3. Rooming or boarding house.
  - 4. Institution of an educational, philanthropic or eleemosynary nature.
- C. *Uses Permitted On Review.*
  - 1. Child care center. See Supplemental Regulations on Child Care Center, Section 405.320.
  - 2. Nursing home or home for the aged.
- D. *Building Height.* Three (3) stories but not exceeding forty (40) feet.
- E. *Required Lot Area.* No dwelling shall be established on a lot having an area or width less than specified for single-family residences in "R-1" Districts; provided however, that each separate development shall not exceed a density of fourteen (14) dwelling units per gross acre of lot.
- F. *Percentage Of Lot Coverage.* All buildings including accessory buildings shall not cover more than forty percent (40%) of the area of the lot.
- G. *Yard Required.* Yards of the following minimum depths shall be provided:
  - 1. Front yard: twenty (20) feet.
  - 2. Side yards: each one-third (1/3) the height of the building, but not less than eight (8) feet.
  - 3. Rear yard: depth equal to the height of the building, but not less than fifteen (15) feet.
- H. *Distance Between Buildings On Same Plot.* No principal building shall be closer to any other principal building than the average of the heights of said buildings.

- I. *Automobile Storage Or Parking Space.* In connection with every multiple-family dwelling there shall be provided off-street automobile storage or parking space equal to not less than four hundred (400) square feet for each dwelling unit; provided however, that no front yard shall be used for the open air parking or storage of any motor vehicle. (See Supplemental Regulations on Off-Street Automobile and Vehicle Parking and Loading, Section 405.330.)

**Section 405.130. "R-4" Town House Residential Districts.**

[CC 1995 §405.130; CC 1974 §41.140]

- A. The uses herein shall apply in all "R-4" Town House Residential Districts.
- B. *Uses Permitted.*
1. All uses permitted in "R-1", "R-2" and "R-3" Districts, subject to all of the restrictions specified therefore.
  2. Town houses.
- C. *Building Heights.* Same as "R-3" District.
- D. *Required Lot Area.*
1. Same as "R-3" District, except as otherwise provided herein.
  2. Each interior lot used for town houses shall have a width of at least one hundred (100) feet and each corner lot a width of at least one hundred twenty (120) feet.
  3. The minimum width of a town house shall be eighteen (18) feet, except the average width in any continuous attached development shall be twenty (20) feet, and there shall be not more than eight (8) town houses in any one (1) row.
  4. Not less than fifty percent (50%) of the net lot area shall be devoted to green area as defined in the Planned Environment Unit procedure; provided however, that interior patio courts of not less than one hundred twenty-five (125) square feet in area nor of a minimum dimension of less than ten (10) feet may be computed as green area.
- E. *Percentage Of Lot Coverage.* Same as "R-3" District.
- F. *Yards Required.* Yards of the following minimum depths shall be provided:
1. Front yard: twenty (20) feet.
  2. Side yards:
    - a. Same as "R-3" District, except on corner lots, in which case the provisions of paragraph (b) below shall apply.
    - b. Each corner lot shall have a side building line such as will provide a side yard equal to the front yard requirement of the lots on the side street which

abut its rear lot line. When the lot adjoining said corner lot along the rear lot line thereof does not front on the side street of the corner lot or is in a non-residential zone, the side building line and the side yard may be reduced to a minimum of fifteen (15) feet.

3. Rear yard: depth equal to the height of the building, but not less than twenty (20) feet.

G. *Distance Between Buildings On Same Plot.* Same as "R-3" District.

H. *Automobile Storage Or Parking Space.* Same as "R-3" District.

### **Section 405.140. "M" Mobile Home Districts.**

[CC 1995 §405.140; CC 1974 §41.150]

- A. The uses set out herein shall apply in all Mobile Home Districts.
- B. *Use Regulations.* All buildings and land within an "M" District shall be limited to the following uses:
  1. Mobile homes.
  2. Accessory buildings customarily incidental and subordinate to the use of mobile homes. Buildings housing such facilities as laundromats, nurseries, etc., and only when such facilities are intended for the use of persons residing within the district.
- C. *Design Standards.*
  1. A Mobile Home District shall be no less than three (3) acres in total area.
  2. Each mobile home in a Mobile Home Park District shall occupy a designated space having at least three thousand five hundred (3,500) square feet of lot area.
  3. Each mobile home space shall have a width of at least forty (40) feet.
  4. Each mobile home space shall abut a local street within the park. Streets shall be paved in accordance with the street standards of the City of Anderson.
  5. Two (2) off-driveway parking spaces paved over a well compacted subbase shall be provided for each mobile home space. Required parking spaces may be included within the three thousand five hundred (3,500) square feet required for each mobile home space.
  6. At least one thousand five hundred (1,500) square feet of gross recreation space for each mobile home space shall be reserved within each mobile home park as common recreation space for the residents of the park. Such areas shall, along with driveways and walkways, be adequately lighted for safety. At least one thousand (1,000) square feet of the gross one thousand five hundred (1,500) square feet of recreational space for each mobile home shall be suitable for recreational activity.



7. No mobile homes or other structure within a mobile home park shall be closer to each other than twenty-six (26) feet, except that storage or other auxiliary structures for the exclusive use of the mobile home may be no closer to another mobile home than twenty (20) feet.
8. No mobile home shall be located closer than thirty (30) feet of the exterior boundary of the park or a bounding street right-of-way. Buildings used for laundry or recreation purposes shall be located no closer than forty (40) feet to the exterior boundary or the right-of-way of a bounding street.
9. The Mobile Home Park District and all occupied units located in it must be connected to public water and sewerage systems approved by the County and/or State Department of Health.
10. Plans clearly indicating the developer's intention to comply with the provisions of this Section shall be submitted to and approved by the Planning Commission. Such plans must be drawn to a scale of not less than one (1) inch equals fifty (50) feet (1 inch = 50 feet) by a registered engineer, professional land use planner, or registered land surveyor. Such plans must show the area to be used for the proposed Mobile Home Park District; the ownership and use of neighboring properties; all proposed entrances, exits, driveways, walkways, and off-street parking spaces; the location of mobile home spaces, recreation areas and services buildings; the location of sanitary conveniences including toilets, laundries, and refuse receptacles; the proposed plan of water supply, sewage disposal and electric lighting. The Planning Commission shall have the authority to impose such reasonable conditions and safeguards on the proposed development as it deems necessary for the protection of adjoining properties and the public interest.
11. A densely planted buffer strip, consisting of trees, shrubs, and other plantings at least five (5) feet in height, shall be provided along all rear and side property lines of the park. A five (5) foot solid fence may be substituted.
12. All corners of each mobile home shall be securely tied down to anchors which extend at least twenty-four (24) inches below the surface of the ground, and which meet the specifications of the City Building Code. Double-wide mobile homes shall be anchored at the center point of the end walls also.
13. Any expansion of mobile home parks in existence on the effective date of this Chapter (1973) shall comply with the provisions of this Section.
14. *Minimum lot areas.* Minimum lot areas for mobile homes shall conform to the following standards:

<b>Length of Mobile Home Unit</b>	<b>Minimum Lot Area</b>
60 feet or less	3,500 square feet
Over 60 feet	4,000 square feet

15. *Density standard.* The maximum density shall not exceed eight (8) units per gross acre, exclusive of recreational areas.

### Section 405.150. "P" Planned Environment Unit Procedure.

[CC 1995 §405.150; CC 1974 §41.160]

- A. The purpose of this Section is to provide a permissive, voluntary, and alternate zoning procedure in the "R" Residential District in order to permit flexibility in building types, relationships between buildings, and provision of supporting community facilities in the development of diverse, sound urban environments under conditions of approved site and development plans.
- B. In an "R" Residential District, a tract of land may be developed for residential use and for supporting community facilities, provided that approval is obtained by securing a planned environment unit permit in compliance with the procedure hereinafter delineated. A planned environment unit shall comprise a minimum of forty (40) dwelling units in two (2) or more buildings, and shall not be restricted as to building type. It shall not contain more dwelling units than would be permitted under the regulations of the residential district or districts within which the planned environment unit lies, excluding therefrom the area used for streets, except that land within the floodplain of the watercourses in the City of Anderson may, when such land is part of a tract lying within an "R" Residential District, be considered as part of the gross acreage in computing the maximum number of dwelling units that may be created under this procedure to the maximum limit of one-third (1/3) of the gross acreage of that part of the tract lying outside the floodplain and zoned as an "R" Residential District. It may contain any of the community facilities permitted in the district within which the planned environment unit lies.
- C. A planned environment unit may contain the following commercial uses when located within multiple-family structure; provided that they occupy no more than five percent (5%) of the gross floor area of the structure, or if provided in a single structure of a multi-structure development, no more than five percent (5%) of the total gross floor area of the residential structures within the development; no public entrance to such uses is from the outside of the development; and no advertising signs or displays are visible from the outside of the structure:
  1. Food or drug store;
  2. Barber or beauty shop;
  3. Laundry or dry cleaning pickup station or self-service laundry or dry cleaning facility;
  4. Restaurant;
  5. Cigar or newspaper stand.

- Provided that the applicant can show that such commercial uses will provide a direct service to the residents in the planned environment unit, will not substantially alter or affect the residential character of the development, will not duplicate any service or function performed or offered by another facility located within one thousand (1,000) feet of any boundary of the planned environment unit, and will not be located within two thousand (2,000) feet of any existing shopping district of the City of Anderson.
- D. The City Planning Commission, after public hearing, may grant a planned environment unit permit when it finds that the planned environment unit proposal is consistent with good general planning practice, consistent with good site planning, can be operated in a manner that is not detrimental to the permitted developments and uses in the district, is visually compatible with the permitted uses in the surrounding area, and is deemed desirable to promote the general welfare of the City of Anderson.
- E. The granting of a planned environment unit permit shall be initiated by the filing of a verified application by one (1) or more of the owners or authorized representatives of the property sought to be used for the planned environment unit proposal. Application shall be addressed to the City Planning Commission and filed in its public office upon forms and accompanied by such data and information as may be prescribed for that purpose by the Planning Commission so as to assure the fullest practicable presentation of facts for the permanent record and for adequate preliminary consideration of the proposal. The Planning Commission shall hold a public hearing on the application consistent with the procedure required for any other public hearing before the Planning Commission. If the Planning Commission gives preliminary approval to the application, the matter shall be forwarded to the Board of Aldermen together with the approved plans for consideration by that body. If the application is approved by the Board of Aldermen, the matter shall be returned to the Planning Commission for consideration for a final development plan which shall be prepared by the applicant and submitted to the Planning Commission for approval within one hundred sixty (160) days after the application was approved by the Board of Aldermen. Upon approval of a final development plan by the Planning Commission, the plan shall be recorded with the City of Anderson Recorder of Deeds as a planned environment unit plan, and a permit for development in conformity with the recorded plan shall be issued to the applicant for the Director of Planning. No building permit shall be issued for construction of any structure on the tract of land involved that is not in conformity with the recorded planned environment unit permit. Unless otherwise stated, substantial work or construction under the permit must be commenced within one (1) year, or the permit shall terminate. If the permit is not reinstated within a period of six (6) months from the date the permit becomes null and void, the Board of Aldermen may order the planned environment unit to be vacated.
- F. *Appeal Or Protest.* Upon the disapproval by the Planning Commission of an application for a planned environment unit permit, the applicant may file an appeal with the Board of Aldermen requesting a determination from that body. A notice of appeal shall be filed within ten (10) days after the mailing of notice of disapproval of the application by the Planning Commission. Notice of appeal to the Board of Aldermen shall be in writing and shall be filed in duplicate with the City Clerk accompanied by a fee of two hundred dollars (\$200.00). The applicant shall have an additional thirty (30) days to file the appeal. The appeal shall set forth specifically wherein the application or the final

development plan is consistent with good general planning practice, good site planning, can be operated in a manner that is not detrimental to the permitted developments and uses in the district, is visually compatible with the permitted uses in the surrounding area, and is desirable to promote the general welfare of the City of Anderson. Owners of twenty-five percent (25%) (by area) of the property within one thousand (1,000) feet of the property in question may file a protest against the granting of a preliminary approval by the Planning Commission for a planned environment unit permit within fifteen (15) days after the preliminary approval of an application by the Planning Commission. Such protest to the Board of Aldermen shall be in writing and shall be filed in duplicate with the City Clerk. The protest shall specifically set forth why the planned environment unit permit sought is not consistent with good general planning practice or good site planning, or that the proposal cannot be operated in a manner that is not detrimental to the permitted developments and uses in the district, or that the proposed development is not visually compatible with the permitted uses in the surrounding area and wherein the proposed development is not consistent with the general welfare of the City of Anderson.

Upon receipt of an appeal or a protest the Board of Aldermen shall refer it to the Planning Commission. The Planning Commission shall report thereon to the Board of Aldermen disclosing in what respect the application and facts offered in support thereof met or failed to meet the aforementioned requirements. The Board of Aldermen may affirm, reverse, or modify, in whole or in part, any determination of the Planning Commission or may approve or disapprove any application upon which the Planning Commission has taken action or any protested approved application. Before acting on any appeal or protest, the Board of Aldermen or its committee or Committee on Planning and Zoning shall set the matter for hearing giving written notice of hearing to the applicant and all those persons who appeared and spoke in opposition to the application at the public hearing before the Planning Commission or the protestants in the case of a protest. The applicant and the protestants in the case of a protest shall be heard and any other person or persons who, in the discretion of the Board of Aldermen, will be jointly or severally aggrieved by any decision or action with respect to such appeal may be heard. An affirmative vote of four (4) members of the whole Board of Aldermen shall be required to reverse, modify or amend any determination of the Planning Commission. A majority vote of the whole Board of Aldermen shall be sufficient to affirm any determination of the Planning Commission.

- G. The City Planning Commission shall, in the instance of every application submitted under this regulation, especially consider architectural, landscape and other relationships which may exist between the proposed development and the character of the surrounding neighborhood and shall prescribe and require such physical treatment or other limitations as will, in its opinion, enhance said neighborhood character.
- H. Height limitations for structures may be modified by the City Planning Commission, with respect to any structure proposed in an application for a planned environment unit permit, if the normal requirements for open areas on the premises are modified as follows: Any residential structure exceeding three (3) stories in height or thirty-five (35) feet shall set back from all planned environment unit boundary lines at least one (1) additional foot for each foot of height above thirty-five (35) feet above the average finished ground elevation at the perimeter of such structure.

- I. Setbacks along boundary lines of a planned environment unit and off-street parking requirements applicable in any district shall in no event be diminished by the City Planning Commission, but the City Planning Commission may require that open parking areas be depressed below the grade of the remainder of the property or screened by walls, fences, or plant material, or by both methods in order to preserve or complement the general character of any existing developments on adjacent properties.

**Section 405.160. "C-1" Neighborhood Commercial Districts.**

[CC 1995 §405.160; CC 1974 §41.170]

- A. This commercial district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational elements, more restrictive requirements for air, light, open space and off-street parking are made than are provided in other commercial districts.
- B. *Uses Permitted.*
1. Food retail stores.
  2. Drug stores.
  3. Personal service uses including shoe repair, beauty parlor, barbershop, professional offices and clinics.
  4. Laundromat and dry cleaning outlets.
  5. Restaurants, lunch rooms and boarding houses.
  6. Accessory retail or service uses that are necessary for convenience of residential districts subject to the review by the Planning Commission to ensure conformity to the intent of this Chapter.
  7. Accessory residential use when owner or operator of commercial use has a dwelling unit contiguous to business establishment.
- C. *Building Height.* No building shall exceed thirty-five (35) feet or two and one-half (2 1/2) stories in height.
- D. *Required Lot Area.* Served by a sanitary sewer system, seven thousand five hundred (7,500) square feet. Not served by a sanitary sewer system, area must be approved in writing by County Health Officer, which approval shall be filed with the City Clerk before a building permit shall be issued.
- E. *Percentage Of Lot Coverage.* All buildings including accessory buildings shall not cover more than forty percent (40%) of the lot.
- F. *Yards Required.*

1. Front yard; all buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.
  2. Side yard width not required, except at least fifteen (15) feet when adjacent to residential district.
  3. Rear yard: depth thirty (30) feet.
- G. *Parking Regulations.* See Supplemental Regulations on Off-Street Automobile and Vehicle Parking and Loading, Section 405.330.
- H. *Sign Regulations.* Nameplate and sign relating only to the use of the store and premises or to products sold on the premises. Lighted signs of flashing or intermittent type shall be prohibited, provided however, that this shall not prevent the use of animated signs located entirely within the building which can be seen only from the street side of the building.
- I. *Loading Zone.* See Supplemental Regulations on Off-Street Automobile and Vehicle Parking and Loading, Section 405.330.

**Section 405.170. "C-2" General Commercial Districts.**

[CC 1995 §405.170; CC 1974 §41.180]

- A. This commercial district is intended for the conduct of personal business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.
- B. *Uses Permitted.*
1. All uses permitted in "C-1" Neighborhood Commercial District.
  2. Hardware and household appliances sales and repair stores.
  3. Clothing and accessory goods stores.
  4. Furniture and home furnishings stores.
  5. Gift and book stores.
  6. Jewelry and watch repair stores.
  7. Sporting goods and photo supply stores.
  8. Variety stores.
  9. Financial institutions.
  10. Public recreation and assembly halls, including clubs, lodges, bowling alleys, theaters, billiard or pool parlors.

11. Hotels, motels and tourist homes.
  12. Newspaper plants and printing shops.
  13. Automobile service stations, provided storage tanks are underground.
  14. Accessory wholesale and service uses necessary to convenience of general public subject to conditions deemed appropriate by Board of Adjustment to ensure conformity to the intent of this Chapter.
  15. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.
- C. No building shall be erected or enlarged to exceed, excluding basement, thirty-five (35) feet.
- D. *Area Regulations.* There are no specific front or side yard requirements for uses other than dwellings.
- E. *Parking Requirements.* See Supplemental Regulations on Off-Street Automobile and Vehicle Parking and Loading, Section 405.330.
- F. *Loading Zone.* See Supplemental Regulations on Off-Street Automobile and Vehicle Parking and Loading, Section 405.330.
- G. *Uses Permitted On Review.* Those activities that require outdoor display of goods or items for the purpose of sale or purchase include, but is not limited to, the following:
1. Boat sales.
  2. Farm implement and machinery.
  3. House trailer sales.
  4. Metal and wood fencing, ornamental grillwork and decorative wrought iron work and play equipment sales.
  5. Monument sales.
  6. New and used car and truck sales.
  7. Prefabricated house sales.
  8. Trailers for hauling, rental, and sales.
  9. Nursery and garden sales.
  10. Car wash.
  11. Amusement enterprises.
  12. Garages.

13. Drive-in restaurants or theaters.
  14. Bus terminals.
  15. Residential or outpatient facilities for the treatment of alcohol and other drug abuse.
- H. The uses listed in Subsection (G) above shall comply with the following provisions:
1. All open storage and display of merchandise, material and equipment shall be so screened by ornamental fencing or evergreen planting that it cannot be seen by a person standing on ground level in a residential district when located to the side or rear of the lot on which said open storage or display occurs; provided however, that screening shall not be required in excess of seven (7) feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale shall, in addition to complying with the above screening requirements, be so screened by ornamental fences or evergreen planting or by permanent buildings that it cannot be seen from a public street.
  2. All yards unoccupied with buildings or merchandise or used as trafficways shall be landscaped with grass and shrubs and maintained in good condition the year round.
  3. All of the lot used for parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
  4. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
  5. Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
  6. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent streets, and shall not be of a flashing or intermittent type.

**Section 405.180. "C-3" Planned Shopping Center District.**

**[CC 1995 §405.180; CC 1974 §41.190]**

- A. *General Description.* This commercial district is intended for a unified grouping, in one (1) or more buildings, of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. It is intended that the planned shopping center be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials.



**B. Uses Permitted.**

1. Property and buildings in a "C-3" Planned Shopping Center District shall be used only for the uses enumerated below; provided however, that these uses shall be located in a unified shopping center which shall have not less than five (5) shops and stores, at least one (1) of which shall be a major outlet of not less than ten thousand (10,000) square feet of gross floor area. The shops and stores of the shopping center shall have a combined total gross floor area of not less than twenty thousand (20,000) square feet.
2. Any of the following uses may be permitted:

Antique shop.

Appliance store.

Apparel store, family, children, men or women.

Artist supplies.

Automobile parking lot.

Bakery goods store.

Bank.

Barbershop.

Beauty shop.

Book or stationery store.

Camera shop.

Candy store.

Catering establishment.

Cleaning and pressing collection station.

Curio shop.

Drug store.

Dry goods store.

Dairy products or ice cream store.

Delicatessen.

Florist shop.

Furniture store.

Gift shop.

Grocery store.

Hardware store.

Help-yourself laundry.

Jewelry store.

Meat market.

Medical facility.

Music store.

- Newspaper or magazine sales.
  - Notions store.
  - Office supply store.
  - Optometrist sales and service.
  - Paint and decorating shop.
  - Photographer studio.
  - Pharmacy.
  - Radio and television sales and service.
  - Restaurant.
  - Sewing machine sales and service.
  - Shoe store or repair shop.
  - Specialty shop for women.
  - Sporting goods sales.
  - Supermarket.
  - Tailor shop.
  - Toy store.
  - Variety store.
3. Office uses; provided however, that the total gross floor area of all office uses, exclusive of those listed in Subsection (B)(2) above shall not exceed twenty percent (20%) of the gross floor area of the shopping center.
  4. Gasoline service or filling station which will be planned as an integral part of the center but may be constructed in advance.
  5. Advertising signs relating to the shopping center, the stores and shops therein and products sold therein. All advertising signs and structures shall be designed as an integral part of the shopping center development and shall be harmonious with the other design features of the center.
  6. Accessory buildings and uses customarily incidental to the above uses.

C. *Area Regulations.*

1. *Minimum area.* The parcel of land on which a planned shopping center is located shall not be less than four (4) acres in area.
2. *Yards.* It is intended that the grouping of the buildings and parking areas be designed to protect, insofar as possible, adjacent residential areas, and that ornamental screening from noise and light be provided where necessary; provided however, that in no case shall the design of the shopping center provide less than the following standards:
  - a. All buildings shall set back from all street right-of-way lines not less than twenty-five (25) feet.

- b. On the side of a lot adjoining a dwelling district, there shall be a side yard of not less than twenty-five (25) feet.
  - c. There shall be a rear yard, alley, service court, or combination thereof, of not less than thirty (30) feet in width, and all of the service area of all buildings shall be completely screened from public view with permanent ornamental screening materials.
3. *Coverage.* Buildings shall not cover more than twenty percent (20%) of the site on which the shopping center is located.
- D. *Height Regulations.* No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. However, greater height may be permitted upon plan review provided the height is not detrimental to surrounding land uses.
- E. *Common Parking Facilities.* Off-street parking requirements set forth in Section 405.330 may be complied with by providing a permanent common off-street parking facility for all of the uses within the shopping center, provided that the lot contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements; provided however, that in no case shall the amount of off-street parking area, including driveways required for ingress and egress and circulation, be less than two and one-half (2 1/2) times the gross floor area of the shopping center.
- F. *Administration Procedures For Shopping Center Development.*
1. The developer shall first make an application to the City for construction of a shopping center under this Zoning Code. The application shall include the following in addition to the administrative requirements set forth in this Chapter:
    - a. The developer shall submit site plans of the proposed development which shall be drawn to a scale of not less than one (1) inch equals fifty (50) feet; and which shall show the arrangement of the buildings, design and circulation pattern of the off-street parking area, landscaped yards, ornamental screening, service courts, and utility and drainage easements and facilities; and the relationship of the shopping center development to adjacent areas which it may affect.
    - b. Evidence that indicates to the satisfaction of the Board of Aldermen and Planning Commission the ability and intent of the developer to carry out the development of the shopping center in accordance with the plans submitted in accordance with Subsection (F)(1) hereof.
    - c. *Development procedure.* The developer shall obtain a building permit for the shopping center in accordance with the requirements and procedures of this Title, and shall begin construction of the shopping center within three (3) years after the effective date of approval of the application for construction of the shopping center, and shall make a reasonable and continuous progress toward completion. If the shopping center is not under construction within three (3) years after the effective date of the shopping center rezoning, the

Planning Commission shall review the status of the development, and if it shall find that the developer cannot proceed immediately with the development in conformity with the requirements of this Chapter, this fact and the reasons therefor shall be reported to the Board of Aldermen. The Board of Aldermen may, at its discretion, rezone the shopping center district to a zoning district classification consistent with the general plan.

2. *Review of plan change.* Any substantial deviation from the plat or building plans approved by the Commission shall constitute a violation of the building permit authorizing construction of the shopping center. Substantial changes in plans shall be resubmitted to the Board of Aldermen and the Planning Commission to ensure compliance with the requirements and purpose and intent of this Chapter, and no building permit shall be issued for any construction which is not in substantial conformity with the approved plan.

### **Section 405.190. "I-1" Restricted Light Industrial Districts.**

**[CC 1995 §405.190; CC 1974 §41.200]**

- A. *General Description.* This industrial district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust, and glare of such operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the Heavy Industrial District. Buildings in this district should be architecturally attractive and surrounded by landscaped yards.
- B. *Uses Prohibited.* Those uses are prohibited which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, glare or disposal of waste material.
- C. *Uses Permitted.*
  1. Assembly of electrical and mechanical appliances, instruments, devices and the like.
  2. Vehicle finishing, repair and the like.
  3. Building material production, storage and sales uses.
  4. Food distribution and storage plants.
  5. Construction and agricultural equipment distribution, storage and sales uses.
  6. Transportation storage and trucking yards.
  7. Agricultural feed and grain storage and sales.
  8. Laundry, cleaning and dyeing works.
  9. Sheet metal, plumbing and blacksmith shops.
  10. Wholesale business, storage warehouses and the like.

11. Other uses of the same general character as those listed above which conform to restrictions deemed appropriate by the Planning Commission.
- D. Within the Restricted Light Industrial District, no building, structure, or premises shall be used and no building or structure shall be erected or altered until and unless the following conditions have been complied with. There shall have been filed with the City Planning Commission a written application for approval of a contemplated use within said district, which application shall be accompanied with the following information:
1. A plot plan indicating the location of present and proposed buildings, driveways, parking lots and other necessary uses.
  2. Preliminary architectural plans for the proposed building or buildings.
  3. An estimate of the maximum number of employees contemplated for the proposed development and the number of shifts during which they would work.
  4. Any other information the City Planning Commission may need to adequately consider the effect that the proposed uses may have upon their environment and on the cost of providing municipal services to the area. All sewage disposal systems must be approved by the County Health Officer before a building permit is issued.
- E. *Area Requirements.*
1. Individual building sites shall be of such size that the development will have a park-like setting, all space requirements provided in this Chapter are satisfied, and building coverage will not exceed thirty percent (30%) of the area of the site.
  2. *Front yards.* All buildings shall be set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.
  3. *Side yards.* No building shall be located closer than twenty-five (25) feet to a side lot line, except when adjacent to a residential district when a forty (40) foot side yard width is required.
  4. *Rear yards.* No building shall be located closer than twenty-five (25) feet to the rear lot line.
  5. *Coverage.* Building coverage shall not exceed thirty percent (30%) of the area of the lot.
- F. *Height Regulations.* No building shall exceed forty (40) feet in height.
- G. *Off-Street Parking And Loading Facilities.* Dust-proofed and properly drained off-street parking and loading facilities shall be provided in amount sufficient to meet the needs of all persons associated with the development, either as employees, customers, suppliers or visitors, and shall not cover more than forty percent (40%) of the lot. (See Supplemental Regulations on Off-Street Automobile and Vehicle Parking and Loading, Section 405.330.)

- H. *Storage Of Materials And Equipment.* When abutting residential districts, all materials and equipment used in connection with the use shall be enclosed within a building or structural screen.

**Section 405.200. "I-2" Light Industrial Districts.**

[CC 1995 §405.200; CC 1974 §41.210]

- A. *General Description.* This industrial district is intended primarily for the conduct of light manufacturing, assembling, and fabrication, and for warehousing, wholesale, and service uses. These do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air or street transportation routes.
- B. *Uses Prohibited.* Those uses are prohibited which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, glare, noise or disposal of waste materials.
- C. *Uses Permitted.*
1. Uses permitted in the "I-1" District are permitted in the "I-2" District.
  2. Building materials sales yard and lumberyard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant.
  3. Contractor's equipment storage yard or plant, or rental equipment commonly used by contractors.
  4. Freightling or trucking yard or terminal.
  5. Oil field equipment storage yard.
  6. Public utility service yard or electrical receiving or transforming station.
  7. Sale barn.
  8. No article or material permitted in this district shall be kept, stored or displayed outside the confines of a building unless it be so screened by fences, walls, or planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- D. The following uses when conducted within a completely enclosed building:
1. The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
  2. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process.

3. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
  4. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
  5. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
  6. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.
  7. Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.
  8. Foundry casting lightweight non-ferrous metal not causing noxious fumes or odors.
  9. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like.
  10. Wholesale storage or manufacture of alcoholic beverages.
- E. Buildings, structures, and uses accessory and customarily incidental to any of the above uses.
- F. The uses permitted under this Chapter shall be conducted in such a manner that no noxious odor, fumes, or dust will be emitted beyond the property line of the lot on which the use is located.
- G. All proposed uses within this district shall upon written application be filed with the City Planning Commission for approval of a contemplated use within said district, said application shall be accompanied by the following information:
1. A plot plan indicating the location of present and proposed buildings, driveways, parking lots and other necessary uses.
  2. Preliminary architectural plans for the proposed building or buildings.
  3. An estimate of the maximum number of employees for the proposed development and the number of shifts during which they would work.
  4. Any other information the City Planning Commission may need to adequately consider the effect that the proposed uses may have upon their environment and on the cost of providing municipal services to the area.
- H. *Area Requirements.*
1. Side, front and rear yards shall be three (3) feet except where fire-retardant materials are used.
  2. Rear yard: thirty (30) feet or adequate space for service.

- I. *Height Regulations.* Forty (40) feet.
- J. *Off-Street Parking And Loading Facilities.* See Supplemental Regulations on Off-Street Automobile and Vehicle Parking and Loading, Section 405.330.
- K. *Storage Of Materials And Equipment.* Same as Restricted Light Industrial District.

**Section 405.210. "I-3" Heavy Industrial Districts.**

**[CC 1995 §405.210; CC 1974 §41.220]**

- A. *General Description.* This industrial district is intended to provide for heavy industrial uses not otherwise provided for in the districts established by this Chapter. The intensity of uses permitted in this district makes it desirable that they be located downwind and separated from residential and commercial uses whenever possible.
- B. *Uses Permitted.* A building or premises may be used for any purpose not otherwise prohibited by law except that no residences, motels, or other places of habitation involving permanent structures are permitted nor shall any schools, churches or hospitals be permitted; provided however, that no building or occupancy permits will be issued for any of the following uses until and unless the location of such use shall have been approved by the Planning Commission:
  - 1. Acid manufacture.
  - 2. Cement, lime, gypsum, or plaster of Paris manufacture.
  - 3. Explosives, manufacture or wholesale storage.
  - 4. Gas manufacture.
  - 5. Petroleum or its products, refining of.
  - 6. Wholesale or bulk storage of gasoline, propane or other petroleum products.
  - 7. All uses permitted in "I-1" and "I-2" Districts.
- C. *Uses Permitted On Review.*
  - 1. Automobile salvage or junk yard.
  - 2. Building materials salvage yard.
  - 3. Junk or salvage yard of any kind.
  - 4. Public or private refuse dumps, landfills.
  - 5. Scrap metal storage yard.
- D. Property and buildings in the "I-3" District, when used for the above purposes, shall have the uses thereon conducted in such a manner that all operations, display or storage of materials shall be screened by ornamental fences, walls, and/or permanent evergreen planting that it cannot be seen from a public street.



**E. Area Regulations.**

1. Front and side yards: same as "I-2" District.
2. Rear yard: when a building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard of not less than thirty (30) feet in width to provide for maneuver of service vehicles.

**F. Heights Regulations.** Same as "I-2" District.

**ARTICLE III  
Supplementary Regulations**

**Section 405.220. Purpose.**

[CC 1995 §405.220; CC 1974 Subchapter C]

The provisions of this Chapter shall be subject to the exceptions, additions or modifications provided by the following regulations.

**Section 405.230. Advertising Billboards or Signs.**

[CC 1995 §405.230; CC 1974 §41.300]

- A. No billboards or signs shall be permitted in any residential district, except as provided for in Section 405.100. Billboards and sign boards will be permitted in commercial and industrial districts when utilized to advertise business on a lot upon which a sign is located subject to the following requirements.
1. Size: not more than twenty (20) feet high or thirty (30) feet long.
  2. Setback: at least ten (10) feet from street right-of-way.
  3. Maintenance: kept properly painted, supported and cleaned.
  4. Permits: obtained from the City Clerk at charge of one dollar (\$1.00) for each one hundred (100) square feet or less.

**Section 405.240. Accessory Buildings.**

[CC 1995 §405.240; CC 1974 §41.310]

- A. Accessory buildings shall be subject to the following requirements:
1. It shall not be located nearer the front lot line than the main building.
  2. The minimum distance from any property line shall be five (5) feet, except within utility easements.

**Section 405.250. Public Buildings and Utilities.**

[CC 1995 §405.250; CC 1974 §41.320]

These uses may be permitted in a district subject to such protective restrictions deemed necessary by the City Planning Commission.

**Section 405.260. Floodplains.**

[CC 1995 §405.260; CC 1974 §41.330]

Notwithstanding the regulations contained in any part of this Chapter, no use other than an agricultural use, public park or parkway and public street or highway will be permitted in any zone designated on the Zoning Map as a floodplain area unless adequate measures are taken to protect the use from flood damage. These measures will be subject to approval by the Planning Commission.

**Section 405.270. Height.**

[CC 1995 §405.270; CC 1974 §41.340]

The following structures will be permitted above height limits specified in other parts of this Chapter: Tanks, church spires, skylights, steeples, flagpoles, chimneys, ventilating fans, and other appurtenances not used for human use or habitation.

**Section 405.280. Area.**

[CC 1995 §405.280; CC 1974 §41.350]

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

**Section 405.290. Annexed Territory.**

[CC 1995 §405.290; CC 1974 §41.360]

All territory which may hereafter be annexed to the City shall be classified as an "A-1" General Agriculture District until, within a period not to exceed ninety (90) days following the date of annexation, the City Planning Commission shall appropriately reclassify such territory.

**Section 405.300. Vacation of Public Easements.****[CC 1995 §405.300; CC 1974 §41.370]**

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

**Section 405.310. Storage and Parking of Trailers and Commercial Vehicles.****[CC 1995 §405.310; CC 1974 §41.380]**

- A. Commercial vehicles and trailers of all types, including travel, camping and hauling and mobile homes, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:
1. Not more than one (1) commercial vehicle, which does not exceed one and one-half (1 1/2) tons rated capacity, per family living on the premises shall be permitted and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
  2. Not more than one (1) camping or travel trailer or hauling trailer per family living on the premises shall be permitted and said trailer shall not exceed twenty-four (24) feet in length or eight (8) feet in width; and further provided that said trailer shall not be parked or stored for more than one (1) week unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied permanently while it is parked or stored in any area within the incorporated limits except in a travel trailer court authorized under the Zoning Code of the City (see Chapter 405).
  3. A mobile home shall be parked or stored only in a trailer court which is in conformity with the ordinances of the City.
  4. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

**Section 405.320. Child Care Center.****[CC 1995 §405.320; CC 1974 §41.390]**

- A. Child care centers authorized under uses permitted on review in residential districts shall meet the following provisions:
1. The center shall be located in a single-family dwelling which is the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence.
  2. The dwelling shall contain not less than one thousand (1,000) square feet of gross floor area where three (3) children, not members of the family, are provided for; and the dwelling shall be increased by one hundred (100) square feet of gross floor

- area for each child more than three (3) provided for within the dwelling. The floor area of an attached garage shall not be included in determining gross floor area of the dwelling.
3. The dwelling shall meet City-County Health Department requirements as to safety, design, facilities, and equipment and other features.
  4. The dwelling shall be located on a lot having not less than twelve thousand (12,000) square feet of area, and all portions of said lot used for outdoor play space shall be fenced with an opaque, ornamental fence not less than forty-two (42) inches in height.
  5. The center shall be operated in a manner that will not adversely affect other properties and uses in the area.

**Section 405.330. Off-Street Automobile and Vehicle Parking and Loading.**

**[CC 1995 §405.330; CC 1974 §41.400]**

- A. *General Intent And Application.* It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land within the City. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.
- B. *Application Procedure.*
  1. In all districts, in connection with every use, sufficient off-street parking spaces shall be provided to accomplish the principles set forth in this Chapter and to meet the parking demands generated by residents, employees, company officials, company vehicles, and customers. Required parking spaces shall be located on the lot on which the principal use is located except as provided in this Section.
  2. Each application for a building permit or variance shall include plans for at least the minimum number of parking spaces as herein required. Plans shall include information as to location and dimensions of off-street parking spaces and the means of access to the spaces. The Administrative Official shall not approve any application until he/she determines that the requirements of this Chapter are met in the plans.
  3. Each parking space shall contain not less than two hundred (200) square feet in area exclusive of access and circulation aisles. Areas normally used for drive-in customer service such as drive-in windows and gas pump service areas shall not be counted as required parking spaces.
  4. If the off-street parking space required by this Chapter cannot reasonably be provided on the lot on which the principal use is located, such space may be provided on any land within two hundred (200) feet exclusive of street and alley widths of the principal building or use. The principal use shall be permitted to continue only as long as its parking requirements are met.

- C. *Minimum Spaces.* The minimum number of required spaces shall be determined by the following criteria: (In addition, a developer shall evaluate his/her own needs to determine if they are greater than the minimum specified in this Chapter.)
1. Uses permitted in an "A-1", "R-1", "R-2", "R-3", "R-4" and "M" Zoning Districts:
    - a. Single-family dwellings: two (2) parking spaces per dwelling unit.
    - b. Two-family dwellings: two (2) parking spaces per dwelling unit.
    - c. Multi-family dwellings: two (2) parking spaces per dwelling unit.
    - d. Churches: one (1) parking space for each four (4) seats in the principal place of assembly.
    - e. Home occupation: minimum of three (3) parking spaces which may include residential spaces.
    - f. Public buildings:
      - (1) Schools: one (1) space for each staff member and employee. In the case of secondary schools, one (1) additional parking space for each eight (8) students in grades 9 — 12 shall be provided.
      - (2) Community centers, libraries, galleries and museums: ten (10) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area.
      - (3) Stadiums: one (1) parking space for each three (3) spectator seats.
    - g. Hospitals: one (1) parking space for each employee and one (1) additional space for each four (4) patient beds.
    - h. Golf course: forty (40) parking spaces.
  2. Uses permitted in a "C-1", "C-2" or "C-3" Zoning Districts:
    - a. Single-family dwellings: two (2) parking spaces per dwelling unit.
    - b. Two-family dwellings: two (2) parking spaces per dwelling unit.
    - c. Multi-family dwellings: two (2) parking spaces per dwelling unit.
    - d. Public buildings: same as Subsection (C)(1)(f) above.
    - e. Rooming houses and boarding houses: two (2) parking spaces and one (1) additional space for each roomer or boarder.
    - f. Retail business and service establishments: one (1) space for each company vehicle and one (1) space for each two hundred (200) square feet of gross floor area.
    - g. Service stations: two (2) parking spaces for each gas pump and three (3) spaces for each grease rack.

- h. Restaurant, cafe, nightclub or similar establishment: one (1) parking space for every two (2) employees and one (1) additional space for each one hundred (100) square feet of gross floor area.
  - i. Office building, banks and similar institutions: one (1) parking space for each two hundred (200) square feet of gross floor area.
  - j. Auto sales and garages: one (1) parking space for each employee and four (4) spaces for each maintenance stall.
  - k. Pool halls, bowling alleys and similar recreational facilities: one (1) parking space for each two hundred (200) square feet of gross floor area.
  - l. Funeral homes: one (1) parking space for each fifty (50) square feet of gross floor area.
  - m. Motels and hotels: one (1) space for each employee and one (1) parking space for each rental unit.
  - n. Theaters: one (1) space for every two (2) seats.
3. Uses permitted in an "I-1", "I-2" or "I-3" Zoning Districts:
    - a. Manufacturing industries: one (1) parking space for each employee on the largest shift and one (1) space for each company vehicle.
    - b. Wholesale, retail and commercial storage: one (1) parking space for each employee and one (1) space for each company vehicle stored at the site.

D. *Additional Requirements.*

1. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
2. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Planning Commission.
3. Whenever a building or use constructed or established after the effective date of this Chapter is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Chapter is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
4. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

- E. *Parking Not Located On The Same Lot.* All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in

the number of spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed two hundred (200) feet from the building served.

1. Up to fifty percent (50%) of the parking spaces required for:
    - a. Theaters, public buildings, bowling alleys, dance halls, nightclubs or cafes, and up to one hundred percent (100%) of the parking spaces required for a church or school auditorium may be provided and used jointly by
    - b. Banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in Subsection (E)(1)(a); provided however, that written agreement thereto is properly executed and filed as specified below.
  2. In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the City Attorney and shall be filed with the application for a building permit.
  3. Off-street parking space may be located within the required front yard of any "C" or "I" zoning district, but no off-street parking shall be permitted in the required front yard of an "R" zoning district, except upon a driveway providing access to a garage, carport or parking area for a dwelling.
- F. *Size Of Off-Street Parking Space.* The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than ten (10) feet by twenty (20) feet plus adequate area for ingress and egress.
- G. *Off-Street Loading Requirements.* Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise shall provide and maintain on the site premises off-street loading space in accordance with the following requirements:
1. Within any "C-2" and "C-3" zoning district, one (1) loading space for each ten thousand (10,000) square feet of gross floor area.
  2. Within any "I-1" or "I-2" zoning district, one (1) loading space for each fifteen thousand (15,000) square feet of gross floor area.
  3. For the purpose of this Section, an off-street loading space (exclusive of adequate access drives and maneuvering space) shall have minimum dimensions of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade.
- H. *Off-Street Parking Lot Construction And Maintenance.*

1. *Lots in residential districts.* Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:
  - a. All sides of the lot abutting the residential district shall be enclosed with an opaque, ornamental fence, wall, or dense evergreen hedge having a height of not less than five (5) nor more than six (6) feet. Such fence, wall, or hedge shall be maintained in good condition.
  - b. No parking shall be permitted within a front yard setback line established ten (10) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential unit. In all other cases, no setback shall be required; provided however, that on any corner lot formed by two (2) intersecting streets, no parking shall be permitted, and no wall, fence, sign, structure or plant growth having a height in excess of three (3) feet above the elevation of the crown of the adjacent roadway surface shall be maintained in a triangle formed by measuring a distance of thirty (30) feet along said front and side lot lines, from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.
  - c. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
2. *Paved surface required.* All parking spaces required under the provisions of this Chapter shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from continued use.

#### **Section 405.340. Court Requirements for Multiple-Family Dwellings.**

[CC 1995 §405.340; CC 1974 §41.410]

- A. Whenever a multiple-family dwelling or group of multiple-family dwellings is designed with an inner or outer court, the following requirements shall be complied with:
  1. *Outer court width.* The width of an outer court upon which windows open shall be not less than fifteen (15) feet or equal to the height of the opposing wall, whichever is greater; and in no case shall an outer court be less than ten (10) feet in width or equal to seventy percent (70%) of the height of the opposing wall, whichever is greater.
  2. *Inner court width.* The width of an inner court of a multiple-family dwelling shall be not less than two (2) times the height of the lowest wall forming the court, but in no case shall it be less than twenty (20) feet.
  3. *Passageway for inner court.* An open unobstructed passageway shall be provided. Such passageway shall be not less than six (6) feet in width, shall have a clearance of not less than eight (8) feet in height, and shall provide a straight and continuous

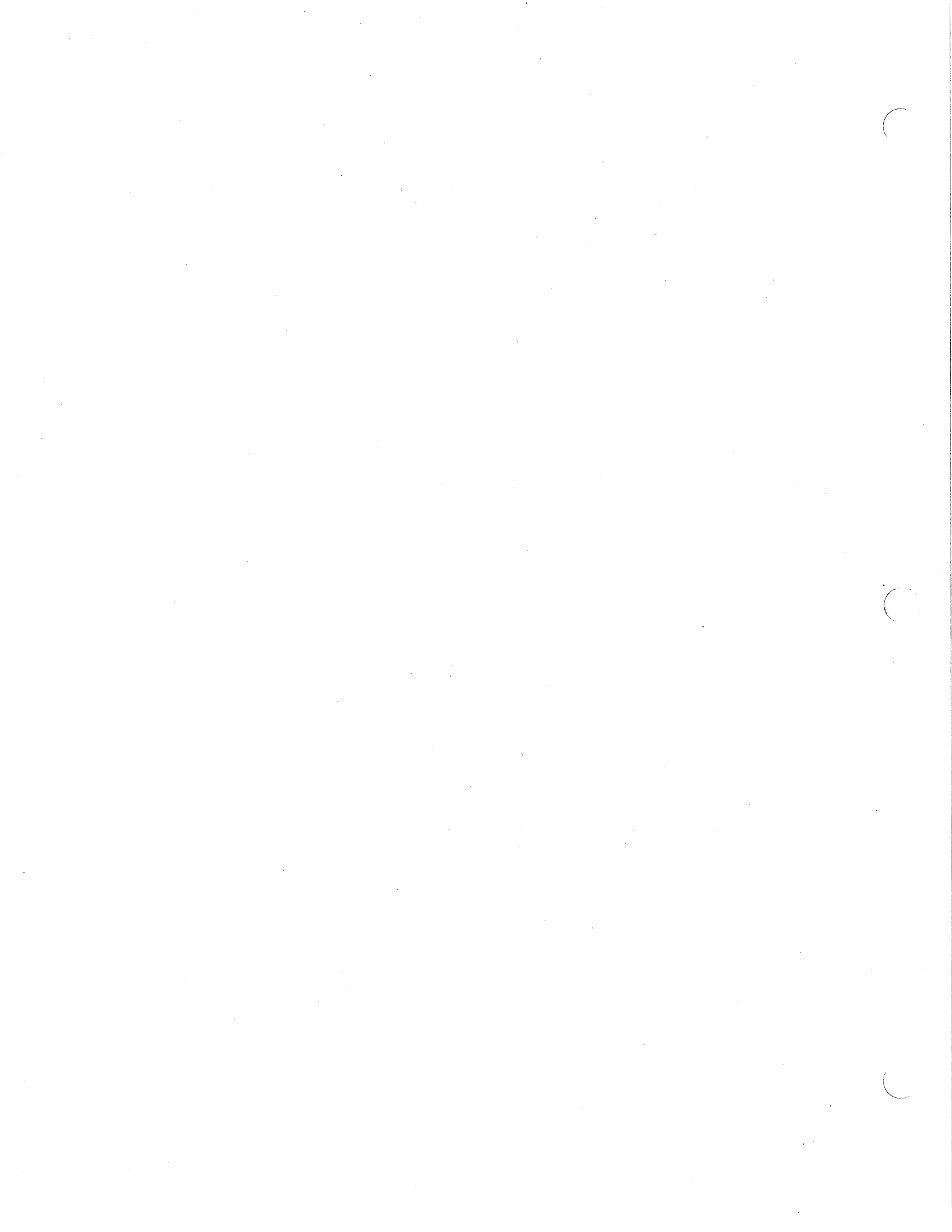


passage from the inner court to a yard or open space having a direct connection with a street.

**Section 405.350. Park and Open Space Requirements for Dwelling Units Under Residential Zoning.**

**[CC 1995 §405.350; CC 1974 §41.420]**

Prior to issuance of a building permit, the developer of any residential dwelling units shall dedicate to the City open space and park land equivalent to one (1) acre per each two hundred (200) equivalent population. This equivalent population shall be based on three and one-half (3.5) people per "R-1" and "R-2" dwelling units and two and one-half (2.5) people per dwelling unit in "R-3" and "R-4". The park land and open space must be acceptable to the Planning Commission and shall be compatible with the City plan.



## Chapter 410

### SUBDIVISION REGULATIONS

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**Section 410.010. Jurisdiction.**

[CC 1995 §410.010; CC 1974 §44.010]

The rules and regulations governing plats of subdivisions of land and lot splits contained herein shall apply within the corporate limits of the City in accordance with the provisions of Section 89.400, RSMo.

**Section 410.020. Definitions.**

[CC 1995 §410.020; CC 1974 §44.020]

For the purpose of this Chapter, certain words and terms used herein are defined as follows:

**ALLEY** — A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

**AREA, BUILDING** — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed porches, terraces and steps.

**AREA, NET SITE** — The total area within the property lines excluding external streets.

**BLOCK** — A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof.

**BUILDING LINE OR SETBACK LINE** — A line or lines designating the area outside of which buildings may not be erected.

**COMPREHENSIVE PLAN** — The sketch plan or City plan or Comprehensive Plan of the City, whether in whole or in part, as adopted by the Planning Commission, approved by the Board of Aldermen and duly recorded in the office of the County Recorder. It may consist of several maps, data, and other descriptive matter for the physical development of the City or any portion thereof; including any amendment, extension or additions thereof adopted by the Board of Aldermen indicating the general locations for major streets, parks, schools, or other public open spaces, public building sites, routes for public utilities, zoning districts, or other similar information.

**EASEMENT** — A grant by the property owner to the public, a corporation, or persons of the use of a strip of land for specific purposes.

**ENGINEER, CITY** — The duly designated engineer of the City.

**FRONTAGE** — All the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, or other natural barriers.

**GRADE** — The slope of a road specified in percent and shown on a road profile plan as required herein.

**IMPROVEMENTS** — Grading, sanitary and storm sewers, water mains, pavements, curbs and gutters, sidewalks, road signs, lights, trees, and other appropriate improvements required to render land suitable for the use proposed.

**LOT** — Land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings, together with such yards and lot area as are required by this resolution, and having its principal frontage upon a street, or a place approved by the Commission.

**LOT, CORNER** — A lot, or portion thereof, not greater than one hundred (100) feet in width and situated at the intersection of two (2) or more streets, having an angle of intersection of not more than one hundred thirty-five degrees (135°).

**LOT DEPTH** — The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

**LOT, DOUBLE FRONTAGE** — A lot which runs through a block from street to street and which has two (2) non-intersecting sides abutting on two (2) or more streets.

**LOT LINES** — The boundaries of a lot.

**LOT WIDTH** — The horizontal distance between the side lot lines, measured at right angles to the lot depth at the building line.

**MAJOR STREET PLAN** — The official plan of highways, primary and secondary thoroughfares, parkways and other major streets, including collector streets, adopted by the

Planning Commission, approved by the Board of Aldermen, and duly recorded in the office of the City Recorder.

**OFFICIAL MAP** — The map showing streets, highways, and parks and drainage, both existing and proposed.

**OFFICIAL SUBMISSION DATE** — The date when a subdivision plan shall be considered submitted to the Planning Commission, and is hereby defined to be the date of the meeting of the Planning Commission at which all required surveys, plans and data are submitted.

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

**PLANNING COMMISSION REPRESENTATIVE** — The City Clerk of the City for matters pertaining to the subdivision of land.

**PLAT** — A map, plan or layout of a City, Township, section or subdivision indicating the location and boundaries of individual properties.

**PLAT, FINAL** — A map of a land subdivision prepared in form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

**PLAT, PRELIMINARY** — A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

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

**STREET, COLLECTOR** — A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

**STREET, CUL-DE-SAC** — A street or a portion of a street with only one (1) vehicular traffic outlet. The closed end has a turnaround.

**STREET, LOCAL** — A street intended to serve primarily as an access to abutting properties.

**STREET, MAJOR** — A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas. Such streets are freeways, expressways, and arterials.

**SUBDIVIDER** — A person, firm, corporation, partnership, or association who shall lay out any subdivision or part thereof as defined herein, either for himself/herself or others.

**SUBDIVISION** — The division or redivision of land into two (2) or more lots, tracts, sites, or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way or easement; and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

**YARD, FRONT** — A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

**YARD, REAR** — A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot lines.

**YARD, SIDE** — A yard between a main building and the side lot line, extending from the front yard or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

**Section 410.030. Compliance.**

[CC 1995 §410.030; CC 1974 §44.030]

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this Chapter shall be guilty of a misdemeanor.

**Section 410.040. Recording.**

[CC 1995 §410.040; CC 1974 §44.040]

Any owner or any proprietor of any tract of land situated within the corporate limits of the City who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Recorder of Deeds.

**Section 410.050. Approval.**

[CC 1995 §410.050; CC 1974 §44.050]

No plat of a subdivision shall be recorded unless and until it shall have been submitted and approved by the Commission and Board of Aldermen in accordance with the regulations set forth in this Chapter and so certified by the City Clerk.

**Section 410.060. Filing Fee.**

[CC 1995 §410.060; CC 1974 §44.060]

To defray partially the costs of notification and administration procedures, there shall be paid to the City Clerk at the time of submission of the preliminary plat a fee in the following amount: Twenty-five dollars (\$25.00), plus one dollar (\$1.00) per lot for the first fifty (50) lots, plus fifty cents (\$0.50) per lot thereafter. No action of the Planning Commission or Mayor and Board of Aldermen shall be valid until the fee has been paid to the City Clerk. This fee will be charged on all plats, regardless of the action taken, whether the plat is approved or disapproved.

**Section 410.070. Prepared by Registered Land Surveyor.****[CC 1995 §410.070; CC 1974 §44.070]**

Every plat shall be prepared by a registered land surveyor duly licensed by the State, who shall endorse upon each such plat a certificate signed by him/her setting forth the source of the title of the owner of the land subdivided, and the place of record of the last instrument in the chain of the title, and shall cause his/her seal to be affixed on the face of the plat.

**Section 410.080. Required Statement.****[CC 1995 §410.080; CC 1974 §44.080]**

Every plat or the deed of dedication to which such plat is attached shall contain, in addition to the registered land surveyor's certificate, a statement to the effect that the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in the plat in question is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds, and when thus executed and acknowledged, shall be filed and recorded in the office of the Recorder of Deeds of the County and indexed under the names of the owners of the lands signing such statement and under the names of the subdivision.

**Section 410.090. Use of Unapproved Plat in Sale of Land — Penalty — Vacation or Injunction Transfer****[CC 1995 §410.090]**

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

**Section 410.100. Undeveloped Land.****[CC 1995 §410.100; CC 1974 §44.100]**

Land subject to flooding, land with excessive slope and land deemed by the Planning Commission to be undesirable for development shall not be platted for residential occupancy, nor for such other uses as may involve danger to health, life, or property, or to aggravate erosion or flood hazard. Such land shall be set aside for uses compatible with existing conditions.

**Section 410.110. Procedure.****[CC 1995 §410.110; CC 1974 §44.110]**

- A. In planning and developing a subdivision, the developer shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in Section 410.150, and with the rules and regulations, and concerning required improvements set forth in Section 410.160 in these regulations, and in every case shall pursue the following procedure:
1. Not less than forty-five (45) days before preparing and submitting the preliminary plat to the Planning Commission, the developer or his/her engineer or surveyor shall consult with the representative of the Planning Commission, while the plat is in sketch form, to ascertain the location of proposed highways, primary or secondary thoroughfares, collector streets, parkways, parks, playgrounds, school sites and other community facilities or planned developments and to acquaint himself/herself with the Commission's requirements. The pre-application time period may be reduced by the representative at his/her discretion. During pre-application proceedings, the general features of the subdivision, its layout, facilities and required improvements shall be determined to the extent necessary for preparation of the preliminary plat. Pre-application proceedings shall be properly documented by minutes of conferences and memoranda, as may be necessary, and copies of such documentation shall be furnished the developer.
  2. The developer shall submit a preliminary plat of the proposed subdivision which shall conform with the requirements set forth in Section 410.120 at least two (2) weeks prior to the meeting of the Planning Commission at which action is desired.
  3. The preliminary plat shall be checked by the Planning Commission as to its conformity with the City plan, and as to the plat's compliance with the standards, requirements and principles hereinafter prescribed; and the Planning Commission shall cause said preliminary plat to be checked by the Planning Commission's representative to ascertain compliance with all applicable additional requirements of municipal, County, State and Federal departments and agencies concerned and with applicable regulations of public utility companies.
  4. Upon completion of all required improvements as stipulated by the Planning Commission, the developer shall file with the Planning Commission the final plat of the subdivision. The final plat may include all or any reasonably acceptable part of the approved preliminary plat, and completion of improvements, or the bond or escrow agreement therefore need only cover that portion of the plat for which final approval is requested.
  5. The approval of the Commission or the refusal to approve shall take place within sixty (60) days from and after the submission of the plat for final approval, unless the developer agrees in writing to an extension of this time period; otherwise said plat shall be deemed to have been approved and the certificate of said Planning Commission as to the date of the submission of the plat for approval and as to the failure to take action thereon within such time shall be sufficient in lieu of the written endorsement or evidence of approval herein required. The grounds of



refusal of any plat submitted or regulations violated by the plat shall be stated upon the record of the Planning Commission.

**Section 410.120. Preliminary Plat Requirements.**

[CC 1995 §410.120; CC 1974 §44.120]

- A. The preliminary plat of the proposed subdivision, three (3) black line or blue line prints prepared by a qualified registered professional engineer or surveyor, shall accompany an application in writing to the Planning Commission. The horizontal scale of the preliminary plat shall be one hundred (100) feet or less to the inch, and the vertical scale of street and sewer profiles ten (10) feet or less to the inch.
- B. A vicinity sketch at a scale of four hundred (400) feet or more to the inch shall be drawn on or shall accompany the preliminary plat. The sketch shall show:
  1. All existing subdivisions and the street and tract lines or acreage parcels of land, together with the name of record owners of such parcels immediately adjoining the proposed subdivisions and between it;
  2. The nearest existing highways or thoroughfares, streets and alleys in neighboring subdivisions or unplatted property involved in producing the most advantageous development of the entire neighborhood;
  3. Section, range and township;
  4. Any corporation or ad hoc district lines, such as school or sewer districts, etc.
- C. The preliminary plat shall clearly show the following features and information:
  1. *Name.* The proposed name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision in the City.
  2. *Designation.* The tract designation according to real estate records of the Recorder of the County where located.
  3. *Owners of record.* The names and addresses of the owner or owners of record, the developer and the engineer or surveyor.
  4. *Abutting owners.* The name of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.
  5. *Boundary lines.* The boundary lines, accurate in scale, of the tract to be subdivided.
  6. *Streets — other features.* The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings; large trees and watercourses; railroad lines; corporation and township lines; utility lines, etc.

7. *Utilities — existing and proposed.* Existing and proposed sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto.
8. *Physical characteristics.* Topography; contours, normally with intervals of two (2) feet, or as may be otherwise required by the Planning Commission.
9. *Proposed design — street, drainage, etc.*
  - a. The functional classification (major, minor, etc.) and widths of proposed streets, alleys, and easements;
  - b. The location and approximate sizes of catch basins, culverts and other drainage structures;
  - c. The layout, numbers and approximate dimensions of proposed lots. Proposed street names shall be established to the satisfaction of the Planning Commission representative and the approval obtained from the local U.S. Postmaster and shall not duplicate or closely approximate any existing or platted street names in the City, except extensions of existing streets.
10. *Zoning.* Zoning boundary lines if any; proposed uses of property and proposed front yard setback lines.
11. *North point, etc.* North point, scale, date, title.
12. *Deed restrictions.* Copies of any private restrictions to be included in the deeds should be attached to the preliminary plat.

#### **Section 410.130. Final Plat Requirements.**

[CC 1995 §410.130; CC 1974 §44.130]

- A. In addition to all of the standard requirements for a preliminary plat as indicated in Section 410.120 of this Chapter, the altered or additional requirements contained below will be required as part of the final plat.
  1. Seven (7) black line or blue line prints of the final or record plat of the subdivision, or of any part of a larger subdivision, shall be submitted to the Planning Commission by the developer together with a written application for approval on forms provided by the Planning Commission. The final plat shall be a print or prints of linen tracing cloth — Cronaflex, Mylar or similar durable material. The plat shall be drawn at a scale of one hundred (100) feet or less to the inch. Said scale shall be indicated on the plat graphically.
  2. True bearings and distances to nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them. The length of all arcs-radii, points of curvature and tangent bearings; all easements and rights-of-way when provided for

or owned by public services (with the limitation of the easement rights definitely stated on the plat); all lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes.

3. The accurate location and material of all permanent reference monuments.
4. Lots shall be arranged in numerical order.
5. The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivisions, with the purpose indicated thereon. All lands dedicated to public use shall be marked on each plat "Dedicated to the Public" and shall be accepted, in writing, by the Board of Aldermen by affixing the signature of the chief elected official on the plat.
6. Affidavit and certificate by a qualified registered land surveyor to the effect that he/she has fully complied with the requirements of these regulations and the subdivision laws of the State of Missouri governing surveying, dividing and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; that the plat represents a survey made by him/her and that all monuments indicated thereon actually exist and their location, size and material are correctly shown.
7. A certificate issued by the authorized City and County Officials to the effect that there are no unpaid taxes due and payable at the time of plat approval and no unpaid special assessments, whether or not due and payable at the time of plat approval, on any of the lands included in the plat, and that all outstanding taxes and special assessments have been paid on all property dedicated to public use.

#### **Section 410.140. Modification and Exceptions.**

**[CC 1995 §410.140; CC 1974 §44.140]**

- A. The following shall be permitted as exceptions to this Chapter:
  1. In the case of a small subdivision (four (4) lots or less) of minor importance situated in a locality where conditions are well defined, the Planning Commission, on written request of the developer, may exempt the developer from complying with some of the requirements stipulated in Sections 410.110 and 410.130 pertaining to the preparation of the plats. A developer may not, however, be exempted from any design requirements specified in Section 410.150 of this Chapter.
  2. Any proposed lot-split shall be submitted to the Planning Commission for review and if the Planning Commission, acting through its representative, is satisfied that such proposed lot-split is not contrary to applicable regulations, it shall, within twenty (20) days after submission, approve such lot-split and, on presentation of a conveyance of said parcel, shall stamp the same "Approved by the City Planning Commission, no plat required" and have it signed by the City Engineer or other official as may be designated by it. In so doing, the Planning Commission may

require the submission of a sketch plat, record of survey and such other information as it may deem pertinent to its determination hereunder.

3. In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, literal compliance with any requirement of these regulations would cause practical difficulty or exceptional and undue hardship, the Planning Commission may modify such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of this Chapter or the desirable general development or welfare of the neighborhood and the community in accordance with the Comprehensive Plan and the Zoning Code. Any modification thus granted shall be spread upon the minutes of the Planning Commission setting forth the reasons which, in the opinion of the Planning Commission, justified the modification.

### **Section 410.150. Subdivision Design Standards and Requirements.**

[CC 1995 §410.150; CC 1974 §44.150]

- A. The standards set out herein shall be required of all subdivisions.
- B. In order to protect the health, safety and general welfare of the people, the Planning Commission will reject any proposed subdivision located in an area subject to periodic flooding. Whenever a subdivision is proposed to be located in an area having poor drainage or other adverse physical characteristics and impairment, the Planning Commission may approve the plat, provided the developer binds himself/herself legally to make such improvements as, in the judgment of the Planning Commission, will render the subdivision substantially safe and otherwise acceptable for the intended use. In this case the developer shall post with the Commission a surety performance bond, running to the City or other security acceptable to the Planning Commission, sufficient to cover the cost of such improvements as estimated by the officials having jurisdiction.
- C. The subdivision layout shall conform to the official major street plan or other elements of the Comprehensive Plan. Whenever a tract to be subdivided embraces any part of a highway, thoroughfare or other major or collector street so designated on said plan, such part of such public way shall be platted by the developer in the location and at the width indicated in the plan.
- D. The street layout of the subdivision shall be in general conformity with a plan for the most advantageous and aesthetically pleasing development of the entire neighborhood, including adjoining areas. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.
  1. *Dead-end streets.* Dead-end streets of reasonable length (normally not over five hundred (500) feet) may be approved where necessitated by topography or where, in the opinion of the Planning Commission, they are appropriate for the type of development contemplated.

2. *Intersecting streets.* Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. Four-way intersections shall be used for minor interior streets wherever practicable and not in conflict with other applicable design principles and standards. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
3. *Half-width streets.* Wherever there abuts the tract to be subdivided a dedicated or platted and recorded half-width street or alley, the other half-width of such street or alley shall be platted such that the ultimate right-of-way conforms to the minimum standards included herein.
4. *Block widths.* Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, except in the case of reversed frontages.
5. *Block length.* The length of blocks shall be such as may be appropriate, in the opinion of the Planning Commission, for the locality and the type of development contemplated, but shall not exceed one thousand five hundred (1,500) feet where the average size of lots does not exceed two (2) acres in area.
6. *Access.* Each lot shall be provided with access to a public street or highway to assure convenient ingress and egress to and from such lot, and to provide adequately for the layout of utilities, garbage and waste removal, fire and police protection, and other services, and to protect and further the public health and safety generally. Subdivision intended for commercial or industrial occupancy shall have access to a collector street, but shall not have direct access to any residential street or residential collector street under any circumstances, except in the case of appropriately separated planned retail centers. Direct ingress or egress to an arterial street shall not be permitted from areas zoned "R-1", "R-2", "R-3" or "R-4".

E. Street right-of-way requirements and utility easements shall be as follows:

1. *Highways and major thoroughfares.* Highways and major thoroughfares as specified in the official major street plan of the Comprehensive Plan; not less than the easement width specified for a secondary thoroughfare.
2. *Collector streets.* Sixty (60) feet.
3. *Minor streets, dead-end streets and cul-de-sac streets.* All minor streets shall have a street easement width of fifty (50) feet. All dead-end streets shall terminate in a circular turnaround having a minimum right-of-way diameter of one hundred (100) feet, unless the Planning Commission approves a "T" or "Y" shaped paved space in place of the required turning circle. Turnarounds shall not be required on dead-end streets which are less than two hundred fifty (250) feet in length and are planned to be extended in the future.
4. *Alleys.* Alleys, where platted, shall have a minimum width of twenty (20) feet.
5. *Utility easements.* Utility easements, where required, shall be at least ten (10) feet wide (five (5) feet on each side of the lot line) along rear, front, and side lot lines. Easements of adequate width shall be provided for open drainage channels, where

required. Easements five (5) feet in width may be allowed for underground cable installations.

F. Minimum pavement widths, back to back of curb, required to be installed at subdivider's expense shall be as follows:

1. *Major thoroughfares and collector streets.* Thirty-six (36) feet. In the case of a major thoroughfare or collector street requiring pavements wider than thirty-six (36) feet, the matter of financial and other arrangements for installing such wider pavements at the time the developer will make the improvements shall be taken up by the developer with the officials having jurisdiction.
2. *Minor, dead-end and cul-de-sac streets.* Twenty-six (26) feet. The pavement of a turning circle at the end of a dead-end street shall have a minimum outside diameter of eighty (80) feet. A "T" or "Y" shaped paved space, when approved by the Planning Commission in place of a turning circle, shall extend entirely across the width of the street right-of-way, except for sidewalk space, and shall be at least ten (10) feet wide with the flared portion rounded by minimum radii of twenty (20) feet.
3. *Alleys and service drives.* Eighteen (18) feet.
4. *Sidewalks.* Sidewalks shall be installed on both sides of all major streets, on one (1) side of collector streets, and may be required by the Planning Commission on any street, including minor residential streets. Sidewalks shall have a minimum width of four (4) feet in residential areas and eight (8) feet in commercial and industrial areas.

G. The grades of streets shall not exceed the following, except that where unusual or exceptional conditions exist, the Planning Commission may modify these requirements.

1. Highways and major thoroughfares: four percent (4%).
2. Collector streets: seven percent (7%).
3. Minor streets, service drives, and alleys: twelve percent (12%).
4. Pedestrian ways or crosswalks: twelve percent (12%), unless steps of an acceptable design are to be constructed.
5. *Minimum grade.* In no event shall the minimum grade of any street or alley be less than five-tenths of one percent (0.5%).
6. *Radii of curvature.* The radii of curvature on the centerline shall not be less than four hundred (400) feet for major thoroughfares, two hundred fifty (250) feet for collector streets and one hundred fifty (150) feet for minor streets.
7. *Corner radii.* Curbs at intersections shall have a minimum radius of thirty (32) feet at the back of the curb.

- H. The size, shape and orientation of lots shall be appropriate for the location and physical character of the proposed subdivision and for the type of development contemplated in compliance with applicable Zoning Code regulations.
1. *Depth.* Excessive depth in relation to width shall be avoided. (A proportion of one to one or two to one will normally be considered appropriate, except in the case of narrow lots.)
  2. *Street access.* Every lot shall abut on a street, subject to the requirements of Subsection (D) of this Section.
  3. *Width.* Lots for residential purposes shall have sufficient width at the building setback lines to permit compliance with side yard or distance requirements of the applicable Zoning Code regulations and still be adequate for a building of practicable width.
  4. *Double-frontage.* Except as otherwise provided herein, double-frontage lots and reversed frontage lots shall be avoided.
  5. *Side lot lines.* Where practicable, side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.
  6. *Corner lots.* Corner lots for residential use shall be platted wider than interior lots to permit compliance with the yard and setback requirements for the applicable Zoning Code regulations.
  7. *Minimum lot size.* Where not otherwise determined by applicable Zoning Code regulations, the minimum lot size for residential purposes shall be seven thousand five hundred (7,500) square feet with a minimum frontage of sixty-five (65) feet, a minimum side yard of ten percent (10%) of the frontage on each side, a rear yard of twenty-five (25) feet, except for accessory structures, and a front yard of twenty (20) feet.
  8. *No utilities.* Where public sanitary facilities and/or water are not accessible, the lot size shall be determined in accordance with the requirements of Section 410.160.

**Section 410.160. Improvements Installation Requirements.**

[CC 1995 §410.160; CC 1974 §44.160]

- A. All improvements required under these regulations shall be constructed in accordance with the specifications and under the supervision of the official having jurisdiction in the manner prescribed herein:
1. Before consideration of a final subdivision plat, the subdivider must have submitted and obtained approval of improvement plans for all improvements planned for the subdivision and have installed said improvements in accordance with the approved improvement plans, or in lieu of installation of said improvements, a satisfactory escrow agreement, lender's agreement or land subdivision bond may be submitted insuring or guaranteeing their construction in accordance with the approved plans.

2. The escrow agreement, lender's agreement, or land subdivision bond hereinbefore provided shall:
  - a. Be prepared on forms furnished by the Planning Commission, and stored in the office of the Administrative Officer.
  - b. Approved by the City Engineer and City Attorney.
  - c. Be executed by the Planning Commission Chairman subject to the approval of the Board of Aldermen.
  - d. Guarantee the improvements set forth in the approved improvement plans by providing for a deposit with a qualified escrow depository of that sum of lawful money of the United States of America, or a land subdivision bond or a lender's agreement in the amount which the City Engineer shall reasonably estimate as the cost of said improvements.
  - e. If there is an escrow sum, it shall be held in a special account by the escrow holder subject to the audit of the City Engineer and/or Board of Aldermen of the City of Anderson.
  - f. If there is a lender's agreement, it shall be subject to the audit of the City Engineer and/or the Board of Aldermen of the City of Anderson, Missouri.
3. The estimated sum shall be held by the escrow holder or the lender as in the agreement provided until such time as the City Engineer recommends a release be authorized by the Administrative Officer. Authorization shall be written and addressed to the escrow holder or the lender authorizing release. The Administrative Officer may authorize release for disbursement by the escrow holder or the lender for the payment of labor and materials used in the construction and installation of the improvements guaranteed, as the work progresses, and when approved by the City Engineer. In no case shall the escrow holder or lender release more than ninety-five percent (95%) of the estimated sum until improvements and installations have been completed in a satisfactory manner in accordance with this Chapter, and approved by the City Engineer. The remaining five percent (5%) shall be released upon acceptance or final approval of said improvements by the Mayor or Board of Aldermen. The estimated sum shall be held by the surety as in the agreement provided, until such time as the Mayor or Board of Aldermen shall, by written authorization addressed to the surety, release the land subdivision bond total sum. This amount shall only be authorized to be released in its entirety after the City Engineer certifies that all the improvements have been constructed in accordance with the approved plans, meet all the requirements of the City of Anderson. Subdivision regulations and the streets and storm water sewers and storm sewer structures located within the public right-of-way have been accepted for maintenance by the City of Anderson.
4. The Administrative Officer shall release funds for any completed segment of the work thirty (30) days after the request for an inspection of the segment of the work has been made, provided no deficiencies were reported during the thirty (30) day period.



5. In the event that the improvements are not satisfactorily installed within two (2) years after approval of the improvement plans, the City of Anderson has the right to remove said monies to complete the guaranteed improvements, unless an extension in time is granted by the Planning Commission.
6. Streets shall be graded to full width of the right-of-way and fully constructed with all-weather macadam or concrete wearing pavements surfaced with asphaltic or Portland cement concrete wearing surfaces, concrete curbs and gutters, in accordance with the standard street specifications of the City of Anderson.

*Improvement of existing streets.* For any development fronting on an existing road or street, it shall be the responsibility of the developer to bring the road or street up to City specifications to the centerline of the road or street, plus an additional eight (8) feet of width as per City specifications. Curbs are to be installed by the developer on the developer's side of the road or street only.

7. Where a public water supply main is reasonably accessible, in the judgment of the Planning Commission, the subdivision shall be provided with a complete loop type water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants in accordance with the requirements of the Missouri Inspection Bureau. The Planning Commission shall not approve the final plat thereof until the Missouri State Board of Health has issued a construction permit for the water distribution system to service the area being platted.
8. Every subdivision shall be provided with a storm water sewer or drainage system adequate to serve the area being platted and otherwise meeting the approval of the officials having jurisdiction.
9. Where a public sanitary sewer main is reasonably accessible, in the opinion of the Planning Commission, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot. Such system and connection shall comply with the regulations of the Missouri State Board of Health and Missouri Clean Water Commission.
  - a. Where a public sanitary sewer system is not reasonably accessible, in the opinion of the Planning Commission, but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the State Board of Health, the developer shall install sewers in conformity with such plans. Where immediate connection is not possible, and until such connection with the sewer system in the district can be made, the use of private sewage treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations and requirements of the Board of Aldermen and the State Board of Health. In this case the results of percolation tests made at the site will accompany the plans.
  - b. Where no sewers are accessible and no plans for a sewer system have been prepared and approved, the developer shall either install a sewage collection and disposal system in accordance with the requirements of Subsection (9)(a)

above, or individual disposal devices may be installed on each lot within the subdivision, provided that no individual disposal devices shall be permitted unless the lots to be so served have sufficient areas to allow adequate soil absorption area for on-site sewerage disposal. The Planning Commission may modify lot area requirements in relation to soil conditions and other pertinent facts and findings in any particular subdivision. All such individual devices and systems shall be constructed and maintained in accordance with the regulations and requirements of the Missouri State Board of Health.

10. *Planting, street lighting.*

- a. *Landscaping.* All landscaped strips, parkways and screening areas dedicated to the public shall be graded, seeded and planted in an appropriate manner. Street trees shall be planted by the developer throughout the entire subdivision. Such trees shall be planted in the parkway, on both sides of the street, not less than forty (40) feet apart, but at least one (1) tree per lot, and shall be not less than two (2) inches in diameter. Specimen shall be determined by the Planning Commission or its representative. Where shrubs are required for the purpose of screening, specimen, density and other pertinent features shall also be determined by the Planning Commission.
- b. *Lighting.* Provisions shall be made by the developer for adequate lighting of public streets within the proposed subdivision in accordance with standards and specifications of the Planning Commission.

11. *Street name signs and street naming.*

- a. Street name signs meeting the requirements of the City Engineer shall be erected by the subdivider at all intersections.
- b. For purposes of street naming, the following suffixes shall be applied.
  - (1) Avenue shall be used only for streets that run in a generally east-west direction.
  - (2) Street shall be used only for thoroughfares that run in a generally north-south direction.
  - (3) The words north, south, east, or west should be avoided as part of a street name whenever possible.
- c. Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.
- d. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac.
- e. To avoid duplication and confusion, the proposed names of all streets shall be approved by the Planning Commission prior to such names being assigned or used.

12. Easements for underground conduits for electric light or telephone lines shall be provided along rear and side lot lines. From a civil defense standpoint and, of course, aesthetically, telephone and electric power lines should be located underground.
13. Permanent and other monuments shall be placed in accordance with the following requirements and under the supervision of the Planning Commission representative or his/her designee.
  - a. *Street points.* Monuments shall be set at the intersection of all streets and the beginning and end of all curves along street centerlines.
  - b. *Curb marks.* Curbs shall be permanently marked at the beginning and end of all curves and at the prolongation of all lot sidelines.
  - c. *Stakes.* Stakes of a permanent nature shall be set at rear lot corners; top to be set not more than two (2) inches above ground.
14. Improvement plans, including the following, for improvements to be installed shall be prepared by a qualified registered professional engineer and submitted in accordance with the specifications of the officials having jurisdiction and no improvements shall be installed until and unless said plans have been received and approved by the said officials:
  - a. *Centerline profile.* The centerline profile of each proposed street, with tentative grades indicated;
  - b. *Street cross section.* The cross section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of utility mains;
  - c. *Sewer plans and profiles.* The plans and profiles of proposed sanitary sewers and storm water sewers or storm drainage plans, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers; the drainage area contributing to the flow in each storm sewer shall be shown on a map and the hydraulic calculations for the sewer shall be provided.
  - d. *Water distribution plan.* A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants.

**Section 410.170. Inspection.**

[CC 1995 §410.170; CC 1974 §44.170]

- A. Prior to starting any of the work covered by the above plans, after approval thereof, the developer shall make arrangements to provide for inspection of the work sufficient, in the opinion of the City Engineer, to assure compliance with the plans and specifications as approved, and written approval obtained from the Planning Commission or its representative.

1. Fees for inspection will be required to be deposited with the Administrative Officer at the time of submission of the improvement plans. These fees will be estimated by the developer's engineer upon forms provided by the Administrative Officer and must meet the approval of the City Engineer.
2. The construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the final plat by the Planning Commission, unless good cause can be shown for the granting of an extension of time by authority of the Planning Commission.
3. Where the subdivision contains sewers, sewage treatment plants, water supply systems, or other physical facilities that are necessary or desirable for the welfare of the area or that are of common use or benefit and which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities for the proper and continuous operation, maintenance, and supervision of such facilities.

**Section 410.180. Modifications.**

**[CC 1995 §410.180; CC 1974 §44.180]**

Where unusual or exceptional factors or conditions exist, the Planning Commission may modify any of the provisions of this Chapter except those of Section 410.160 (2) through 410.160 (6) on written application by the developer. The developer's application shall set forth the reasons for such requested modification and shall be attached to all copies of the construction plans.

## Chapter 415

### FLOOD DAMAGE PREVENTION

**Section 415.010. Definitions.**

**Section 415.020. Authorized Enforcement Official.**

**Section 415.030. Acting Enforcement Official.**

**Section 415.040. Flood Hazard Boundary.**

**Section 415.050. Permits Required.**

**Section 415.060. Development Permit Applications To Be Reviewed.**

**Section 415.070. Standards To Be Reviewed.**

**Section 415.080. Flood Regulations To Be Reviewed for Subdivisions.**

**Section 415.090. New Water and Sewer System Regulations.**

**Section 415.100. Floodways To Be Maintained.**

**Section 415.110. Amendments.**

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**Section 415.010. Definitions.**

[CC 1995 §415.010; Ord. No. 45-057 §11, 1-26-1987]

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

**100-YEAR FLOOD** — The condition of flooding having a one percent (1%) chance of annual occurrence.

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

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

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

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

**MANUFACTURED HOME** — A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For

insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

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

**REGULATORY FLOOD ELEVATION** — The water surface elevation of the one-hundred (100) -year flood.

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

**STRUCTURE** — A walled and roofed building that is principally aboveground, as well as a manufactured home, and a gas or liquid storage tank that is principally aboveground.

**SUBSTANTIAL IMPROVEMENT** — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement is started, or
2. If the structure has been damaged and is being restored before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first (1st) alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in national or State Registers of Historic Places.

**Section 415.020. Authorized Enforcement Official.**

[CC 1995 §415.020; Ord. No. 45-057 §1, 1-26-1987]

The Mayor hereby has these added responsibilities and is authorized and directed to enforce all of the provisions of this Chapter and all other ordinances of the City of Anderson now in force or hereafter adopted related to zoning, subdivision or building codes.

**Section 415.030. Acting Enforcement Official.**

[CC 1995 §415.030; Ord. No. 45-057 §2, 1-26-1987]

The Mayor shall be appointed to these additional responsibilities by resolution of the Board of Aldermen and his/her appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the Mayor, the Board of Aldermen shall designate an Acting Enforcement Official.

**Section 415.040. Flood Hazard Boundary.****[CC 1995 §415.040; Ord. No. 45-057 §3, 1-26-1987]**

The Board of Aldermen hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map and amendments as the Official Map to be used in determining those areas of special flood hazard.

**Section 415.050. Permits Required.****[CC 1995 §415.050; Ord. No. 45-057 §4, 1-26-1987]**

- A. No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each building or structure.
- B. Within Zone(s) A of the Official Map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.
- C. *Application To Obtain Permit.* The applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:
  1. Identify and describe the work to be covered by the permit for which application is made.
  2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
  3. Indicate the use or occupancy for which the proposed work is intended.
  4. Be accompanied by plans and specifications for proposed construction.
  5. Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.
  6. Within designated flood-prone areas, be accompanied by elevations (in relation to a mean sea level) of the lowest floor (including basement) or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Mayor.
  7. Give such other information as reasonably may be required by the Mayor.

**Section 415.060. Development Permit Applications To Be Reviewed.****[CC 1995 §415.060; Ord. No. 45-057 §5, 1-26-1987]**

The Mayor shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State law.

**Section 415.070. Standards To Be Reviewed.****[CC 1995 §415.070; Ord. No. 45-057 §6, 1-26-1987]**

- A. The Mayor in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) as defined in Section 415.010 of this Chapter will:
1. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the Official Map that the following performance standards be met:
    - a. *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
    - b. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is water-tight with walls substantially impermeable to the passage of water and with structure components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the local Enforcement Official.
    - c. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  2. Require the use of construction materials that are resistant to flood damage.
  3. Require the use of construction methods and practices that will minimize flood damage.
  4. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.



5. New structures be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the component during conditions of flooding.
6. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
  - a. Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at the intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.
  - b. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.
  - c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.
  - d. Any additions to manufactured homes be similarly anchored.
7. Require that all manufactured homes to be placed within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Subsection (6) herein.

**Section 415.080. Flood Regulations To Be Reviewed for Subdivisions.**

[CC 1995 §415.080; Ord. No. 45-057 §7, 1-26-1987]

- A. The Board of Aldermen shall review all subdivision applications and other proposed new developments, including manufactured home parks or subdivisions, and shall make findings of fact and assure that:
  1. All such proposed developments are consistent with the need to minimize flood damage.
  2. Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.
  3. Adequate drainage is provided so as to reduce exposure to flood hazards.
  4. All public utilities and facilities are located so as to minimize or eliminate flood damage.

**Section 415.090. New Water and Sewer System Regulations.****[CC 1995 §415.090; Ord. No. 45-057 §8, 1-26-1987]**

New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

**Section 415.100. Floodways To Be Maintained.****[CC 1995 §415.100; Ord. No. 45-057 §9, 1-26-1987]**

The Board of Aldermen will ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

**Section 415.110. Amendments.****[CC 1995 §415.110; Ord. No. 45-057 §10, 1-26-1987]**

This Chapter shall take precedence over conflicting ordinances or parts of ordinances. The Board of Aldermen of Anderson may, from time to time, amend this Chapter to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Chapter are in compliance with the National Flood Insurance Program regulations as published in Title 44 of the Code of Federal Regulations.