

TITLE IV. LAND USE

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**CHAPTER 400. PLANNING AND ZONING
PART 1. GENERAL PROVISIONS****SECTION 400.100: SHORT TITLE**

The regulations codified in this Title shall be known and may be cited as the Zoning Ordinance of the City of Crane, Missouri.

SECTION 400.105: AUTHORITY AND PURPOSE

- A. This Title is adopted pursuant to the authority contained in Sections 89.010 to 89.480, RSMo.
- B. The regulations contained in this Title are adopted for the following purposes:
 - 1. To protect and provide for the public health, safety and general welfare of the City of Crane.
 - 2. To provide for adequate light, air, open spaces and to protect from flooding and other dangers.
 - 3. To provide for adequate transportation and circulation throughout the City of Crane and to ensure the provision of adequate public infrastructure and improvements to serve the population.
 - 4. To prevent the pollution of water resources and to ensure the adequacy of drainage facilities.
 - 5. To encourage the orderly and beneficial development of the City of Crane and to promote good planning and land development practice.
 - 6. To preserve and protect the value of land and buildings and to promote the efficient expenditure of public financial resources.

SECTION 400.110: JURISDICTION

This Title shall apply to all land, buildings, structures, uses and infrastructure improvements within the corporate boundaries of the City of Crane, Missouri, and the applicable provisions of this Chapter shall apply to such other areas outside of the corporate boundaries that may contract with the City of Crane for the provision of public services.

SECTION 400.115: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after passage.

SECTION 400.120: FEES

- A. Reasonable fees to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning amendments, special use permits, conditional use permits, sign permits, appeals and variances. A list of all established fees related to the requirements of this Ordinance is available at the Crane City Hall. (See [Section 400.700](#))
- B. Fees established in accordance with Subsection (A) shall be paid upon submission of a signed application by the applicant, petitioner or the party submitting a notice of appeal.

SECTION 400.125: BURDEN OF PROOF

The burden of proof shall be upon the applicant in all proceedings pursuant to this ordinance. It is presumed that the applicant has knowledge of the requirements of this Title and the applicant is obligated to meet the requirements unless a variance is granted. Failure to meet the requirements is one reason for denial of an application.

SECTION 400.130: INTERPRETATION, CONFLICT AND SEPARABILITY

- A. The provisions of this Title shall be considered to be the minimum requirements for the protection of the public health, safety, morals and general welfare. Where the conditions imposed by any provision of this Title are either more restrictive or less restrictive than conditions imposed by any other provision of this Title or other applicable law, ordinance, rule or regulation, the regulations which are more restrictive and which impose a higher standard shall govern.
- B. The provisions of this Title are separable. If any section, sentence, clause or phrase of this Title is for any reason held to be invalid by a court of competent jurisdiction, the decision shall not affect the remaining portions of this Title. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Title to a particular property or structure, such judgment shall not affect the application of said provision to any other property or structure.

SECTION 400.135: EFFECT ON EXISTING PERMITS

Nothing in this ordinance shall be construed to require any change in the plans, construction or designated use of any structure or building provided that:

1. A building permit for such structure or building was lawfully issued prior to the effective date of this Ordinance or the effective date of any subsequent amendment hereto; and
2. Said permit had not by its own right expired prior to such effective date.

SECTION 400.140: RELATIONSHIP TO EXISTING ZONING REGULATIONS

To the extent that the provisions of this Ordinance are the same in substance as the provisions of the zoning regulations previously adopted and subsequent amendments that they replace, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided herein. In particular, a situation that did not constitute a lawful, non-conforming situation under the previously adopted zoning regulations does not achieve lawful non-conforming status under this Title merely by the repeal of the previously adopted zoning ordinance.

SECTION 400.145: GENERAL REGULATIONS

- A. *Application to Existing Uses, Buildings and Structures.* Except as hereinafter specified, any use, building or structure that does not conform to the regulations and restrictions of this ordinance, but which was lawful when established or constructed, may be continued subject to the limitations of [Chapter 405, Part 4, Non-Conformities of Zoning District Regulations](#).
- B. *Application to Open/Undeveloped Land.* If any use of open land is established or if any use of open land is changed to another use after the effective date of this Ordinance, then the new use shall comply with all the regulations of this Ordinance.
- C. *Permitted Uses.* No building or structure shall be built, moved, expanded or enlarged and no building, structure or land shall be used, occupied or designed for use or occupancy after the effective date of this Ordinance except for a use that is permitted within the zoning district in which the structure or land is located.
- D. *New Structures.* All structures built hereafter shall conform to all applicable regulations herein. Any structure moved from one site to another site shall be considered to be a structure built hereafter.
- E. *New Uses of Existing Structures.* Unless otherwise provided for in [Chapter 405, Part 4, Non-Conformities of Zoning District Regulations](#), if a use of any structure is hereafter changed to another use, then the new use must comply with the use regulations of the zoning district in which the structure is located.
- F. *Conditional Uses.* No use of a building, structure or land designated as a conditional use shall be established after the effective date of this Ordinance unless a conditional use permit has been granted in accordance with [Section 400.610](#).
- G. *Temporary Structures and Uses.* Temporary structures and uses are permitted in accordance with the use regulations of the zoning district in which the use is located and in conformity with the requirements of [Chapter 405, Part 3, Supplemental Land Use Regulations](#).
- H. *Accessory Structures and Uses.* No accessory structure or use shall hereafter be built, moved, remodeled, established or enlarged unless such accessory structure or use is permitted by [Chapter 405, Part 3, Supplemental Land Use Regulations](#).

- I. *Expansion or Enlargement.* Unless otherwise provided for in [Chapter 405, Part 4, Non-Conformities of Zoning District Regulations](#), if any structure is hereafter expanded or enlarged:
1. The entire structure shall comply with the use regulations of the zoning district in which it is located.
 2. Any alterations of, enlargements of or additions to the structure shall comply with the bulk and open space regulations of the zoning district in which it is located.
 3. The off-street parking facilities shall not be reduced below the requirements applicable to a similar new structure or use.
- J. *Lot Size Requirements.* Unless otherwise provided for in [Chapter 405, Part 4, Non-Conformities of Zoning District Regulations](#), no structure or part thereof shall hereafter be built, moved, expanded or enlarged and no land that is vacant on the effective date of this Ordinance shall be used, occupied or designed for use or occupancy:
1. On a lot that is smaller in area than the minimum lot area or minimum lot area per dwelling unit required in the zoning district in which the structure or land is located; or
 2. On a lot that is narrower than the minimum lot width or shallower than the minimum lot depth required in the zoning district in which the structure or land is located.
 3. No existing structure shall hereafter be expanded or enlarged so as to conflict or further conflict with the lot area requirements for the zoning district in which the structure is located.
- K. *Bulk Regulations.* Unless otherwise provided for in this Ordinance, no structure or part thereof shall hereafter be built, moved, expanded or enlarged and no land vacant at the effective date of this Ordinance shall be used, occupied or designed for use or occupancy so as to exceed the maximum lot coverage percentage, the maximum height or the maximum floor area ratio specified for the zoning district in which the structure is located; or so as to provide any setback or front, side or rear yard that is less than that specified for the zoning district in which such structure is located.

- L. *Number of Structures on Lots.* Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building on one (1) lot except as specifically provided hereinafter.
- M. *Off-Street Parking and Loading.* No building shall be erected, converted, enlarged, structurally altered or moved, except in conformity with the off-street parking and loading regulations of the zoning district in which such building is located and in conformity with [Chapter 405, Part 5, Off-Street Parking and Loading Requirements](#).
- N. *Signs.* No sign shall be erected, expanded or remodeled except in conformance with the provisions of [Chapter 425, Part 1, Sign Regulations](#).
- O. *Home Occupations.* No home occupation shall hereafter be established, altered or enlarged except in conformance with [Section 405.310: Home Occupations](#).

**CHAPTER 400. PLANNING AND ZONING
PART 2. DEFINITIONS AND INTERPRETATIONS****SECTION 400.200: GENERAL INTERPRETATIONS**

In interpreting the meaning of the Title IV – Land Use, the following general rules shall apply:

1. Words used in the present tense shall also include the future tense.
2. Words used in the singular number shall also include the plural and words in the plural number include the singular number.
3. The word "*shall*" is always mandatory and not discretionary.
4. The word "*may*" is permissive.
5. The words "*used*" or "*occupied*" shall be construed to include "*intended, designed or arranged to be used or occupied*".
6. The word "*person*" is any natural person, firm, partnership, association, corporation, company or other legal entity, private or public, whether for profit or not-for-profit.
7. Unless otherwise specified, all distance shall be measured horizontally.
8. Where reference is made to the regulations, it shall be construed to mean the regulations as originally passed in this Title and all subsequent amendments, supplements and revisions.

SECTION 400.205: DEFINITIONS

Unless otherwise expressly stated, the following terms shall have the meaning herein indicated. Where words have not been defined, the standard dictionary definition shall prevail.

ACCESSORY APARTMENT: A separate complete dwelling unit substantially contained within the structure of a single-family detached dwelling.

ACCESSORY BUILDINGS: A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises.

ACCESSORY STRUCTURE: A structure which:

1. Is subordinate to and serves a principal structure,
2. Is subordinate in area, extent or purpose to the principal structure,
3. Contributes to the comfort, convenience or necessity of occupants of the principal use, and
4. Is located on the same lot as the principal structure.

ACCESSORY USE: A use which:

1. Is subordinate to and serves a principal use,
2. Is subordinate in area, extent or purpose to the principal use,
3. Contributes to the comfort, convenience or necessity of occupants of the principal use, and
4. Is located on the same lot as the principal use.

ADMINISTRATIVE OFFICER: An officer or individual having specific authority to administer the regulations of this Article.

ADULT ENTERTAINMENT: Any establishment which features live or recreated entertainment or offer for sale or rental, for any form of consideration, visual representations, instruments, devices or paraphernalia distinguished or characterized by an emphasis in matter depicting, describing or relating to sexual activities or anatomical areas.

ADULT-ORIENTED BUSINESS, BOOKSTORE, VIDEO STORE, OR PEEP SHOW: A business establishment which, as its principal purposes, offers for sale, rental, display, or viewing for any form of consideration any one (1) or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, computer disks, or other visual representations which depict or describe "sexual activities" or "anatomical areas".
2. Instruments, devices, or paraphernalia which are designed for use in connection with "sexual activities".
3. Business establishment where for any form of consideration, films, motion pictures, video cassettes, slides, computer disks, or similar photographic reproductions are regularly shown which are characterized by the depiction of "sexual activities" or "anatomical areas".
4. A business establishment where for any form of consideration dancing or viewing of live nude or seminude men or women is conducted.
5. Such uses as described above shall not be considered "adult" for the purpose of being required to locate within an industrial zoning district if the following criteria are met:
 - a. The sale of merchandise is an accessory use to a non-adult oriented business.
 - b. All merchandise is packaged for sale and use off of the premises with no "adult" oriented activity taking place on the premises.
 - c. The area is completely screened from public view and occupies no more than twenty-five percent (25%) of the general sales area of the business.

ADULT DAY CARE CENTER: An Adult Day Care program providing care to more than eight (8) functionally impaired adults.

ADULT DAY CARE HOME: A building or dwelling maintained (the “premises”) by a person who provides or attempts to provide an Adult Day Care program, providing care to eight (8) or fewer functionally impaired adults; additionally, in residential districts, the owner or lessee of a premises to whom an occupancy permit has been issued shall maintain the Adult Day Care Home premises as his or her permanent residence and shall physically occupy the premises at all times that a premises is used to provide an Adult Day Care program. Furthermore, at no time shall any such program in a residential district provide medical care, therapy, or other services which require the presence on site of an additional care provider or specialist, even if the state license allows the provision of such services.

ADULT DAY CARE PROGRAM: Shall mean a group program, licensed by the State of Missouri Department of Social Services-Division of Aging, designed to provide care and supervision to meet the needs of functionally impaired adults for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than the adult’s own home.

ADULT DAY CARE PROVIDER: The person, corporation, partnership, association or organization legally responsible for the overall operation of the adult day care program.

AGRICULTURAL USE: The growing of crops or the raising of livestock or poultry in such a manner that they are incidental to the acreage farmed, provided however, that such land shall consist of at least five (5) acres in one (1) parcel or in continuous parcels under common ownership or operation; but excluding feed lots, confined animal feeding facilities, stockyards, animal slaughterhouses and swine; and further provided that the keeping of poultry and livestock shall be in accordance with other applicable City ordinances. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use.

AIRPORT or AIRSTRIP: Any public or privately owned or operated ground facility designed to accommodate landing and takeoff operations of aircraft, including all taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

ALLEY: A passage or way affording generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

ALTERATION: As applied to a building or structure means a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

ALTERATION, STRUCTURAL: Any change in a supporting member of a building.

ANIMAL, FARM: Any livestock or other domesticated animal raised for commercial or agricultural purposes.

ANIMAL, HOUSEHOLD PET: Any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, cows, livestock, chinchillas, horses, goats, sheep, monkeys, pigs and other similar animals and fowl.

ANIMAL, NON-DOMESTIC: Any feline other than domestic house cat, non-human primate, bear, wolf, coyote, fox, venomous reptile or any other animals or crossbreed of such animals which have similar characteristics or are dangerous or unsafe for contact with humans

ANNEXATION: To incorporate (territory) into an existing political unit such as a country, State, County or City.

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

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

APPLICANT: The owner or duly designated representative of land proposed to be subdivided, or for which a special permit, amendment, variance, construction permit, or certificate of occupancy has been requested. Consent shall be required from the legal owner of the premises.

ASSISTED LIVING: Multifamily dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including group homes, group housing, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

ASSISTED LIVING FACILITY: Any premises, other than a residential care facility, intermediate care facility, or skilled nursing facility, that is utilized by its owner, operator, or manager to provide twenty-four-hour care and services and protective oversight to three or more residents who are provided with shelter, board, and who may need and are provided with the following:

1. Assistance with any activities of daily living and any instrumental activities of daily living;
2. Storage, distribution, or administration of medications; and
3. Supervision of health care under the direction of a licensed physician, provided that such services are consistent with a social model of care;

Such term shall not include a facility where all of the residents are related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility

ATHLETIC FIELD: A wide stretch of open land used for outdoor games such as baseball, football, and soccer.

AUDITORIUM or STADIUM: An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

AUTOMOBILE/VEHICLE MINOR REPAIRS: Repairs such as changing oil; spark plugs, tires, or air/oil filters; adjusting brakes; replacing carburetors; repairing or switching tires; replacing the alternator; or repairs of a similar nature.

AUTOMOTIVE/VEHICLE MAJOR REPAIRS: All repairs other than minor repairs.

BANK or FINANCIAL INSTITUTION: Establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions. “Banks and Financial Institutions” also include automated teller machines.

BASEMENT: A story of a building, below entrance level, usually underground.

BED AND BREAKFAST: An owner occupied single-family residence that shall contain no more than five (5) guest rooms where short-term lodging, with or without meals, is provided for compensation.

BERM: An earthen mound consisting of ground cover designed to provide visual interest, screen undesirable views and/or decrease noise.

BICYCLE PATH: A paved area a minimum of six (6) feet in width designed specifically for the movement of pedestrians and non-motorized cyclists.

BILLBOARD: A sign which directs attention to business, service or commercial activity offered elsewhere than on the same lot.

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

BOARD OF ADJUSTMENT: A body of persons which may determine and vary this Ordinance in accordance with the rules contained within the Board of Adjustment Section of this Ordinance.

BOARD or BOARD OF ALDERMEN: The Governing Body of the City of Crane, Missouri.

BOARDING HOUSE (ALSO LODGING OR ROOMING HOUSE): A building, other than a hotel or apartment hotel, occupied as a single housekeeping unit, where lodging or meals are provided for three (3) or more persons but not exceeding twenty (20) persons for compensation, pursuant to previous arrangements, but not for the public or transients.

BUFFER YARD: A continuous landscaped area installed along the perimeter of a lot that provides a transition between adjoining property boundaries and/or different land uses.

BUILDING: Any structure which is built for the support, enclosure, shelter, or protection of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land; including structures designed and constructed in sections expressly for assembly and placement on a permanent perimeter foundation, with any transport equipment being readily detachable and designed for delivery purposes only, if said structure is placed on such foundation with all transport equipment permanently removed. A trailer as herein defined shall not be classified as a building.

BUILDING COVERAGE: The horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot divided by the gross area of the lot.

BUILDING, DETACHED: A building surrounded by open space.

BUILDING, HEIGHT: The vertical distance from the grade to the highest point of the coping of the flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE: A line parallel to the street right-of-way line beyond which a building shall not extend closer to the street.

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

BUILDING, TEMPORARY: Any building not designed to be permanently located at the place where it is, or where it is intended to be temporarily placed or affixed.

BULK STORAGE: The storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

CAMPGROUND (CAMPGROUNDS, PRIVATE): Temporary or permanent buildings, tents, or other structures established or maintained as a temporary living quarter, operated continuously for a period of five days or more for recreation, religious, education, or vacation purposes, the normal use of which is limited to specific members, patrons, or otherwise listed and enumerated persons.

CANOPY TREE: Usually a deciduous tree--rarely an evergreen--planted primarily for its high crown of foliage or overhead canopy.

CAR WASH: An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

CARNIVAL OR CIRCUS: Any aggregation of shows or riding devices, games or skill or chance, or any combination of shows and riding devices, or any combination of several enterprises, such as revolving wheels, merry-go-rounds, giant swings, panoramas, musical and theatrical entertainments, or riding devices, whether carried on or engaged in or conducted in any field, park or in a building or enclosure, and whether carried on, engaged in or conducted as one enterprise or by several concessionaires, and whether one admission fee is charged for admission to all such shows or entertainments, or separate fee for admission is charged for each amusement.

CARPORT: An open-sided automobile shelter which is to be used as accessory to a principal structure.

CELLAR: A story having more than one-half ($\frac{1}{2}$) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

CEMETERY, CREMATORY, MAUSOLEUM: Land used or intended to be used for burial or cremation of the dead, whether human or animal, including a mausoleum or columbarium.

CHILD CARE FACILITY: A dwelling or other place conducted or maintained by any person who advertises or holds himself/herself out as providing care for more than four (4) children during the daytime, for compensation or otherwise, except those operated by a school system or in connection with a business establishment as a convenience for its customers.

CHURCHES, CHAPELS, TEMPLES AND SYNAGOGUES: See the definition of “Religious Assembly.”

CITY: City of Crane, Missouri, and its agencies, department’s agents and employees acting within their respective areas of authority.

CITY PLAN (COMPREHENSIVE PLAN): The Sketch Plan or City Plan or Comprehensive Plan of the City of Crane whether in whole or in part, as adopted by the Planning and Zoning Commission, approved by the Board of Aldermen and duly recorded in the office of the County Recorder of Stone County. It may consist of several maps, data and other descriptive matter for the physical development of the City or any portion thereto; 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.

CLINIC, MEDICAL: Small private or public health facility that provides health care for ambulatory patients or clients in a community, run by medical specialists working in cooperation and sharing the same facilities.

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

COLLECTOR STREET: Provides traffic movement between residential and arterial streets and direct access to abutting properties.

COMMERCIAL: A business whose principal purpose is designed for profit.

COMMISSION: The Planning and Zoning Commission of the City of Crane.

COMMON OPEN SPACE: That land set aside for open space or recreational use for the owners of the residential lots in a subdivision and which is transferred by the developer in fee simple absolute title by a deed or instrument of dedication or conveyance to trustees whose trust indenture shall provide that common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his/her interest in the common land except as an incident of the ownership of a regularly platted lot. Common ground shall not be construed to mean public open space.

COMMUNICATION TOWER: Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

COMPREHENSIVE PLAN: The Crane Comprehensive Plan which is a comprehensive, long-range plan intended to guide the growth and development of the City.

CONDITIONAL USE: Subject to, implying or dependent upon a specific use of a property.

CONDITIONAL USE PERMIT: A permit issued by the Board of Aldermen that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Board of Aldermen.

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

CONDUCTING, MAINTAINING OR OPERATING A MANUFACTURED OR MOBILE HOME PARK: Shall mean permitting, suffering or allowing a mobile home or a manufactured home or homes to be parked, kept, stored, camped, maintained or to remain upon any lot, parcel or tract of real property within a minimum five (5) acre tract of real property within the City for any fee, charge, rent, price or other valuable consideration which in any way directly or indirectly emanated from or is paid by the owner(s) or occupant(s) of such manufactured or mobile home(s) to the owner, occupant or manager of such real estate.

CONSTRUCTION: The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

CONVALESCENT CARE: An establishment providing bed care and inpatient services for persons needing regular medical attention, but excluding facilities for the care and treatment of mental illness, alcoholism, narcotics addiction, emergency medical services or communicable disease. Typical uses include nursing homes.

CORRECTIONAL FACILITY: A facility providing housing and care for individuals confined for violations of law.

COVING: A method of urban planning used in subdivisions characterized by non-uniform lot shapes and home placement. When combined with winding roads, lot area is increased and road area reduced.

CUL-DE-SAC: A short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

CULTIVATED LANDSCAPE AREA: Planted areas that are frequently maintained by mowing.

DAY CARE: Care of a child away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Day care is a voluntary supplement to parent responsibility for the child's protection, development and supervision. Day care may be given in a day care home or a day care center.

DAY CARE CENTER: A facility other than the provider's living quarters, where care is provided for children for any part of the twenty-four (24) hour day.

DAY CARE FACILITY: A day care home or a day care center, whether known or incorporated under another title or name.

DAY CARE FACILITY, ADULT: The care of an adult away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Day care is a voluntary supplement to the person's regular home activities and/or a designated guardian's responsibility for the person's protection, development, and supervision. Day care may be given in a day care home or day care center subject to any applicable regulations or approvals.

DAY CARE HOME: A family home, occupied as a permanent residence by the day care provider, conducted or maintained by any person who advertises or holds himself/herself out as providing care for less than five (5) children or adults during the daytime, and in which family like care is given and who are not related to the day care provider, for any part of the twenty-four (24) hour day.

DEDICATION: The allocation of land within a development for a pedestrian/bike trail and/or open space, for the enjoyment of the residents of the City or the residents of the development.

DENSITY: The number of dwelling units located on an acre of land, in which the land area excludes all but that land devoted to living facilities, the accessory uses thereon, and the required open space thereon.

DENSITY, GROSS: The ratio between the total number of dwelling units on a zoning lot and the total zoning lot area measured in acres result being the number of dwelling units per gross acre.

DENSITY, NET: The ratio between the total number of dwelling units on a zoning lot and that portion of the zoning lot upon which the dwelling units are actually located or proposed the result being the number of dwelling units per net acre. In determining net density, all land area associated with and accessory to the dwelling unit, including private streets and driveways, off-street parking facilities and common open space and recreational facilities, shall be included in the calculation. Net density calculations exclude rights-of-way of publicly dedicated streets and nonresidential structures, land uses and accessory facilities.

DEPARTMENT OF NATURAL RESOURCES: The Missouri Department of Natural Resources (MoDNR).

DEVELOPER: The legal or beneficial owner or owners of a lot or any land included in a proposed development. Also, the holder of an option or contract to purchase or any other person having enforceable proprietary interest in such land.

DEVELOPMENT: A construction project involving substantial property improvement and usually a change of land use character within the site; the act of using land for building or extractive purposes.

DISTRICT: A part, zone or area within the City of Crane within which certain zoning regulations apply and are uniform.

DRIVE-IN ESTABLISHMENTS: Any restaurant, financial institution or product vending enterprise where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building or where facilities are provided for eating outside a building, shall be included in this definition.

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

DWELLING, MULTI-FAMILY: Any residential structure consisting of three (3) or more separate dwelling units including, but not limited to, zoning districts "R-3" and "R-4".

DWELLING, SINGLE-FAMILY: A building designed for or occupied by one (1) family and shall include 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.

DWELLING, TWO-FAMILY: Any residential structure consisting of two (2) separate dwelling units including, but not limited to, duplexes, patio homes or town homes.

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

ECOSYSTEM: A characteristic assemblage of plant and animal life within a specific physical environment and all interactions among species and between species and their environment.

EVERGREEN: A plant with foliage that persists and remains green year-round.

EXTERIOR STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, that is visible from the exterior of a building or structure or any substantial change in the roof or in exterior walls of a building or structure.

EFFICIENCY UNIT: A dwelling unit consisting of one (1) room exclusive of bathroom, hallway, closets or dining alcove directly off the principal room.

ELEEMOSYNARY: Devoted to charitable purposes.

ENGINEER, CITY: The duly designated engineer of the City.

ESCROW HOLDER/DEPOSITORY: A financial institution whose deposits are Federally insured by the United States of America.

FAÇADE: The front or main part of the building facing a street.

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

FAMILY: One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than three (3) unrelated individuals living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

FARM: A tract of land having thereon an agricultural use.

FENCE: A structure and/or materials consisting of wood (rails or stakes), vinyl, wire, masonry, vegetation (hedge) or other similar materials erected so as to provide a barrier or enclosure along the boundaries of a yard or lot. Such fence may or may not have openings for sidewalks and driveways within its vertical surface depending on its construction and use.

FENCE, SIGHTPROOF: Any fence which substantially reduces the sight-distance for adjacent properties or the traveling public. These fence types include, but are not limited to, wood stockade fence, vinyl fence, masonry fence, shadowbox fence or thick vegetation (hedges).

FILLING STATION OR SERVICE STATION: Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.

FLOOR AREA: The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

FRONTAGE: All the property on one (1) side of a street between two (2) intersecting streets (crossing or termination) measured along the line of the street, or if the street is a dead end, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two (2) ton capacity.

GARAGE, PUBLIC: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

GARAGE, REPAIR: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

GARAGE, STORAGE OR PARKING: A building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired or sold.

GOLF COURSE: A facility providing private or public golf recreation services and support facilities. This definition shall exclude miniature golf courses and golf driving ranges except those that are clearly accessory uses. See “Recreation and Entertainment, Outdoor.”

GRADE:

1. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.
2. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets.
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
4. Any wall approximately parallel to and not more than five (5) feet from a street line shall be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Engineer.

GROSS FLOOR AREA: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

GROUND COVER: Plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

GROUP HOMES: Any residential home in which eight (8) or less unrelated mentally or physically handicapped persons reside; further, and pursuant to Section 89.020.2 RSMO, such home may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

1. *GROUP HOME, GENERAL:* A residential home providing 24-hour care in a protected living environment for more than eight persons with physical or mental disabilities and any number of care givers.
2. *GROUP HOME, LIMITED:* A residential home providing 24-hour care in a protected environment for eight (8) or less unrelated persons with mental or physical disabilities; further, and pursuant to Section 89.020.2 RSMO, such home may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

GROUP RESIDENTIAL: The use of a site for occupancy by groups of more than five persons, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, and boarding or lodging houses. The term “group residential” does not include “group homes.”

HARD SURFACED ROAD: An all weather surface improved with asphalt, concrete, asphaltic concrete or similar material designed to City of Crane street standards.

HAZARDOUS OPERATION: Activities that present the potential for serious hazards to human life and health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal and radioactive waste handling.

HAZARDOUS SUBSTANCES: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or harmful to the health of any person handling or otherwise coming into contact with such material or substance.

HEALTH CLUB: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

HEDGE: A landscape barrier consisting of a continuous, dense planting of shrubs.

HEIGHT OF BUILDINGS AND STRUCTURES: The vertical distance from the average ground level abutting a building or structure to the highest point of a building or highest point of any permanent part of a structure other than a building. Height, where not regulated by feet, shall be regulated by stories and a story shall be equal to twelve (12) feet for purposes of measuring structures other than buildings.

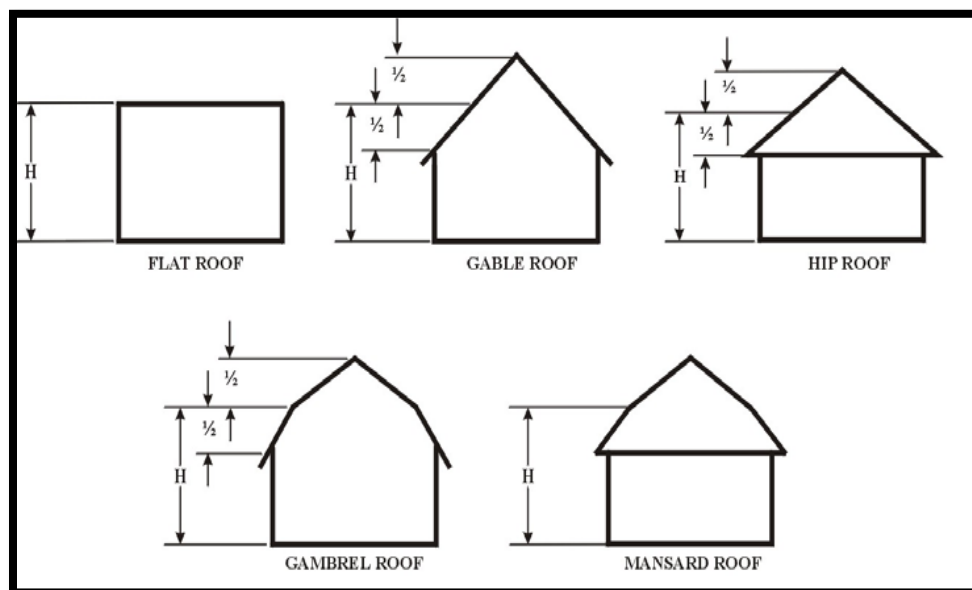


Illustration 400.205-1
Vertical Dimensions of Structure Heights

HELIPORT OR HELIPAD: An area, either on the ground or on a building, used as a landing pad for helicopters to pick up or discharge passengers or cargo.

HEREAFTER: After the time this Title becomes effective.

HERETOFORE: Before the time this Title became effective.

HOME OCCUPATION: Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within a main building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than one (1) square foot in area and no other display or storage of materials or exterior identification of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which no person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. A home occupation shall not include the conducting of a beauty or barber shop, tea room or restaurant, rest home, clinic, doctor or dentist or cabinet, metal or auto repair shop.

HOSPITAL: An institution that: (1) offers service more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public as opposed to a boarding house, a lodging house or an apartment which are herein separately defined.

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

INDUSTRIAL: Any non-residential or designated commercial land use and/or zoning district including "I-1" and "I-2".

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

INTERIOR PARKING LOT: The square footage of all areas within the parking lot's perimeter.

INTERMEDIATE CARE FACILITY: Any premises, other than a residential care facility, assisted living facility, or skilled nursing facility, which is utilized by its owner, operator, or manager to provide twenty-four-hour accommodation, board, personal care, and basic health and nursing care services under the daily supervision of a licensed nurse and under the direction of a licensed physician to three or more residents dependent for care and supervision and who are not related within the fourth degree of consanguinity or affinity to the owner, operator or manager of the facility;

IRRIGATION SYSTEM: A permanent, artificial watering system designed to transport and distribute water to plants.

KENNEL: The use of land or buildings for the purpose of selling, breeding, boarding, or training dogs or cats; or the keeping of more than three (3) dogs over four (4) months of age, or the keeping of more than three (3) over four (4) months of age, or the keeping of no more than a total of five (5) adult dogs and adult cats. The word "selling" as herein used shall not be construed to include the sale of animals four (4) months in age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals over four (4) months old by persons not operating a kennel as herein defined.

INDOOR: A facility where the primary holding pens for the animal and all associated noise, odors, and other activities associated with the business are primarily contained within a closed building.

OUTDOOR: A facility where the primary holding pens for the animal may be either inside or outside of a closed building. "Primary holding

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

LIGHTING: The following terms shall be used in administering the requirements of the lighting performance standards:

1. *CANDLEPOWER*: The amount of light that will illuminate a surface one (1) foot distance from a light source to an intensity of one (1) foot candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.
2. *CUTOFF*: The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at a specific angle above the ground.
3. *CUTOFF ANGLE*: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
4. *CUTOFF-TYPE LUMINAIRE*: A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety degrees.
5. *FOOT CANDLE*: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
6. *GLARE*: The brightness of a light source which causes eye discomfort.
7. *LUMINAIRE*: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.
8. *MAXIMUM PERMITTED ILLUMINATION*: The maximum illumination measured in foot candles at the interior setback yard line at ground level in accordance with the standards of the Subsection.

LOADING SPACE: A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

LODGING HOUSE: A building other than a hotel where lodging only is provided for three (3) or more but not more than twenty (20) persons.

LOT: A parcel of land occupied or intended for occupancy by a building together with its accessory buildings, including open space for light and air as required by Chapter 405.

LOT, AREA: The total horizontal surface area within the boundaries of a lot exclusive of any area designated for street purposes.

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

LOT, DEPTH: The average distances between the front and rear lot lines.

LOT, DOUBLE FRONTAGE (or THROUGH-LOT): A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

LOT LINE, FRONT: The line separating the lot from the right-of-way of the street on which it fronts.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line between the front yard and rear yard area.

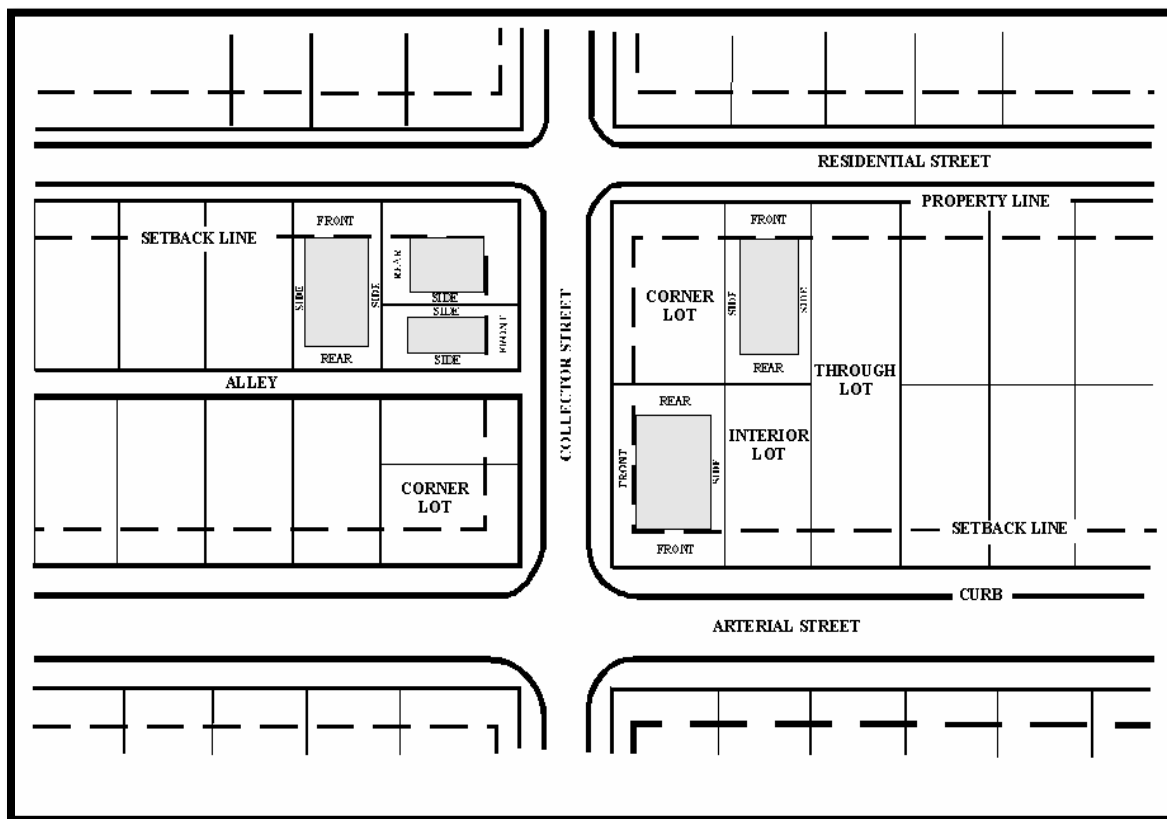


Illustration 400.205-2 Lot Types and Setbacks

MAJOR STREET PLAN: The official plan of highways, primary and secondary thoroughfares, parkways and other major streets, including collector streets, adopted by the Planning and Zoning Commission in the Comprehensive Plan of the City of Crane.

MAINTENANCE BOND: A surety in the form of a bond or irrevocable letter of credit from an insured financial institution shall be submitted by the subdivision developer/owner and approved by the Director of Public Works against any defects or failures to the City improvements or infrastructure.

MANUFACTURED HOME: A 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, 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 as defined in Section 700.010, RSMo. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner.

MANUFACTURED HOME PARK: An area with required improvements and utilities for the long-term placement of manufactured homes for dwelling purposes. The site may also include services and facilities for residents of the development.

MANUFACTURED HOME SUBDIVISION: A development containing lots intended for the individual placement of manufactured homes for dwelling purposes.

MECHANICAL COMPONENT ASSEMBLY AND WAREHOUSING: An industrial use engaged in the purchase, cleaning, storage (including storage outside enclosed buildings), disassembly, reconditioning, assembly and/or the recycling of new and used mechanical, automotive and industrial parts and components. This use may engage in sales at wholesale, but shall in no case engage in on-site retail sales, and shall not be designed to attract retail customers to the premises.

MINOR AND CUL-DE-SAC STREETS: Provides direct access to abutting properties generally eight hundred (800) feet or less in length and do not allow interconnection with adjoining streets.

MOBILE HOME: A transportable factory-built home, no more than twenty-two (22) feet in width and forty (40) feet in length, designed to be used as a residential dwelling and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974 which became effective June 15, 1976. Mobile homes do not bear a seal from the U.S. Department of Housing and Urban Development as defined in Section 700.010, RSMo.

MOBILE HOME PARK DISTRICT: Any parcel of land consisting of five (5) or more acres upon which two (2) or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. A "mobile home space" means the area within a mobile home district designed for the accommodation of one (1) mobile home.

MODULAR HOUSING: A dwelling unit made of one (1) or (usually) more modules built in a factory and erected on a foundation. A modular is often a two-story town house or a garden apartment. It meets building codes and is considered real property.

MOTEL: An establishment in which transient accommodations are provided on a daily rate to the general public.

MOTOR COURT OR MOTEL: A building or group of buildings used primarily for the temporary residence of motorists or travelers for compensation, as such it is open to the public.

MOTOR VEHICLE ORIENTED BUSINESS (MVOB): Any commercial business which, by design, type of operation, and nature of business, has as one (1) of its functions, the provision of services to a number of motor vehicles or their occupants in a short time span for each, or the provision of services to the occupants of the motor vehicle while they remain in the vehicle. The list of such businesses includes gasoline service stations, drive-in banks, drive-in restaurants, drive-in beverage sales and car wash operations. These examples are not intended as a comprehensive list of such businesses.

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

MULCH: Non-living organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

MULTI-USE: More than one (1) use of a structure or property as use is defined by the most current City of Crane Code of Ordinances.

NON-CONFORMANCE: A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include, but is not limited to, failure to conform to use, height, area, coverage or off-street parking requirements.

NON-CONFORMING USE: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

NURSING HOME: Any institution or facility defined as an assisted living facility, residential care facility, intermediate care facility, or skilled nursing facility for licensing purposes by section 198.006 RSMo, whether proprietary or nonprofit.

OFFICE, SINGLEUSER: An office consisting of a single-use and carried on by not more than three (3) individuals (not necessarily related).

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

OPEN SPACE: All areas of natural plant communities or area replanted with vegetation after construction, such as revegetated natural areas, tree, shrub, hedge or ground cover planting areas and lawns.

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.

ORNAMENTAL TREE: A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

OWNER OF RECORD: The person, corporation, or other legal entity listed as owner of a lot on records of the Stone County Recorder of Deeds.

PARKING AREA: An open unoccupied space used or required for use for parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged.

PARKING LOT: A paved surface providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrances and exits for the parking of three (3) or more vehicles. Such pavement structure shall be approved by the City Engineer.

PARKING SPACE: A surfaced area enclosed in the main building or in an accessory building; or unenclosed and meeting the “Parking Stall Requirements;” permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

PARKS AND RECREATION: A park, playground or community facility, owned by or under the control of a public agency or homeowners’ association that provides opportunities for active or passive recreational activities.

PAVED SURFACE: A hardened surface consisting of asphalt concrete, chip and seal, Portland concrete, brick pavers etc. Exposed rock surfaces are not considered to be paved surfaces.

PAYDAY LOAN: An unsecured loan under five hundred dollars (\$500.00) as defined in Chapter 408 of the Small Loan Act of the State Statutes of the State of Missouri.

PAYDAY LOAN BUSINESS: The business of making loans for a period of thirty days or less in duration, intended to coincide with the period from one payday of the borrower to the next, and in principal amounts of five hundred dollars (\$500.00) or less.

PERSON: Any individual, firm, partnership, association, corporation, company or organization of any kind, or any lawful successor thereto or transferee thereof.

PLACE: An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

PLANNING AND ZONING COMMISSION: The official Planning and Zoning Body of the City of Crane, Missouri.

PLANNING AND ZONING STAFF REPRESENTATIVE: Such person designated by the Planning and Zoning Commission for matters pertaining to the subdivision of land.

PLANT SPECIES, PROHIBITED: Those plant species which are demonstrably detrimental to native plants, native wildlife, ecosystems or human health, safety and welfare.

PLANTING ISLAND: A nine (9) foot by nineteen (19) foot space protected by a concrete curb for the purpose of planting trees, shrubs and other landscaping treatments and vegetative ground cover.

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

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.

PLAT, RECORD: A map of 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.

POOL OR SWIMMING POOL: Any structure, basin chamber, tank or other receptacle capable of containing an artificial body of water for the purpose of swimming, diving or recreational bathing and having a depth of more than eighteen (18) inches, whether located at ground level, above ground, below ground or indoors. Such terms shall include, but not be limited to, a permanent swimming pool, a permanent wading or reflection pool or a permanent hot tub or spa.

POOL OR SWIMMING POOL, PRIVATE RESIDENTIAL: Any swimming pool located on private property under the control of a single homeowner or his tenant, the use of which is limited to members of his family, tenant's family and invited guests.

POOL OR SWIMMING POOL, PUBLIC: Any swimming pool, other than a private residential swimming pool, intended to be used collectively by numbers of persons for swimming or bathing, however owned or operated and regardless of whether a fee is charged for such use. Such term includes, but is not limited to, a swimming pool owned or operated incident to a multi-family dwelling project, non-profit recreational facilities, hotels, as well as educational facilities.

PRIMARY USE: To be first (1st) in rank, importance or value in the use of a property.

PRESERVE AREAS: Vegetative areas required to be preserved by law.

PROPERTY LINES: The boundaries of a lot.

PUBLIC: Maintained for or used by the people of the City of Crane on a noncommercial basis.

PUBLIC IMPROVEMENT: The installation, construction, addition or betterment of any new physical development dedicated to the public or intended for public use, such as streets and sidewalks, utilities, drainage facilities, etc.

PUBLIC SEWAGE SYSTEM: A system serving two (2) or more dwelling units and approved by the Missouri Department of Health and the Missouri Water Pollution Board.

PUBLIC WATER SUPPLY SYSTEM: A system serving two (2) or more dwelling units and approved by the Missouri Department of Health.

RECREATIONAL EQUIPMENT: All types of boats and/or trailers as defined under this Ordinance.

RECREATIONAL VEHICLE: Any of the following vehicles which are licensed for travel on the highway: travel trailer (a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation or vacation or one permanently identified as a travel trailer by the manufacturer of the trailer); pickup coach (a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation); motor-home (as a portable, temporary dwelling to be used for travel, recreation and vacation constructed as an integral part of a self-propelled vehicle); and camping trailer (as a canvas, material or metal folding structure mounted on wheels and designed for travel, recreation and vacation use).

RECREATIONAL VEHICLE PARK: Land used or intended to be used for occupancy by recreational vehicles for transient living purposes including the use of camping spaces for tents.

REDEVELOPMENT: The process of removing, replacing and/or remodeling an existing structure to the extent that a building and/or demolition/removal permit is required.

RELIGIOUS ASSEMBLY: A site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site or religious camp.

REPAIR SERVICE: An establishment primarily engaged in the provision of repair services to individuals and households, but excluding “Vehicle Repair” services. Typical uses include appliance repair shops.

RESIDENTIAL ALLEY: Provides secondary means of access to abutting properties, less than thirty (30) feet width of right-of-way.

RESIDENTIAL STREET: Provides local traffic movement and direct access to abutting properties.

RESIDENTIAL CARE FACILITY: Any premises, other than an assisted living facility, intermediate care facility, or skilled nursing facility, which is utilized by its owner, operator or manager to provide twenty-four-hour care to three or more residents, who are not related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility and who need or are provided with shelter, board, and with protective oversight, which may include storage and distribution or administration of medications and care during short-term illness or recuperation

RETIREMENT HOME: A residential facility designed to meet the needs of senior citizens and which may include convalescent care facilities.

RIGHT-OF-WAY: A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of the law.

ROADWAY WIDTH OR SURFACE WIDTH: That portion of any street designated for vehicular traffic and, where curbs are paved, that portion of the street between the curbs.

ROOMING HOUSE: See "LODGING HOUSE".

SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition; or for the sale of parts thereof. Typical uses include automobile salvage yards and junkyards.

SCREEN: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements such as plants, berms, fences, walls or any appropriate combination of these.

SEAL: A device, label or insignia issued by the Missouri Public Service Commission, U.S. Department of Housing and Urban Development or its agent to be displayed on the exterior of a manufactured home or manufactured/modular unit. The seal signifies compliance in the design and construction of Federal Building Code and exempts the transportable structure from local building codes.

SETBACK: The distance that is required by this zoning ordinance to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. (Note: The term “setback” refers to a required minimum area, while the term “yard” refers to the actual open area.)

SERVICE STATION, AUTOMOTIVE: A use primarily engaged in the retail sale of gasoline or other motor fuels primarily to automobiles and passenger vehicles, along with accessory activities such as the sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, and the minor adjustment or repair of passenger motor vehicles. Uses involved primarily in the sale of diesel fuel, gasoline or other fuels to tractor trucks and uses that feature parking, storage or servicing of tractor trucks or semi trailers shall be classified as “Truck Stop Service Stations.”

SERVICE STATION, TRUCK STOP: A use primarily engaged in the sale of diesel fuel, gasoline or other fuels to tractor trucks, along with accessory activities such as the sale of lubricants, accessories or supplies, or the servicing of tractor trucks or semi trailers. A truck stop service station may include, as an accessory use, the parking and storage of tractor trucks and semi trailers.

SHOPPING CENTER: A group of commercial establishments planned and developed, owned or managed as a unit with off-street parking and loading provided on the property and related in its location, size and type of shops to the trade area which the unit serves.

SHRUB: A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten (10) feet in height at its maturity.

SITE PLAN: A drawing illustrating a proposed development and prepared in accordance with the specifications outlined in the various articles, procedures, and Sections of this Ordinance.

SIGHT TRIANGLE: An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 3 feet and 8 feet above the grades of the outside edge of the street surface of the intersecting streets, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets; except that, the City Engineer may establish greater sight triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO). In the case of an adjacent street with multiple lanes, the farthest edge of the lane nearest the property line shall be considered the centerline of the street for purposes of measuring the sight triangle.

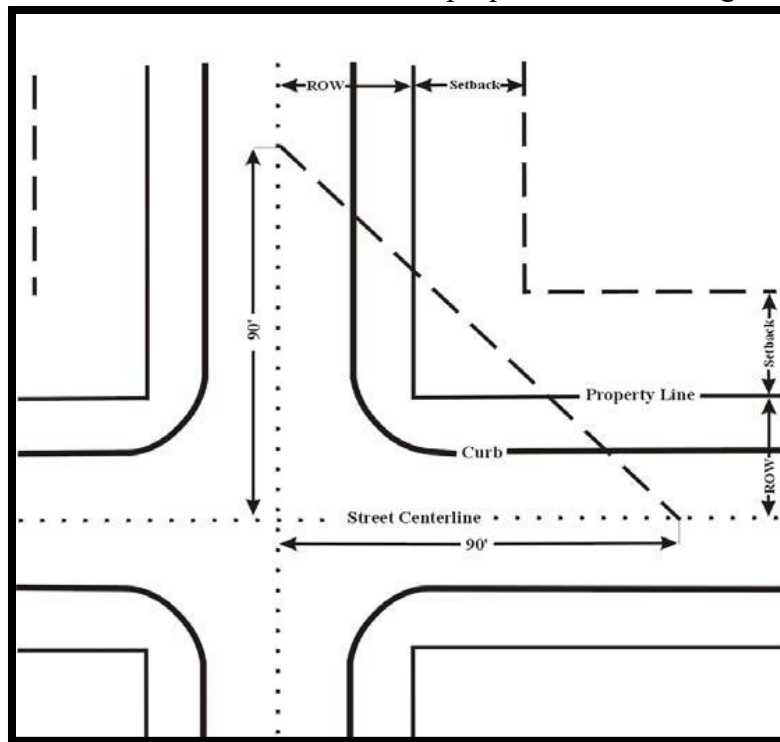


Illustration 400.205-3
Sight Triangle

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

SKILLED NURSING FACILITY: Any premises, other than a residential care facility, an assisted living facility, or an intermediate care facility, which is utilized by its owner, operator or manager to provide for twenty-four-hour accommodation, board and skilled nursing care and treatment services to at least three residents who are not related within the fourth degree of consanguinity or affinity to the owner, operator or manager of the facility. Skilled nursing care and treatment services are those services commonly performed by or under the supervision of a registered professional nurse for individuals requiring twenty-four-hours-a-day care by licensed nursing personnel including acts of observation, care and counsel of the aged, ill, injured or infirm, the administration of medications and treatments as prescribed by a licensed physician or dentist, and other nursing functions requiring substantial specialized judgment and skill

SPECIAL USE PERMIT: A Special Use permit is a written permit issued by the Governing Body upon recommendation from the Planning Commission which provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations.

STABLE: An accessory building and premises for the keeping of horses, ponies, mules or cows.

1. *PRIVATE:* A stable owned by occupants of the premises, and not kept for remuneration, hire or sale.
2. *PUBLIC:* A stable other than a private or riding stable as defined herein.
3. *RIDING:* A structure and premises in which horses, ponies, or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.

STORAGE CONTAINER: A large container which is capable of use for shipping goods or materials by rail, ship, air or over the road including, but not limited to, "portable on demand storage units (PODS)"; any box van that has been disconnected from a chassis; and similar intermodal type shipping/cargo containers, that are:

1. Designed and commonly used for storing, shipping or transporting products and materials; and
2. Are typically transported by a separate motorized vehicle or upon a trailer that is used on a premise for storage.

STORAGE TRAILER: Any dry freight van, semi-trailer, refrigerated van, or similar type trailer originally designed for the transporting of products and materials, whether or not connected to a chassis, used for storage and/or warehousing purposes or any purpose other than that for which the trailer was originally designed.

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

STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his/her family or by a family occupying the floor immediately below it, shall be deemed a full story.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property.

STREET, ARTERIAL: A multilane facility designed for movement of a relatively large volume of traffic. Arterials provide connections between local and collector streets and the freeways.

STREET, COLLECTOR: A street located within a neighborhood or other integrated use area which collects from and distributes traffic to local streets, and connects arterial streets.

STREET, CULDESAC: A street or a portion of a street with only one (1) vehicular traffic outlet. The closed end has a turnaround.

STREET FRONTAGE LANDSCAPING: A strip of landscaping located adjacent to public right-of-way to help shield view of parked cars to passing motorists, creating a pleasing, harmonious appearance along the roadway.

STREET, FRONTAGE OR SERVICE: A minor street generally parallel to and adjacent to arterial streets and highways which provides access to abutting properties and protection from through-traffic.

STREET, MINOR: A street intended to serve primarily as an access to abutting properties.

STREET, PRIVATE: A street not accepted by dedication or otherwise by the Board of Aldermen.

STREET LINE: A dividing line between a lot, tract or parcel of land and a contiguous street.

STREETS: The full width between the property lines bounding every way of whatever nature when any part thereof is open to use by the public as a matter of right for the purpose of vehicular traffic and whether designated as a street, highway, freeway, expressway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, circle or however otherwise designated

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof, excepting such repair or replacement as may be required for safety of the building, but not including openings in bearing walls as permitted by existing ordinances.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground including, but without limiting the general inclusiveness of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

STRUCTURE, PRINCIPAL: A structure or group of structures which are constructed or erected to be the primary use on a lot or parcel of land.

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

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

SUBDIVISION, MINOR: The division of a parcel of land into three (3) or less lots for the purpose of transfer of ownership or building development which does not include the creation of any new public streets, public water or sewer, or the installation of drainage improvements that impact an adjacent tract, parcel or lot.

SUBDIVISION MANAGERS: The developer(s) the members of the board of managers; or subdivision trustees; or any other organizations whether incorporated; or not established by any subdivision indentures of covenants and restrictions which have as their duties; or its duties any one or more of the following:

1. The management or ownership or control of the streets, thoroughfares, ways and lanes in a subdivision which are not public ways and have not been accepted by the City of Crane for maintenance, or ownership management or control of common ground or entrance monuments identifying the subdivision.
2. The enforcement of all restrictive covenants pertaining to land, common ground and lots within the subdivision.

SUBDIVISION REGULATIONS: Regulations as adopted by the Board of Aldermen regulating the subdivision of land.

SUBSTANCE ABUSE TREATMENT FACILITY: A residential or outpatient facility for the treatment of alcohol and other drug abuse pursuant to Section 89.143, RSMo.

SURVEYOR: A registered land surveyor in the State of Missouri.

TEMPORARY USES: A use which is only allowed for a specified period of time. Typical temporary uses include, but are not limited to Christmas tree sales, garage sales, road stands, etc.

THOROUGHFARE: A major street.

THOROUGHFARE--PRIMARY, SECONDARY: A major street so designated in the official thoroughfare plan.

TITLE LOAN BUSINESS: The business of lending money with the pledge of personal property as collateral, evidenced by a certificate of title issued by the State of Missouri, and regulated under Sections 367.500 through 367.533 of the Revised Statutes of Missouri, as from time-to-time amended.

TOTAL FLOOR AREA: The square foot area of a building, including accessory buildings, measured from outside wall surfaces, and including garages, porches, utility rooms, stairways, recreation rooms, storage rooms, but excluding unroofed balconies and patios.

TOURIST HOME: A building, other than a hotel, where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests, with which there is used only one (1) sign not more than two (2) square feet in area.

TOURIST OR TRAILER CAMP: An area where one (1) or more tents or auto trailers can be or are intended to be parked, designed or intended to be used as temporary living facilities for one (1) or more families and intended primarily for automobile transients.

TOWER: Any structure whose primary function is to support an antenna.

TRACT: An area or parcel of land, which the developers intend to subdivide and/or improve, or to cause to be subdivided and/or improved pursuant to the requirements of this Ordinance.

TRAILER: A vehicle, other than a motor vehicle, designed or intended for use for dwelling purposes, whether or not such vehicle is attached to or resting on the ground or something having a location on the ground.

TRAVEL TRAILER: A recreational vehicle with the residential trailer compartment permanently attached to the axles as a single vehicle, and designed for short-term occupancy within an approved travel trailer camp.

TREE: Any self-supporting woody perennial plant which has a caliper of two (2) inches or more and which normally attains an overall height of at least fifteen (15) feet at maturity, usually with one (1) main stem or trunk and many branches.

UNDERSTORY: Assemblages of natural low-level woody, herbaceous and ground cover species which exist in the area below the canopy of the trees.

UNDEVELOPED LAND: Land in its natural state before development.

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 for the legal enjoyment that consists in its employment, occupation, exercise or practice.

USE PERMITTED: A use which is permitted in the zoning district in which it is located.

USE PERMITTED UPON REVIEW AND APPROVAL: A review conducted by the Planning and Zoning Commission whereby a use is permitted to occur in that district, but only upon its approval and subject to those conditions placed upon it by the Commission.

VARIANCE: A grant of permission from the Board of Adjustment that allows the recipient to waive compliance with a specific provision of this Chapter, granted because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the ordinance. If granted, must be recorded with County Recorder of Deeds after a thirty (30) day waiting period.

VEGETATION, NATIVE: Any plant species with a geographic distribution indigenous to all or part of the State of Missouri. Plant species which have been introduced by man are not native vegetation.

VEHICLE AND EQUIPMENT SALES: An establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance activities. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, moving trailer rental, and farm equipment and machinery sales and rental.

VEHICLE/EQUIPMENT STORAGE YARD: An outdoor area used or intended to be used for long-term storage of vehicles and equipment, other than a “Commercial Parking Lot” or accessory parking to a principal use.

VEHICLE REPAIR, GENERAL: An establishment primarily engaged in painting of or bodywork to motor vehicles or heavy equipment. Typical uses include paint and body shops.

VEHICLE REPAIR, LIMITED: A use providing automobile repair or maintenance services within completely enclosed buildings, but not including “General Vehicle Repair” services.

VIABLE: When referring to a tree, shrub or other type of plant, is a plant that, in the judgment of the Building Official, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

WOODLANDS, EXISTING: Existing trees and shrubs of a number, size and species that accomplish the same general function as new plantings.

WORKING DAYS: The days of the week, excluding Saturdays, Sundays and recognized holidays, during which normal business is conducted by the City of Crane.

XERISCAPE: Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

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

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

YARD MEASUREMENT: In measuring a yard for the purpose of determining the width of a side yard or the depth of a front or rear yard; the horizontal distance between the side lot line, front lot line or rear yard, respectively, and a line parallel thereto and passing through the nearest point of the building shall be used.

YARD, REAR: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard.

YARD, SIDE: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereof.

ZONING CODE: The official zoning ordinance of the City of Crane as set out in Title IV of this Code.

ZONING INSPECTOR: A person or persons designated by the Board of Aldermen.

ZONING MAP: The official Zoning Map of the City of Crane, Missouri. Such map being located in the office of the City Clerk.

ZONING REGULATIONS: The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols contained or to which reference is made.

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CHAPTER 400. PLANNING AND ZONING
PART 3. PLANNING AND ZONING COMMISSION**SECTION 400.300: ADMINISTRATION**

A. *Administration Authority.* The Board of Aldermen shall designate an Administrative Official to administer and enforce this Ordinance, to be known as the Planning and Zoning Administrator. Unless otherwise provided for in this Ordinance, the Planning and Zoning Administrator or his/her duly designated and authorized representative shall have the following responsibilities:

1. Receive applications for zoning changes (rezonings), variances and appeals; receive applications and issue zoning permits, occupancy permits, sign permits and other permits as required by this Ordinance; receive applications for amendments to this Ordinance.
2. Conduct inspections of buildings, structures and uses of any premises to determine compliance with the terms of any application, permit or work conducted under the provisions of this Ordinance.
3. Interpret the provisions of this Ordinance in connection with the above prescribed duties and other duties as may be prescribed by the Board of Aldermen in administration of this Ordinance.
4. Maintain records of official actions of the Board of Aldermen, the Planning and Zoning Commission and the actions and functions of City administrative officials related to the administration of this Ordinance.

B. *Inspection and Right Of Entry.*

1. *Inspections authorized* The Administrative Official and his/her duly authorized representatives are authorized to make inspections on all buildings, structures, premises or construction within the City limits to determine compliance with the requirements of this Ordinance. The inspector shall have the authority to enter or conduct such inspection at any reasonable hour.
2. *Notification required for inspections* It shall be the responsibility of the property owner or person engaged in the construction, installation or repair of any structure, building or premise to obtain all necessary permits and inspections. Unless otherwise specified under other provisions of this Ordinance, a minimum of forty-eight (48) hours' notice shall be given to the City prior to the commencement of any construction, installation or repair activity requiring inspection.

SECTION 400.305: PLANNING AND ZONING COMMISSION

- A. *Membership of Planning and Zoning Commission.* The Planning and Zoning Commission shall be constituted in accordance with the provisions of Sections 89.070 and 89.320, RSMo. The Planning and Zoning 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 of Aldermen chooses to have a member serve on the Commission; and
 3. Not more than fifteen (15) nor less than five (5) citizens, who shall be residents of the City, appointed by the Mayor and approved by the Board of Aldermen. Commission members shall serve without compensation.
- B. *Period of Appointment.* The terms of each of the citizen members shall be for four (4) years. Any vacancy in a membership shall be filled for the unexpired term by appointment by the Mayor and approval by the Board of Aldermen. The Board of Aldermen may remove any citizen member for cause stated in writing. The member notified of removal shall have the right to a public hearing on said order of removal. An appeal for public hearing must be made in writing and filed with the City within ten (10) days after the date of order of removal.

SECTION 400.310: OFFICERS, RULES AND MEETINGS

- A. The Commission shall elect a Chair, Vice-Chairman and Secretary from among its citizen members. The term of Chair and Secretary shall be for one (1) year with eligibility for re-election.
- B. The Commission shall adopt rules and regulations governing the procedures and operations of the Commission, not inconsistent with the provisions of this Ordinance.
- C. The Commission shall keep a record of its proceedings. These records shall be public records.
- D. A quorum of members must be present to conduct business. A vote will be taken on majority of members present at a meeting.
- E. The Vice-Chairman shall serve in the capacity of the Chairman when the Chairman is absent.
- F. The Commission shall establish a regular meeting schedule and shall hold regular and special meetings frequently enough in order to take action in a timely manner on matters brought before the Commission.
- G. Minutes shall be kept of all Commission proceedings.
- H. The Commission shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas and evidence.
- I. All Planning and Zoning Commission meetings shall be open to the public and the agenda for each meeting shall be made available in advance of the meeting as required by law.
- J. The Commission shall appoint the employees and staff necessary for its work, and may contract with City planners and other professional persons for the services that it requires.
- K. The expenditures of the Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board of Aldermen.

SECTION 400.315: PLANNING AND ZONING COMMISSION POWERS AND DUTIES

The Planning and Zoning Commission shall have the following powers and duties:

1. Conduct studies and recommend to the Board of Aldermen plans, goals and objectives relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens.
2. Prepare and recommend to the Board of Aldermen policies, ordinances and administrative procedures and other means for carrying out plans for the City in a coordinated and efficient manner.
3. It may recommend to the executive or legislative officials of the City programs for public improvements and the financing thereof.
4. Prepare and recommend to the Board of Aldermen regulations governing the zoning and subdivision of land within the City, including, among other things, requirements for the coordinated development of the City. Recommendations may be made for the coordination of streets within subdivisions with other existing or planned streets or with other features of the Comprehensive Plan or official map; for adequate open spaces for traffic, recreation, light and air; for distribution of population and traffic; for requirements as to the extent and manner of installation of all utility facilities; and recommended manner of enforcement. All recommendations shall be in conformity with Chapter 89, RSMo.
5. Hold public hearings on rezoning applications, text amendments and conditional use permits and make recommendations to the Board of Aldermen regarding the approval or disapproval of such rezoning applications, text amendments and conditional use permits.
6. Make recommendations to the Board of Aldermen regarding the approval or disapproval of plans and plats for land subdivision.
7. Hold public hearings and make recommendations to the Board of Aldermen regarding variances to land subdivision and platting.
8. Make reports to the Board of Aldermen, as it may deem proper or as requested by the Board of Aldermen, on its investigations, transactions and recommendations and other reports relative to its prescribed responsibilities and authority.

SECTION 400.320: COMPREHENSIVE CITY PLAN -- CONTENTS GENERALLY

- A. The City Planning and Zoning Commission shall make and adopt a Comprehensive City Plan for the physical development of the City of Crane. In preparing the City Plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the City. The plan shall be made with the general purpose of guiding and accomplishing a coordinated development of the City which will, in accordance with existing and future needs, best promote the general welfare, as well as efficiency and economy in the process of development.
- B. The Comprehensive Plan for the physical development of the City, with the accompanying maps, plats, charts, descriptive and explanatory matter, shall show the Commission's recommendations for the development of City territory and may include, among other things:
1. The general location, character and extent of streets, bridges, parks, waterways and other public ways, grounds and spaces;
 2. The general location of public buildings and other public property;
 3. The general location and extent of public utilities, whether publicly or privately owned;
 4. The removal, relocation, widening, extension, narrowing, vacation, abandonment or change of use of such existing or future public ways, grounds, spaces, building, property or utilities;
 5. The general location, character and extent of residential, commercial, industrial and other uses of land;
 6. The extent and layout of the planning of blighted districts and slum areas.
 7. The regulation of the height, area, bulk, location and use of private, non-profit and public structures and premises, and of population density, but the adoption, enforcement and administration of the zoning plan shall conform to the provisions of Sections 89.010 to 89.250, RSMo.

SECTION 400.325: ADOPTION OF PLAN, PROCEDURE

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

**SECTION 400.330: DUTY TO COOPERATE WITH PLANNING COMMISSION –
GENERAL POWERS OF COMMISSION**

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

**CHAPTER 400. PLANNING AND ZONING
PART 4. BOARD OF ADJUSTMENT****SECTION 400.400: COMPOSITION OF THE BOARD OF ADJUSTMENT**

The Board of Adjustment shall be constituted in accordance with the provisions of Section 89.080, RSMo. The Board of Adjustment shall consist of five (5) members, all of who shall be residents of the City appointed by the Mayor and approved by the Board of Aldermen. Three (3) alternate members may be appointed to serve in the absence or disqualification of regular members. Members shall serve without compensation.

SECTION 400.405: BOARD OF ADJUSTMENT PERIOD OF APPOINTMENT

Members and alternates shall be appointed for terms of five (5) years each. Any vacancy in a membership shall be filled for the unexpired term by appointment by the Mayor and approval by the Board of Aldermen. The Board of Aldermen may remove any member for cause stated in writing. The member notified of removal shall have the right to a public hearing on said order of removal. An appeal for public hearing must be made in writing and filed with the City within ten (10) days after the date of order of removal.

SECTION 400.410: QUORUM

Four (4) members of the Board of Adjustment shall constitute a quorum. A member who has withdrawn from the proceedings without an excuse shall be counted as present for purposes of determining a quorum.

SECTION 400.415: OFFICERS RULES AND MEETINGS

- A. Each year, the Board of Adjustment shall elect a Chairman and Vice-Chairman from its membership.
- B. The Board of Adjustment shall adopt rules of procedure in accordance with the provisions of Sections 89.010 to 89.170, RSMo.
- C. The Chairman, or, in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses.

- D. Meetings of the Board of Adjustment shall be held at the call of the Chair and at such other times as a majority of the Board of Adjustment may determine. Meetings shall be held frequently enough so that applications and appeals may be processed expeditiously.
- E. All meetings of the Board of Adjustment shall be open to the public and the agenda for each meeting shall be made available to the public in advance of the meeting as required by law.
- F. The Board of Adjustment shall keep minutes of all meetings, 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 public. All testimony, objections thereto and rulings thereon shall be taken down by a reporter or by electronic recording and may be transcribed upon request, provided that the cost of such transcription is paid to the City Clerk at the time the request is made.

SECTION 400.420: POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

- A. The Board of Adjustment shall hear and decide:
 - 1. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning provisions of this Part in accordance with the provisions of Title IV;
 - 2. All matters referred to it or upon which it is required to pass under such ordinances;
 - 3. Questions involving interpretations of the Zoning Map, including disputed district boundary lines and lot lines;
 - 4. Requests for variances from the strict application of the zoning provisions of Title IV.
 - 5. Any other matter the Board is required to act upon by any other City ordinance.
- B. The Board of Adjustment shall have the above powers, in passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

SECTION 400.425: BOARD OF ADJUSTMENT VOTING

- A. In exercising the above-mentioned powers such Board may, in conformity with the provisions of Sections 89.010 to 89.140, RSMo., reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance.
- B. A member shall excuse himself/herself from voting on an issue if any of the following conditions exist:
1. The member has direct financial interest in the outcome of the issue, or
 2. The issue involves the member's own official conduct, or
 3. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or
 4. A member has such close personal ties to the applicant that the member cannot be expected to exercise sound judgment in the public interest.

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CHAPTER 400. PLANNING AND ZONING
PART 5. ZONING AMENDMENTS, VARIANCES AND APPEALS

SECTION 400.500: AMENDMENTS

- A. *Amendments Authorized* The Board of Aldermen may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries of the zoning districts or the zoning regulations herein or subsequently established. 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. The Board of Aldermen must receive the recommendation and report of the Planning and Zoning Commission before it may take any such action.
- B. *Initiation of Amendment* Amendments may be proposed by any Crane citizen, property owner organization or governmental body. Applications for amendments initiated by the Commission or the Board of Aldermen shall be accompanied by the motion or resolution of such body setting forth the amendment or amendments proposed or sought to be enacted.
- C. *Application For Amendment:* An application for an amendment shall be filed with the administrative officer on forms provided by the City and shall contain the following information, dependent on the type of application submitted:
1. For amendments to zoning district classification (rezonings).
 - a. The name, address and phone number of the applicant.
 - b. The name of the person, firm or organization holding title to such real estate and if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act on the owner's behalf.
 - c. The street address of such real estate, and if there is no street address, a sufficient description of the location of said real estate to enable the ordinary person to determine its location.
 - d. Legal description of the property involved.
 - e. The current zoning classification of the property, the current use of the property and the zoning classification requested.
 - f. The zoning change requested.
 - g. Such additional information that the Commission may by rule require.

2. For text amendments (zoning regulation changes).
 - a. The name, address and phone number of the applicant.
 - b. The Section of the text of the ordinance proposed to be amended.
 - c. The wording of the proposed amendment.
 - d. An identification of any property owned, controlled or occupied by the applicant that would be benefited by the proposed amendment.
 - e. An explanation of the extent to which other properties in the City that are subject to the regulations proposed to be amended would be affected by the proposed amendment.
 - f. Such additional information that the Commission may by rule require.

D. *Review Procedure.*

1. *Planning and Zoning Administrator.* The Planning and Zoning Administrator shall receive the application and determine that it complies with all applicable submission requirements prior to transmitting one (1) copy of such application, along with all pertinent data filed therewith, to the following agencies and/or legal entities for their review and written recommendations, protests or comments:
 - a. Planning and Zoning Commission.
 - b. Board of Aldermen.

All applications shall be received by the Planning and Zoning Administrator at least ten (10) calendar days prior to the next regularly scheduled meeting of the commission to allow submission to the members of the commission at least five (5) days prior to the meeting. Applications received by the Planning and Zoning Administrator later than ten (10) days prior to the meeting shall not be considered by the commission until the following regularly scheduled meeting, unless a special meeting is held at the applicant's request and expense. The cost of a special meeting shall be established by the Board of Aldermen. A fee shall be charged for each application filed as established by the Board of Aldermen. (See [Section 400.700](#))

2. *The Planning and Zoning Commission.*

- a. The Board of Aldermen shall hold a public hearing on all proposed amendments in zoning district classifications or the text of this Title, in accordance with the provisions of [Section 400.525](#) and in accordance with the Missouri State Statutes. No application for amendment or rezoning may be approved until after such public hearing is held. The applicant or his/her agent shall present evidence to the Commission in regard to the applicant's request for the amendment.
- b. The Planning and Zoning Commission shall consider each application and decide whether to recommend approval. The planning and zoning commission shall transmit a written report and recommendations to the Board of Aldermen within sixty (60) days after receipt of the application from the Planning and Zoning Administrator. If the commission fails to transmit a report and recommendations to the Board of Aldermen within this time period, the Board of Aldermen shall consider the application recommended for approval by the commission. The Commission shall not, however, forward its recommendations to the Board of Aldermen when at the meeting before the Commission the applicant or his/her agent did not appear and present evidence in regard to the applicant's request for the amendment.
- c. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 1. Relatedness of the proposed amendment to goals and outlines of the City of Crane's Comprehensive Plan.
 2. Existing uses of property within the general area of the property in question.
 3. The zoning classification of property within the general area of the property in question.
 4. The suitability of the property in question to the uses permitted under the existing zoning classification.
 5. 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.

- d. The Commission shall make one (1) of the following recommendations in connection with the proposed amendment in zoning district classification or the text of this Ordinance:
1. Recommend against the proposed change in zoning district classification or the text of the ordinance;
 2. Recommend a change in the zoning district classification or the text of this Ordinance;
 3. Recommend a change in the zoning district classification or the text of this Ordinance together with recommendations that, in the judgment of the Commission, will protect adjacent or other affected property and ensure that the proposed amendment is consistent with the intent of this Ordinance and the Crane Comprehensive Plan.
3. *Board of Aldermen.*
- a. The Board of Aldermen shall not act upon a proposed amendment to the ordinance until it shall have received a written report and recommendation from the Planning and Zoning Commission on the proposed amendment.
 - b. When the Commission has recommended a change in zoning district classification or the text of this Ordinance together with recommendations for additional requirements pursuant to Section 400.500(E)(3), the Board of Aldermen shall have the discretion to accept, reject or make other or additional requirements. Any such requirements shall become a part of the ordinance changing the zoning classification of such property or the text of this Ordinance. Such requirements regarding a change in zoning district classification shall be considered as an amendment to this Ordinance insofar as it is applicable to such property. Such requirements shall be considered as conditions precedent to the granting of a certificate of occupancy and there shall be compliance with such requirements before a certificate of occupancy will be issued by the City for the use or occupancy of the building, land or structure on such property.

- c. The Board of Aldermen shall not consider any change to any zoning classification for any tract or parcel of realty other than the zoning classification which was requested in the application for amendment, or such other zoning classification as may have been expressly considered by the Commission as evidenced by its written report to the Board of Aldermen pursuant to Subsection (2) hereof. If an applicant files a written request with the City Clerk prior to any final action being taken by the Board of Aldermen on a submitted application for zoning amendment, which written request asks that a new and different zoning classification be considered, and which request contains the affirmative statement that the applicant will pay all fees and costs required by the submission of a new application for a zoning amendment, then the Board of Aldermen may consider such new and different zoning classification only after referring such written request to the Commission so that it may consider such written request and make new written findings of fact and written recommendations for submission to the Board of Aldermen
4. *Two-Thirds Majority Necessary When Protest.* In case of a protest against a rezoning amendment 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 from the boundaries of the district proposed to be changed, then the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen shall be required for the amendment to be enacted.
- E. *Limitations on Rezoning Applications.* No application for rezoning of any tract, lot or parcel of land shall be allowed prior to the expiration of six (6) months from the time the Board of Aldermen shall have finally acted on any application for rezoning of all or any part of the same lot, tract or parcel, unless the application previously acted upon was initiated by the Commission or the Board of Aldermen or unless the applicant can demonstrate substantial change in condition that should warrant consideration of a new application.

SECTION 400.505: VARIANCES

- A. *Jurisdiction and Authority.* The Board of Adjustment shall exercise the authority to vary the strict or literal terms of the applicable zoning provisions of this Ordinance in accordance with the standards set forth in Section 400.505(C). A variance is the remedy created by this power and is part of the Board's appellate jurisdiction. It is a discretionary privilege which is granted because strict and literal enforcement of certain provisions of this Ordinance would, due to special conditions peculiar to a particular property, result in unusual difficulty or hardship.
- B. *Authorized Variances.* Variances from the zoning regulations and restrictions contained in this Ordinance may be granted by the Board of Adjustment in the following instances:
1. A variance of the applicable bulk regulations for buildings and structures, including maximum height, lot coverage, floor area ratio, required yard areas and other required open space.
 2. A variance of the applicable minimum requirements for lot size, width and depth and setbacks from lot lines.
 3. A variance of the applicable off-street parking and off-street loading requirements and ratios.
 4. A variance of the landscaping and buffer yard requirements.
- C. *Standards for Grant of Variance.* The Board of Adjustment may grant a variance if it concludes that strict enforcement of the Ordinance would result in practical difficulties or undue hardship for the applicant and, by granting the variance, the spirit of the Ordinance will be observed, public safety and welfare will be secured and substantial justice will be done. The Board of Adjustment may reach these conclusions if it finds in writing that:
1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in undue hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out;
 2. The conditions of which the applicant complains is one suffered by the applicant and would not be applicable to other property in the same zoning classification;
 3. The property in question cannot yield a reasonable return or the applicant cannot make reasonable use of his/her property if strict compliance with the regulations is required;

4. The hardship relates to the applicant's land, rather than personal circumstances;
 5. The alleged hardship has not been created by any person presently having an interest in the property;
 6. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
 7. The variance will not nullify the intent and purpose of the Crane Comprehensive Plan.
- D. *Application for Variance.* An application for a variance shall be submitted to the City. The City Clerk shall transmit the application and all papers and materials constituting the record to the Board of Adjustment. Upon application for variance, a fee shall be charged for each application filed as established by the Board of Aldermen. (See [Section 400.700](#)). The fee shall be paid in the office of the City Collector.
- E. *Hearing on Variances.* The Board of Adjustment shall hold a public hearing on any application for variance in accordance with the provisions of [Section 400.525](#) and in accordance with the Missouri State Statutes
- F. *Board of Adjustment Decision on Variances.*
1. In deciding on variances, the Board of Adjustment shall take a separate vote on each of the seven (7) required findings stated in [Section 400.505\(C\)](#). The affirmative vote of four (4) members of the Board shall be required on each separate finding. Insofar as is practical, a motion to make an affirmative finding on each of the requirements shall include a written statement of the specific reasons or findings of fact supporting the motion.
 2. A motion to deny a variance may be made on the basis that any one (1) or more of the seven (7) requirements set forth in [Section 400.505\(C\)](#) are not satisfied or that the application is incomplete. Such motion, insofar as is practical, shall include a written statement of the specific reasons or findings of fact that support the motion. A motion to deny a variance is adopted as the Board of Adjustment's decision if supported by more than one (1) affirmative vote.
 3. In granting a variance, the Board of Adjustment may impose such reasonable conditions to ensure that the use of the property to which the variance applies will be as compatible as practical with surrounding properties.
 4. A variance may be issued for a specified or indefinite duration.
 5. The nature of the variance shall be entered upon the permit. All such conditions are enforceable in the same manner as any applicable requirement of this Ordinance.

SECTION 400.510: APPEALS

- A. *Appeal from Administrative Order.* The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of this Ordinance.
- B. *When Appeals May Be Taken.* An appeal may be taken to the Board of Adjustment by any person or company aggrieved, or by an officer, department, board or agency of the City of Crane affected by a decision of an administrative official, or any neighborhood organization as defined in Section 32.105, RSMo., representing such person. An appeal must be made within thirty (30) days after the date of the decision or order appealed. Appeals shall be taken by filing with the City Clerk the following:
1. Application Form. Completion of an authorized application form supplied by the City including a written notice of appeal specifying the grounds for the appeal; and
 2. Fees. Filing and review fees as established by the Board of Aldermen (See [Section 400.700](#)); and
 3. A site plan, written narrative, or other information required by the City.
- The City Clerk shall enter the date of filing on the notice of appeal and shall transmit to the Chair of the Board of Adjustment the notice of appeal and all papers and materials constituting the record upon which the action appealed from was taken.
- C. *When Appeals to Stay Proceedings.* A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal has been filed, that by reason of acts stated in the certificate a stay would, in the opinion of the officer, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a proper court order.
- D. *Hearing on Appeals.* The Board of Adjustment shall hold a public hearing on all appeals in accordance with the provisions of [Section 400.525](#).

E. Board of Adjustment Decision on Appeal.

1. A motion to reverse, affirm or modify the order, requirement or decision appealed from shall include, so far as practical, a written statement of the specific reasons or findings of fact that support the motion. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement or decision or to decide in favor of the applicant on any matter upon which it is required to pass.
2. Within thirty (30) days after the hearing on an appeal, the Board of Adjustment shall file with the City its findings of fact and decision with respect to the appeal. The City Clerk shall transmit by mail a copy of the decision to the appellant and to each other person who requests in writing to be notified.

SECTION 400.515: RECORDATION OF ORDER OF THE BOARD OF ADJUSTMENT

Whenever the Board of Adjustment shall have acted upon an appeal, request or variance, the Board shall cause its order granting or denying said appeal or application to be recorded in the records of the Stone County Recorder of Deeds. However, no order shall be recorded until the order has become final by the passage of thirty (30) days from the date said order is filed with the City Clerk without an action being filed in a court of competent jurisdiction challenging the issuance of said order or until a court of competent jurisdiction upholds said order if it is challenged within the thirty (30) day period.

**SECTION 400.520: BOARD OF ADJUSTMENT -- DECISIONS SUBJECT TO REVIEW
– PROCEDURE**

- A. Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons or any officer, department, board or bureau of this City may seek judicial review of such decision in accordance with the provisions of Section 89.110, RSMo. and present to the Circuit Court of Stone County 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.
- B. *Writ of certiorari.* 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, 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.
- C. *Return of certified copies.* 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, during 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.
- D. 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 Sections 89.080 to 89.110, RSMo., shall have preference over all other civil actions and proceedings.

SECTION 400.525: NOTICES OF PUBLIC HEARING

- A. *Board of Adjustment Public Hearing.* Notice of public hearing before the Board of Adjustment on any application for variance or appeal shall be in accordance with the following requirements:
1. Publication of notice at least once in a newspaper of general circulation in the City of Crane at least fifteen (15) days prior to said hearing.
 2. Posting of notice in two (2) conspicuous places on the subject property at least fifteen (15) days prior to the hearing date.
 3. Sending of notice by first (1st) class mail to all property owners of record within one hundred eighty-five (185) feet of subject property.
- B. *Planning and Zoning Commission Public Hearings.*
1. *Rezoning, conditional use permits, petitions to vacates.* Notice of public hearing before the Commission on any application for rezoning, conditional use permit or petitions to vacate shall be in accordance with the following requirements:
 - a. Publication of notice at least once in a newspaper of general circulation in the City of Crane at least fifteen (15) days prior to said hearing. Supplemental or additional notices may be published or distributed as the Board of Aldermen may, by rule, prescribe from time to time.
 - b. Posting of notice signs in two (2) conspicuous places on the subject property at least fifteen (15) days prior to the hearing date.
 - c. Sending of notice by first (1st) class mail to all property owners of record within one hundred eighty-five (185) feet of subject property.
 2. *Text Amendments.* Notice of public hearing before the Commission on any amendment to the text of this Ordinance shall be given by publication of notice in a newspaper of general circulation in the City of Crane at least fifteen (15) days prior to said hearing.

- C. *Board of Aldermen Hearing.* The Board of Aldermen is not required to hold a public hearing on any application for amendment filed with the City regardless of whether such application requests an amendment to supplement, change, modify or repeal the boundaries of any zoning district classification or to amend the text of any other provision of the land development regulations of the City. If the Board of Aldermen chooses to hold a public hearing, notice thereof shall be given in the same manner as required for hearings before the Commission in accordance with Subsection (B) of [Section 400.525](#).
- D. *Contents of Public Hearing Notices.* All notices of hearing required by this Section shall include the following information:
1. Name of the applicant.
 2. Name of the property owner, if different than the applicant (not required for text amendment).
 3. Street address or common description of the property involved (not required for text amendment).
 4. Legal description of the property involved (not required for text amendment).
 5. Concise description of the nature of the request.
 6. Date, time and place of the public hearing.
 7. Place at which further information regarding the request can be obtained.
- E. *Party Responsible for Public Notice.* The City shall be responsible for providing notice of all hearings required pursuant to this Section. Where notice by first (1st) class mail to property owners of record is required, the applicant shall provide the City with (1) a list of said property owners and addresses that has been compiled by a title company authorized to issue title policies in the State of Missouri, and (2) one (1) addressed and stamped business size envelope for each name on the property owner's list. The applicant shall be responsible for the costs incurred to provide public notice.
- F. *Substantial Compliance of Public Notice.* With respect to the mailing and posting of notices of public hearing, which are considered directory and not mandatory, substantial compliance with such provisions shall be deemed to constitute proper notice.

**SECTION 400.530: ATTENDANCE OF APPLICANTS FOR AMENDMENTS,
VARIANCES OR APPEALS AT MEETINGS**

The property owner or a representative of property owner (other than an employee of the City) must be present at the meeting when their respective matter comes before the Planning and Zoning Commission. If such owner or representative fails to appear at said meeting, action by the Planning and Zoning Commission shall be postponed to its next regular meeting. If such owner or representative fails to attend either of the two (2) meetings on which the matter appears on the agenda, then such matter shall be denied without further postponement or hearing. Any costs (such as publication costs for public hearings or other such expenses) that result from the postponement of a matter due to the failure of an applicant to attend the regular meeting shall be borne by the property owner.

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**CHAPTER 400. PLANNING AND ZONING
PART 6. CERTIFICATES, PERMITS, AND PLANS****SECTION 400.600: ZONING CERTIFICATE**

- A. *Authority and Purpose.* The Planning and Zoning Administrator or duly authorized representative shall have the authority to issue zoning certificates. It is the purpose of the zoning certificate is to provide official certification of the zoning of a particular property on the date the zoning certificate is issued, verifying that a proposed use is in conformity with the provisions of this chapter. Sufficient documentation may be required to assist in the determination. Such documentation will be only retained as verification of intent of the use type by the applicant.
- B. *Application Procedure.*
1. Applications for zoning certificates shall be submitted in duplicate to the Planning and Zoning Administrator. All applications shall be accompanied by a plot plan containing information in accordance with [Section 400.625](#) or if otherwise required by this Ordinance, a site plan in accordance with [Section 400.630](#).
 2. Upon review and approval of the plans, one (1) copy of the plans shall be returned to the applicant along with such zoning certificate as may be granted.
 3. Upon application for a zoning certificate, a fee shall be charged for each application filed as established by the Board of Aldermen. (See [Section 400.700](#)). The fee shall be paid in the office of the City Collector.
- C. *Effect of Issuance.* The issuance of a zoning certificate provides information necessary for the filing and processing of applications for any additional permits and approvals which may be required by the City including, but not limited to, building permit, certificate of occupancy, business license, home occupation or tower license.

SECTION 400.605: CERTIFICATE OF OCCUPANCY

- A. *Required.* No person shall occupy, nor shall any owner or agent thereof permit the occupancy of any building or addition thereto or part thereof, for any purpose until a certificate of occupancy has been issued by the building official. The certificate of occupancy so issued shall state that the occupancy complies with this chapter and all other applicable provisions of this Code, including but not limited to the building code and all other safety codes.
- B. *Application.*
1. Whenever the sale of a building results in a change in the occupant, or whenever there is a change of use of the premises, the occupant shall be required to apply for and receive a certificate of occupancy in accordance with the provisions of this Section and all other applicable ordinances and regulations of the city or other public jurisdiction having jurisdiction over some aspect of the development such as fire protection, sewers, etc.
 2. An application for a certificate of occupancy shall be filed in the office of the building official. Upon application for a certificate of occupancy, a fee shall be charged for each application filed as established by the Board of Aldermen. (See [Section 400.700](#)). The fee shall be paid in the office of the City Collector.
 3. Certificates of occupancy may be issued upon application by landlord or owner of property, and the building official or his representative may make periodic inspections of such property.
 4. Following the submission of an application for certificate of occupancy, the inspector shall cause the building or structure to be inspected, if necessary, and shall certify to the City that one (1) of the following actions be taken:
 - a. If all work has been completed and the building, structure or premises is in compliance with all applicable provisions of this Ordinance and the provisions of other applicable City Codes, the certificate of occupancy shall be approved. The certificate of occupancy shall be issued by the City within five (5) working days of receipt of report from the inspector.
 - b. If all work has not been completed or the structure, building or premises is not in compliance with the applicable provisions of this Ordinance and other City Codes, written notice shall be made to the applicant informing the reasons why the certificate of occupancy cannot be issued, citing either the City Codes or other work that must be completed.

SECTION 400.610: CONDITIONAL USE PERMITS

- A. *Purpose.* The conditional use permit procedure is intended to provide the Planning and Zoning Commission and the Board of Aldermen with discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may have the potential for negative or deleterious impact on the health, safety and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed, located and operated so as to avoid, minimize or mitigate adverse impacts upon the community and other properties in the vicinity. The Board of Aldermen may impose conditions upon such uses and structures that are intended to avoid, minimize or mitigate adverse impacts upon the community and other properties in the vicinity. The Board of Aldermen may deny requests for a conditional use permit when it is evident that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity.
- B. *Conditional Uses Authorized.* The Planning and Zoning Commission may recommend and the Board of Aldermen may authorize the establishment of those conditional uses that are expressly permitted as a conditional use in a particular zoning district. No conditional use shall be authorized unless such conditional use to be granted complies with all of the applicable provisions of this Ordinance.
- C. *Application for Conditional Use Permit.* An application for conditional use permit containing the following information shall be filed with the City:
1. Applicant's name and address and legal interest in the property.
 2. The owner's name and address if different than the applicant.
 3. Street address or common description and legal description of the property.
 4. Zoning classification and present use of the property.
 5. Description of the proposed conditional use.
 6. Statement as to why the proposed use will comply with the applicable standards in [Section 400.610\(G\)](#).
 7. Statement identifying any potentially adverse effects and how the proposed conditional use will be designed, arranged and operated in order to ensure that the conditional use will not cause harm to the community and that the value, use and reasonable enjoyment of property in the vicinity will not be adversely affected.

8. Site plan in accordance with the requirements of [Section 400.630](#).
9. Upon application for a conditional use permit, a fee shall be charged for each application filed as established by the Board of Aldermen. (See [Section 400.700](#)). The fee shall be paid in the office of the City Collector.
10. Any additional information as may be required in accordance with the requirements of the zoning district in which the conditional use is proposed to be located.

D. *Review Procedure.*

1. *Planning and Zoning Administrator.* The Planning and Zoning Administrator shall receive the application and determine that it complies with all applicable submission requirements prior to forwarding the application to the commission. All applications shall be received by the Planning and Zoning Administrator at least ten (10) days prior to the next regularly scheduled meeting of the commission to allow submissions to the members of the commission at least five (5) days prior to the meeting. Applications received by the Planning and Zoning Administrator less than ten (10) days prior to the meeting shall not be considered by the commission until the following regularly scheduled meeting, unless a special meeting is held at the applicant's request and expense. The cost of a special meeting of the commission shall be established by the Board of Aldermen.
2. *Planning and Zoning Commission.* The Planning and Zoning Commission shall hold a public hearing on an application for conditional use permit. Notice of hearing shall be made in accordance with the provisions of [Section 400.525](#). Following the public hearing, the Commission shall consider the application and decide whether to recommend approval. The Commission shall transmit to the Board of Aldermen its recommendation containing specific findings of fact on the proposed conditional use and any conditions, safeguards and restrictions that the Commission recommends be imposed to ensure compliance with the standards set forth in [Section 400.610\(G\)](#) to avoid, minimize or mitigate potentially adverse effect of the conditional use on the community and properties in the vicinity. The record of Commission action shall be sent to the Board of Aldermen within thirty (30) days of the Commission's decision.
3. *Board of Aldermen.* The Board of Aldermen may, by ordinance, authorize the issuance of a conditional use permit for such use as recommended by the Commission or may reverse or modify such decision by a majority vote of the Board of Aldermen. In authorizing said conditional use permit, the Board of Aldermen may impose additional conditions or restrictions as it may determine necessary to ensure compliance with the standards set forth in [Section 400.610\(G\)](#) to avoid, minimize or mitigate potentially adverse effect of the conditional use on the community and properties in the vicinity. All such conditions or restrictions shall be set out in the ordinance approving the conditional use permit.

- E. *Permit Validity Time Period.* Any conditional use permit authorized shall be validated within six (6) months from the date of approval by the Board of Aldermen or such conditional use permit shall be nullified. The conditional use permit shall be considered validated if a building permit is obtained and the erection or alteration of a structure is started or if an occupancy permit is obtained and the conditional use is commenced. The Board of Aldermen may grant one (1) additional extension of time not exceeding six (6) months without notice or hearing. Requests for time extension shall be made by filing an application with the City before the expiration date. If the applicant fails to submit the request for time extension within the specified period, an application for conditional use permit shall be filed in accordance with the provisions of Sections 400.610(C) through 400.610(E).
- G. *Conditional Use Standards.* A conditional use permit shall be granted only if evidence is presented at the public hearings that the conditional use will comply, to the extent applicable, with the following standards:
1. The conditional use will be consistent with the policies and intent of the Crane Comprehensive Plan and the Crane zoning regulations.
 2. The conditional use will not increase flood or water damage hazard to adjoining properties.
 3. The conditional use will not generate noise that exceeds the sound levels that are typical of uses permitted in the district.
 4. Adequate access roads or entrance and exit drives will be designed and provided to prevent traffic hazards and to minimize traffic congestion at the site.
 5. Street right-of-way and pavement width in the vicinity of the conditional use is or will be adequate for traffic reasonably expected to be generated by the proposed use.
 6. Glare of stationary or vehicular lights from the conditional use will not adversely affect the character of the neighborhood and if such lights will be visible from a residential district, measures to shield or direct lights to mitigate glare are proposed.
 7. The conditional use will not have any substantial adverse effect upon the use or enjoyment of adjacent and nearby property or conditions affecting the public health, safety and welfare.

8. The conditional use will be designed, constructed and operated so as not to interfere with the development and use of adjacent property in accordance with the applicable zoning district regulations.
9. In the case of existing structures to be converted to a use requiring a conditional use permit, the structure shall meet all fire, health, building, plumbing and electrical requirements of the City of Crane.
10. The conditional use otherwise complies with all applicable regulations of this Ordinance.

H. *Conditional Use Permits for Towers.*

1. *Purpose.* The purpose of these restrictions is to:
 - a. Minimize the adverse effects of towers on aesthetic and property values through careful design, siting and vegetative screening;
 - b. Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
 - c. Lessen traffic impacts on local streets; and
 - d. Maximize use of existing towers to reduce the number of towers needed.
2. *Applicability.* In all districts where telecommunication towers are permitted as principal or accessory uses, a conditions use permit shall be required where:
 - a. The tower exceeds one hundred (100) feet in height; or
 - b. The tower is on a building, exceeds twenty (20) feet in height as measured from the top of the building, and the combined height of the building and tower exceeds one hundred (100) feet.

3. *Approval Standards.* All towers shall comply with the following requirements. Site includes all property described by the legal description submitted with the conditional use permit application and may be only part of a larger parcel.
- a. Structures shall be set back from adjoining residential-zoned property, property or streets sufficient to:
 - (1) Contain on-site substantially all ice-fall or debris from tower failure;
 - (2) Preserve the privacy of adjoining residential-zoned property. The site is of sufficient size to comply with this standard if:
 - (a) Accessory structures comply with the setback standards in the zoning district;
 - (b) The tower base is set back from adjoining land in other districts by the rear yard setback required in the adjoining district;
 - (c) Guy wire anchors are set back at least twenty-five (25) feet from an adjoining residential-zoned property, public property or a street; and
 - (d) Guy wire anchors are set back at least the rear yard setback from adjoining land in other districts.
 - b. Setback requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located. The tower shall be set back from other on- and off-site towers and supporting structures far enough so one tower will not strike another tower or support structure if a tower or support structure fails.
 - c. The tower shall have the least practicable adverse visual effect on the environment.
 - d. Existing on-site trees and shrubs shall be preserved to the maximum extent practicable.
 - e. Traffic associated with the facility shall not adversely affect adjoining streets. Vehicular access shall be limited to a major street if the site adjoins both a major and local street.
 - f. Adequate off-street parking shall be provided to accommodate workers, employees, invitees and others who may be on location on account of the location of the tower.

4. *Application contents.* An application for approval of a conditional use permit for a new tower shall include the following in addition to the application requirements of Section 400.610(C):
 - a. A site plan drawn to scale and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed or replaced; and uses, structures and land use designations on the site and adjoining parcels;
 - b. A plan drawn to scale showing proposed landscaping, including species type, size, spacing and other features; and

5. *Conflict with FCC or FAA regulations.* In the event there is a conflict between these regulations and Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations, the FCC or FAA regulations shall govern.

SECTION 400.615: BUILDING PERMITS

- A. *Required.* No building shall be constructed, erected, reconstructed, structurally altered, enlarged or moved nor shall any such work be started until a building permit for the work has been issued by the building official. A building permit is not required for normal maintenance and cosmetic repairs such as roofing, siding, painting, repair or replacement of doors or windows, not involving structural components of the building. The application for a building permit shall be in the name of the person for whom the work or construction is to be done. Building permits shall expire one (1) year after date of issuance. Building permit renewal may be granted for an additional one (1) year upon written application, if the application as resubmitted is substantially the same as the initially approved application and substantial construction has been initiated and is being pursued diligently toward completion.
- B. *Application.*
1. The application shall be prepared on forms provided by the building official and available in his office. The application shall be signed by the applicant and shall state his name and address.
 2. In addition to the specific requirements in this section, every application for a building permit shall further comply with all applicable provisions of the building code as well as pertinent sections of the city's other technical codes. The Planning and Zoning Administrator shall issue regulations requiring such other information as may be necessary to determine compliance of the application with this article, and a copy of the applicable provisions from the building code and said regulations shall be available in the office of the Planning and Zoning Administrator.
 3. All applications for building permits shall be accompanied by a copy of the building plans and specifications, drawn to an appropriate scale. The plans shall be sufficiently detailed to allow the determination of compliance with all relevant city codes, ordinances, and regulations, and shall show the proposed site improvements, including all new construction, erection, reconstruction, structurally alteration or repair, enlargement or relocation of existing structures. In addition, the plans shall indicate the shape and dimensions of the lot to be built upon, the exact size and location on the lot of existing structures and the lines within which the buildings or structures shall be erected or altered, the existing and intended use of each building or part of building, the number of families the building is designed to accommodate if a residence or apartment, the number of persons the building is designed to accommodate for each separate use or nonresidential function, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

4. All dimensions shown on those plans relating to the location and size of the lot to be built upon shall be related to known, accepted street or property lines. The Planning and Zoning Administrator, the building official or the commission may require that the lot and the location of the building thereon shall be staked out on the ground before construction is started.
5. Upon application for a building permit, a fee shall be charged for each application filed as established by the Board of Aldermen. (See [Section 400.700](#)). The fee shall be paid in the office of the City Collector.

C. Site and landscape plans.

1. Prior to the issuance of any building permit for the construction or improvement of a parking or loading area subject to this section, a suitable parking site and landscape plan shall be submitted to the planning and zoning commission indicating the landscaping, as well as the parking layout, proposed drainage on the premises, proposed lighting on the premises and all driveways extending beyond the property line into the public right-of-way.
2. Any application for a building permit for the construction of a parking or loading facility shall be accompanied by a parking site and landscape plan to be reviewed and approved, if appropriate, by the planning and zoning commission. Such application shall be accompanied also by detailed construction plans and specifications of the planned improvements and a statement regarding the proposed methods of maintenance and operation.

D. Review procedure.

1. The Planning and Zoning Administrator shall review the building permit application and determine that it complies with all applicable submission requirements and all applicable city ordinances relating to the development of land and shall return the application with his recommendations to the building official.
2. If an application is refused by the building official for the reason that the application fails to satisfy the applicable requirements of this zoning code and other city ordinances, the applicant may appeal to the board of adjustment in accordance with the provisions of [Section 400.510: Appeals](#).

SECTION 400.620: SIGN PERMIT

- A. *Sign Permit Required.* Except as otherwise provided in [Chapter 425, Part 1, Sign Regulations](#), no sign shall be erected, moved, enlarged, illuminated or substantially altered without first obtaining a sign permit for each sign. Sign permits shall not be required for routine maintenance, repainting or changing the message on a sign.
1. In the case of a lot occupied or intended to be occupied by multiple businesses, such as a shopping center, sign permits shall be issued in the name of the lot owner or authorized agent rather than in the name of the individual business. The City shall be responsible for enforcing only the provisions of this Ordinance and not the provisions of any private allocation formula, lease or restriction.
 2. A sign permit issued by the City shall become null and void if work on the sign is not commenced within one hundred eighty (180) days from the issuance of the permit. If work authorized by the permit is suspended or abandoned for ninety (90) days after the work commences, the sign shall be considered abandoned and a new sign permit shall be required to proceed with work on the sign. In such cases, the sign permit fee will be one-half (½) of the original fee, provided that no changes have been made in the original plans.
- B. *Sign Permit Applications.* Application for a sign permit shall be made upon forms provided by the City. The applicant shall submit all such information necessary to determine compliance with all appropriate regulations of the City including, but not limited to, the following:
1. Name, address and business license number of applicant.
 2. Name and address of sign owner.
 3. Name and address of the owner and the occupant of the premises where the sign is to be located.
 4. Legible drawings with description showing precise location of the sign and all other existing signs on the same premise; drawings showing dimensions, construction supports, sizes, materials of the sign, method of attachment and character of structural members to which the sign will be attached.
 5. Upon application for a sign permit, a fee shall be charged for each application filed as established by the Board of Aldermen. (See [Section 400.700](#)). The fee shall be paid in the office of the City Collector.

- C. *Issuance of Permit, Denial Or Revocation.* Upon review, the City shall issue a sign permit when the proposed sign complies with all appropriate regulations. The City may suspend, deny or revoke a permit whenever the permit is issued on the basis of misstatement of fact, fraud or non-compliance with this Ordinance. When a sign permit is denied, revoked or suspended, the City shall give written notice to the applicant, along with a written statement of the reason for the denial.

SECTION 400.625: PLOT PLANS

All applications for zoning certificates or certificates of occupancy, with the exception of applications which require a site plan, shall be accompanied by a plot plan, drawn to scale, which shows the following information: Dimensions of the lot to be built upon or used; dimensions of the building or structure to be erected in area and height; and location on the lot; and any other information as may be necessary to determine compliance with the provisions of this Ordinance. In addition, all buildings or structures to be erected shall be staked out on the site.

SECTION 400.630: SITE PLANS

- A. *Applicability.* Site plans prepared and approved in accordance with the provisions of this Ordinance are required to assist City Officials in assuring compliance with all applicable requirements of this Ordinance and to assist in the review of building permits. Whenever a site plan is required by this Ordinance, a building permit shall not be issued until the site plan is approved.
- B. *Developments Requiring a Site Plan.* Unless otherwise exempted by Section 400.630(C), a site plan is required for permitted and conditional uses in zoning districts as specified in [Chapter 405, Part 2, use Regulations by Zoning District](#).
- C. *Exemptions.* The following uses and activities shall be exempt from the requirements of this Section:
1. Construction of or additions to single-family or duplex dwellings on a lot of record.
 2. Construction of or addition to any permitted accessory use to a single-family or duplex dwelling on a lot of record.
 3. Remodeling of a building or structure if no enlargement or expansion is involved.
 4. Any temporary use permitted by this Ordinance.

- D. *Site Plan Application.* An application and four (4) copies of the site plan shall be submitted to the City. The site plan should provide sufficient information to determine whether the proposed development is in compliance with these regulations. The site plan shall include the following information:
1. The name and address of the applicant.
 2. The owner's name and address, including trustees, and, if different from the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his/her behalf.
 3. Date of application submittal.
 4. Street address or common description of the property.
 5. The proposed use or uses and a general description of the proposed development.
 6. A legal description and a survey, certified by a registered land surveyor, showing property boundary lines and dimensions; and all easements, roadways, rail lines and public rights-of-way, any part of which cross or are adjacent to and affect the subject property; and that all necessary easements can be obtained.
 7. An approximate north arrow and scale.
 8. The zoning classification and present use, if any, of the subject property.
 9. The general location and approximate dimensions of all vehicular and pedestrian circulation elements, including streets, driveways, entrances, curb cuts, parking and loading areas and sidewalks, including slope and gradient of vehicular elements.
 10. The location and size of existing and proposed public water and sewer utilities on and adjacent to the site; and location of fire hydrants.
 11. The location, designation and total area of all useable open space.
 12. Location, size, use and arrangement of all proposed buildings and computations showing height in stories and feet, floor/area ratio, total floor area, total square feet of ground area coverage of proposed and existing buildings which will remain, if any, and building separations.
 13. All existing and proposed storm sewers or other drainage facilities, including size and dimensions of flow.

14. The location, size and arrangement of all proposed outdoor signs.
15. A landscaping plan in accordance with [Chapter 405, Part 6 Landscaping, Screening and Buffer Yard Requirement](#) and drawings of proposed screening or buffer plantings and types of materials or plantings used.
16. A soil erosion control plan for the period during which construction will be taking place and after construction is complete.
17. In the case of any use for which a conditional use permit has been granted, any information necessary to demonstrate compliance with all conditions imposed by the conditional use permit.
18. Upon application for a site plan review, a fee shall be charged for each application filed as established by the Board of Aldermen. (See [Section 400.700](#)). The fee shall be paid in the office of the City Collector.
19. Any other information that may be required by the City to determine that the application is in compliance with this Ordinance.

E. *Site Plan Review Process.*

1. *Commission review.* The Commission shall review all site plan applications. The application for site plan review shall be submitted no less than fifteen (15) working days prior to the Commission meeting at which the site plan will be considered. The City Clerk will transmit the site plan to the City Engineer or other Administrative Official for review and recommendations prior to the scheduled Commission meeting.
2. *Commission action on site plan.* The Commission shall review the site plan and shall make its determination based on the standards for site plan review in accordance with Section 400.630(F). The Commission may approve the site plan, approve the site plan subject to specific modifications or disapprove the site plan. The Commission shall have sixty (60) days to take action on the site plan. If no action is taken within the sixty (60) day time period, the site plan shall be deemed to be approved. The decision of the Commission is final unless appealed to the Board of Aldermen pursuant to the provisions of Section 400.630(E)(3).
3. *Appeals to Board of Aldermen.* The decision of the Commission to approve a site plan with modifications not acceptable to the applicant or to disapprove a site plan may be appealed to the Board of Aldermen. The application for appeal shall be filed with the City Clerk within thirty (30) days of the final decision of the Commission. In making its decision, the Board of Aldermen shall take into consideration the findings of the Commission and the standards for site plan review as prescribed in Section 400.630(F).

4. *Effect of Site Plan Approval.* Approval of the site plan or of the site plan with modifications acceptable to the applicant shall authorize the continued processing of applications for any further permits which may be required by this Ordinance or any other ordinances of the City, including approvals such as a building permit, a certificate of occupancy or a conditional use permit. A site plan approval shall be valid for a period no longer than eighteen (18) months from the date of approval unless a building permit is issued and construction begun within the eighteen (18) month period.
- F. *Site Plan Review Standards.* Site plans shall be reviewed and approved unless it is found in writing that:
1. The site plan application indicates violations of any applicable provisions of this Ordinance, which the applicant has, after written request, failed or refused to correct.
 2. The site plan will result in unauthorized encroachment on an easement, roadway, utility or public or private right-of-way.
 3. In the case of a site plan submitted in conjunction with an approved development plan, conditional use permit, planned unit development or any other specific development standards, the site plan does not adequately meet the specified standards.
 5. The proposed site plan does or will create specific drainage or erosion problems.
 6. The screening and buffer area landscaping plan for the site does not or will not adequately shield the proposed use from adjacent uses which may not be compatible with the proposed use.
 7. The circulation elements of the site plan, including road and pedestrian circulation elements, will create hazards to safety on or off the site, uncoordinated pedestrian or vehicular circulation paths on or off the site or result in undue interference or inconvenience to vehicular or pedestrian travel.

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**CHAPTER 400. PLANNING AND ZONING
PART 7. FEE SCHEDULE**

SECTION 400.700: FEE SCHEDULE

- A. Reasonable fees to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning amendments, special use permits, conditional use permits, sign permits, appeals and variances.
- B. Fees established in accordance with Subsection (A) shall be paid upon submission of a signed application by the applicant, petitioner or the party submitting a notice of appeal.
- C. A list of all established fees related to the requirements of this Ordinance are as follows:

Type Of Application	Section	Fee
Text amendment to zoning regulations	400.500	\$ 50.00 ^a
Board of Zoning Adjustment		
Variance	400.505	\$ 75.00 ^c
Appeal	400.510	\$ 75.00 ^a
Zoning certificates	400.600	\$ 10.00
Certificate of occupancy	400.605	\$ 10.00
Conditional use permit application	400.610	\$100.00 ^a
Building permit application	400.615	\$ 50.00
Sign permit	400.620	\$ 30.00
Site plan review	400.630	
Residential		\$ 50.00
Commercial		\$ 75.00
Zoning application		\$ 75.00 ^a
Planned development application		\$100.00 ^{a,c}
Annexation application		\$ 75.00 ^a
Vacation of street, alley or subdivision	400.910	\$100.00 ^b
Minor subdivision plat		\$100.00 ^{b,c}
Major subdivision		
Preliminary plat		\$100.00 ^c
Final plat		\$150.00 per phase ^{b,c}
Subdivision plat appeal to Board of Aldermen		\$ 50.00
Subdivision variance		
Submitted with preliminary plat		No fee
Submitted independent of preliminary plat		\$ 50.00
Subdivision regulations amendment		\$ 50.00 ^a
New permit application		\$ 30.00
Suspended permit--new permit issued		\$ 15.00
Temporary use permit		\$ 30.00

Document copies	
Comprehensive plan	\$25.00
Zoning regulations	\$25.00
Design standards for public improvements	\$15.00

- a Advertising and notification fees for public hearings are extra and will be billed to applicant by the City.
- b Recording fees are extra and will be billed to the applicant by the City.
- c Engineering and inspection fees are extra. Applicant is responsible for costs of City engineering review of the plats, construction/improvement plans and City inspections. Applicant shall submit five hundred dollar (\$500.00) deposit for engineering review at time of application. If estimated fee is inadequate to cover actual costs, applicant shall pay additional cost for review. Applicant shall submit five hundred dollar (\$500.00) deposit for inspection services at time of submittal of construction/improvement plans. If estimated fee is inadequate to cover actual costs, applicant shall pay additional costs for inspections. If actual costs for engineering review or inspection services are less than the initial deposit, the remaining balance will be refunded by the City to the applicant.

Wherever in this Ordinance, a Section or other provision of the Code calls for a particular fee for an application or permit, the City designee shall establish annually, no later than the first (1st) regular meeting of the Board of Aldermen in May, a schedule of fees for applications and permits. The aforementioned schedule shall be presented by resolution to the Board of Aldermen for its approval and, if approved, the schedule of fees will be posted in conspicuous places in City Hall. The approved fees shall take effect on July first (1st) of the year said fees were approved. Fees shall be established or recalculated based upon the recovery of costs to administer the inspection programs by the City of Crane.

**CHAPTER 400. PLANNING AND ZONING
PART 8. VIOLATIONS AND PENALTIES****SECTION 400.800: ENFORCEMENT**

- A. *Persons Liable.* Any person, firm, partnership or corporation who fails to comply with or violates any of the regulations in this Ordinance may be held responsible for the violation and be subject to the penalties and remedies herein provided.
- B. *Stop Work Order.* Whenever any work is being done on any property within the corporate limits of Crane that is in violation of the requirements of this Ordinance, the City may order the work to stop and may revoke all permits and certificates previously issued by the City and cause all said work to stop. The penalties proscribed herein for violation shall continue for each day until the violation is remedied.

SECTION 400.805: VIOLATIONS AND PENALTIES

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of Sections 89.010 to 89.140, RSMo., or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo.

- B. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation punishable by a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00) for each and every day that such violation continues, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the Court. Notwithstanding the provisions of Section 82.300, RSMo., for the second (2nd) and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the Court.
- C. Each day that any such violation continues after written notification by the City, delivered by certified mail, that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified herein.
- D. *Civil Enforcement.* Any person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of this Ordinance in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). Appropriate actions and proceedings may be taken by law or in equity pursuant to Section 89.120, RSMo., to prevent any violation of these regulations, to prevent unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or land or to prevent any illegal conduct, business or use in or about such premises and these remedies shall be in addition to the penalties described above.

CHAPTER 400. PLANNING AND ZONING
**PART 9. PROCEDURES FOR VACATING PUBLIC EASEMENTS, RIGHTS-
OF-WAY, ETC.**

SECTION 400.900: VACATION PROCEDURE -- GENERAL

Whenever the public necessity, convenience and general welfare require, the Board of Aldermen may, subject to the procedure provided in this Section, vacate all or any part of any public easement, right-of-way, street, alley, public road or highway dedicated or conveyed to the City, or title to which or authority over which was vested in the City by operation of law. A vacation may be initiated by a resolution of intent by the Board of Aldermen, by the verified petition of an interested party, or by recommendation of the Department of Public Works or Department of Planning.

SECTION 400.905: DEFINITIONS

For the purpose of this Section, an "interested party" includes any owner of property abutting or touching on the proposed vacation and any owner of property that would be denied reasonable access to the general system of public roads and streets by the proposed vacation of a street, alley, public road or highway. "Owner" shall include the owner or owners of record indicated upon the records of the Stone County Assessor's office on the date of the filing of the petition for vacation with the City Clerk.

SECTION 400.910: PETITION FOR VACATION

The petition for vacation, filed by the owner(s) of the property, shall be on forms approved by the City and shall be addressed to the Planning and Zoning Administrator, and filed, together with filing and review fees as established by the Board of Aldermen. All costs incurred in any proceeding initiated under this Article shall be paid by the persons petitioning for the vacation of a street, alley or way. (See [Section 400.700](#)). Each petition shall include an accurate description of the public easement, right-of-way, street, alley, public road or highway sought to be vacated, its location and the names of all interested parties.

SECTION 400.915: REVIEW PROCEDURE.

A. *Planning and Zoning Administrator.* The Planning and Zoning Administrator shall receive the application and determine that it complies with all applicable submission requirements prior to transmitting one (1) copy of such application, along with all pertinent data filed therewith, to the following agencies and/or legal entities for their review and written recommendations, protests or comments:

1. Planning and Zoning Commission.
2. Board of Aldermen.

All applications shall be received by the Planning and Zoning Administrator at least ten (10) calendar days prior to the next regularly scheduled meeting of the commission to allow submission to the members of the commission at least five (5) days prior to the meeting. Applications received by the Planning and Zoning Administrator later than ten (10) days prior to the meeting shall not be considered by the commission until the following regularly scheduled meeting, unless a special meeting is held at the applicant's request and expense. The cost of a special meeting shall be established by the Board of Aldermen. A fee shall be charged for each application filed as established by the Board of Aldermen. (See [Section 400.700](#))

B. *Planning and Zoning Commission.*

1. *Public Hearing.* The Planning and Zoning Commission shall hold a public hearing on any petition for vacation in accordance with the provisions of [Section 400.525](#) and in accordance with the Missouri State Statutes. No petition for vacation may be approved until after such public hearing is held.
2. *Notice to interested parties.* Before any public hearing on any petition for vacation, notice of the proposed vacation shall be given to all interested parties at least thirty (30) days before the Public Hearing. Notice shall be in accord [Section 400.525](#). An interested party may in writing waive notice or affirmatively consent to the proposed vacation. Proof of proper notice, waiver of notice, or consent shall be filed with the City Clerk before the Board of Aldermen shall act upon the proposed vacation. Interested parties not knowledgeable after reasonable inquiry may be considered to have been given notice by the public notice of [Section 400.525](#), if the Board of Aldermen find the same to be the best practicable notice under the circumstances.

PROCEDURES FOR VACATING PUBLIC EASEMENTS, RIGHTS-OF-WAY, ETC.

3. The Planning and Zoning Commission shall consider the petition for vacation and decide whether to recommend approval. The Planning and Zoning Commission shall transmit a written report and recommendations to the Board of Aldermen within sixty (60) days after receipt of the petition from the Planning and Zoning Administrator. If the commission fails to transmit a report and recommendations to the Board of Aldermen within this time period, the Board of Aldermen shall consider the application recommended for approval by the commission. The Commission shall not, however, forward its recommendations to the Board of Aldermen when at the meeting before the Commission the applicant or his/her agent did not appear and present evidence in regard to the petitioners request for the amendment.
4. Before the Planning and Zoning Commission shall act upon the proposed vacation, comments of each concerned utility, each cable company holding a franchise in the City, and any other person holding an interest in the subject of the petition, as to whether each objects to or approves of the proposed vacation shall be filed with the Planning and Zoning Administrator

C. *Board of Aldermen.*

1. *Board of Aldermen Hearing.* The Board of Aldermen is not required to hold a public hearing on any petition to vacate filed with the City. If the Board of Aldermen chooses to hold a public hearing, notice thereof shall be given in the same manner as required for hearings before the Commission in accordance with [Section 400.525](#). No petition for vacation may be approved until after a public hearing is held by either the Planning and Zoning Commission or the Board of Aldermen.
2. The Board of Aldermen shall not act upon a proposed vacation until it shall have received a written report and recommendation from the Planning and Zoning Commission on the proposed vacation.

PROCEDURES FOR VACATING PUBLIC EASEMENTS, RIGHTS-OF-WAY, ETC.

3. *Objections.*

- a. Upon filing a remonstrance or objection to the vacation of a street, alley or way pursuant to this Article, or a personal appearance at the meeting at which the vacation ordinance is considered in objection thereto, the Board of Aldermen shall request the petitioners to furnish written consent to such vacation, signed and acknowledged by two-thirds (2/3) of the owners of the property abutting and adjoining the streets, alleys or ways to be vacated.
 - b. Upon such consent being filed, the Board of Aldermen may in its discretion enact or refuse to enact the vacation ordinance. If no remonstrances or objections are filed, enactment of said ordinance shall be entirely dependent upon the discretionary power of the Board, and no consent shall be necessary, provided the petitioners constitute two-thirds (2/3) of the owners of the abutting and adjoining property.
4. *Vacation by Ordinance.* After receiving reports on the proposed vacation from the Department of Planning, the Department of Public Works, and the City Attorney, the Board of Aldermen may by ordinance vacate the concerned public easement, right-of-way, street, alley, public road or highway with such conditions and restrictions as it may deem for the public good.
5. *Conveyances.* Upon the enactment and passage of any ordinance vacating a street, alley or way under this Article, it shall be the duty of the Mayor to execute the proper conveyances, and for the City Clerk to attest said signature, affix the official Seal of the City and record the entire proceedings with the Stone County Recorder of Deeds.

CHAPTER 405. ZONING REGULATIONS
PART 1. ZONING DISTRICTS AND ZONING MAP**SECTION 405.100: ESTABLISHMENT OF DISTRICTS**

For the purposes of this Title, the City of Crane is divided into the following districts:

1. *"A-1" General Agricultural District.* Primarily undeveloped land usually found on the periphery of the City. Such lands are usually restricted to agriculture and limited primarily to residential use and constitute the prime areas for urban growth and expansion.
2. *"R-1" Single-Family Residential District.* Low density residential district with related recreational, religious and educational facilities being provided.
3. *"R-2" Two-Family Residential District.* Residential districts consisting of two (2) unit residential structures sharing common wall and lot line.
4. *"R-3" Multi-Family Residential District.* Medium density multi-family residential areas served by common facilities and open space. Such districts shall allow the construction of up to nine (9) dwellings units per acre.
5. *"M" Mobile Home District.* An area intended for the orderly, planned development of mobile homes and related facilities. The requirements for open space and facilities are similar to those provided for in the "R3" Multi-Family District.
6. *"C-1" Neighborhood Commercial District.* Automobile oriented commercial districts providing a wide variety of business services and retail outlets. Such districts usually generate a lot of traffic and require strict parking, paving width and building setback provisions.
7. *"C-2" General Business District.* The commercial district usually composing the City center. Such a district should offer a wide range of service and outlets and should be pedestrian oriented.
8. *"C-3" Planned Shopping Center District.* This district usually consists of large retail outlets such as department stores or shopping malls which usually create a high flow of traffic. The same requirements as the "C1" General Commercial District generally apply.

9. *"I-1" Light Industrial District.* An industrial district intended primarily for light manufacturing, assembling, fabrication or warehousing, wholesale and service uses. This area may require access to rail and street transportation. Buildings should be architecturally attractive and surrounded by landscaped yards.
10. *"I-2" Heavy Industrial District.* An industrial district intended to provide for a class of uses other than those specified in the "I-1" Light Industrial District category. This is an area of intense use and should be separated from residential and commercial uses wherever possible.

SECTION 405.110: OFFICIAL ZONING MAP

A. Zoning Map Designated.

1. There shall be an official map known and designated as the City of Crane Zoning Map which shall show all the boundaries of all zoning districts within the City limits. This map shall be kept in the Crane City Hall.
2. The City of Crane Zoning Map, with all notations, references and other matters shown thereon, is incorporated herein by reference. Amendments to this map shall be made in accordance with the procedures set forth in this Ordinance.

B. District Boundaries on Zoning Map. The following rules shall apply as the District Boundaries:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as following City limit lines shall be construed as following such City limits.
4. Boundaries indicated as following creeks, streams or other public ways shall be construed as following the centerline of such creeks, streams or other public ways.
5. Where the district boundaries do not coincide with Sections 400.500(B)(1) through 400.500(B)(4) above, the district boundaries shall be determined from the scale of the Zoning Map.

6. Any area not shown on the Zoning Map as being included in any district shall be deemed to be automatically included in the "R-1" Single-Family Residence District.
7. Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining each side of such street, alley or public way shall automatically be extended to the centerline of such vacation and all area included in the vacation shall be subject to all appropriate regulations of the extended district.

SECTION 405.120: BOUNDARIES -- WHERE UNCERTAINTY EXISTS

Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the Zoning Map, the following rules shall apply:

1. The zoning district boundaries shall be streets or alleys unless otherwise shown. Where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of the district.
2. Where there exists a conflict pertaining to the actual boundaries of a zoning district, said zoning district boundary shall be the lot line or lot lines of the property in question. If a conflict cannot be resolved by item number one (1) of this Section, the zoning district boundary shall be considered to be the lot line or lot lines of the property in question.
3. If a zoning district boundary cannot be resolved by utilizing item number one (1) or two (2) from this Section, it shall be the responsibility of the property owner to provide the necessary documentation to verify a boundary location.

SECTION 405.130: ANNEXED AREA

An applicant for voluntary annexation shall request a specific zoning classification in conjunction with his/her/its application and this request shall not be considered a separate application for the purposes of the applicable fees. The Planning and Zoning Commission shall consider said zoning request in conjunction with the request to annex and, if said request meets the requirements and is consistent with the Comprehensive Plan for the City of Crane, shall recommend its approval to the Board of Aldermen. In the event that an application for voluntary annexation is tabled due to Planning and Zoning concern of the requested zoning classification, the Planning and Zoning Commission may recommend approval of annexation request with default classification zoning of "A-1" for lot sizes of five (5) acres or more, and "R-1" for lot sizes of less than five (5) acres. The zoning classification shall remain until such time as an application for rezoning as required by this Ordinance is received and acted upon.

SECTION 405.140: VACATION OF PUBLIC EASEMENTS

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.

CHAPTER 405. ZONING REGULATIONS
PART 2. USE REGULATIONS BY ZONING DISTRICT**SECTION 405.200: ZONING DISTRICT "A-1" GENERAL AGRICULTURAL DISTRICT**

- A. *Purpose.* The Agricultural 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 of Crane that is used primarily for agricultural purposes. Most of these areas will be in close proximity to residential and commercial uses, therefore the agricultural activities conducted in this district 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 that 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. This district classification corresponds to the "A-1" Agricultural District classification as was defined in the Zoning Regulations 1972.
- B. *Use Regulations.* All buildings and land within an "A-1" Agricultural district shall be limited to the following uses:
1. *Permitted Uses:*
 - a. Agricultural and horticultural uses as defined in [Section 400.205](#) of this Ordinance. More specifically this includes the raising of crops, livestock, orchards, or forestry provided that any building or enclosure in which farm animals or fowl are kept shall be a distance not less than two hundred (200) feet from any dwelling other than a farm dwelling, and from any lot in any Residential district, but excluding feed lots and the raising of hogs.
 - b. Agricultural accessory uses, including repair shops, sheds, garages, barns, silos, bunkhouses, incidental dwellings, buildings and structures commonly required agricultural uses.
 - c. Apiaries, aviaries, fish hatcheries, and fur farming or the raising of furbearing animals.
 - d. Nursery and greenhouse operations.
 - e. Wineries and associated on-site sales.

- f. Hunting, fishing and propagation of wildlife.
- g. Boarding Stables and the associated riding and training activities.
- h. Farmhouses and Single-family detached dwelling, but not including trailer or manufactured homes or mobile homes. (This subsection updated by Ordinance 2063, 10/21/2024)
- i. Private kennels, stables, dairies and poultry houses, provided that any building or enclosure in which animals are kept shall be a distance of not less than two hundred (200) feet from any Residential District.
- j. Public utilities and municipal buildings, including cable television service providers, pipeline, gas, electric, telecommunications, communication tower, water, and sewer corporations and utility easements and rights-of-way, except for office buildings, loading yards and warehouses.
- k. Group home. No group home shall be located within one-half (½) mile of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
- l. Family day care homes, if not more than six (6) children are kept.
- m. Cemeteries, including mausoleums and crematories therein, provided that any mausoleum and crematory shall comply with the distance requirements of five hundred (500) feet from any Residential District, and provided that any new cemetery shall contain an area not less than twenty (20) acres.
- n. Privately owned airports that qualify as reliever airports under the Nation Plan of Integrated Airports System.
- o. Similar & Compatible Uses. Other uses which are similar and compatible with the allowed uses of the "A-1" Agriculture district as determined by the Director of Planning acting in the capacity of Planning and Zoning Administrator.

2. *Accessory Uses.* Accessory uses, buildings, structures, and land customarily incidental to any of the Permitted Uses set out above and pursuant to [Section 405.300](#), including:
- a. Living quarters of persons employed on the premises but not including labor camps or dwellings for transient labor.
 - b. Garage apartment or guest house, not rented or otherwise conducted as a business, under 1200 square feet of habitable floor space.
 - c. A private garage, parking area.
 - d. Customary incidental home occupations when conducted in a dwelling, as permitted pursuant to [Section 405.310](#).
 - e. Temporary buildings for uses incidental to the permitted principal use of a single-family dwelling or construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work.
 - f. Temporary produce stands on any premises used for agricultural purposes and temporary uses in accordance with [Section 405.305](#).
 - g. Swimming pool, incidental to the permitted principal use of a single-family dwelling.
 - h. Private Garages and Accessory buildings customary, incidental and subordinate to the use of the main building. Accessory buildings would include, but not necessarily be limited to, awnings, storage cabinets and buildings, fences or windbreaks, garages, carports, pergolas, patios and fireplaces, porches, greenhouses, and other accessory structures. Any accessory building shall be located on the same lot with the principal building.
 - i. Accessory uses customary to and incidental to permitted agricultural uses, and including roadside stands offering for sale only agricultural products produced on the premises.
 - j. Accessory uses customary to and incidental to permitted non-agricultural uses.

3. *Conditional Uses.* The following uses are permitted as conditional uses subject to the conditions of approval established during the requested Planning and Zoning hearing based on the unique characteristics of the property and proposed use:
- a. Churches and other places of worship, including parish houses, but excluding temporary revivals, rescue missions and overnight shelters.
 - b. Schools, elementary and secondary, or development centers for elementary and secondary school-age children with developmental disabilities or handicaps.
 - c. Publicly owned or operated parks, playgrounds, recreation facilities, golf courses, and community buildings, all of a non-commercial nature.
 - d. Airport or airfield, camp, hospital, sanitarium, correctional facility or institution for the insane.
 - e. Rodeo or fairgrounds.
 - f. Group day care homes.
 - g. Rifle, skeet, trap, and pistol ranges and similar uses provided that the physical layout of such uses (firing line, targets, range, etc.) shall be located a minimum distance of five hundred (500) feet from an Residential District.
 - h. Commercial kennels, animal hospitals, veterinary clinics or kennels,
 1. Provided that any tract of land in such use shall not be less than ten (10) acres in are; and
 2. Any building or enclosure shall be a distance of two hundred (200) feet from a Residential District, and fifty (50) feet from any property line.
 - i. Riding academies and public stables;
 1. Provided that any lot or tract of land in such use shall be not less than twenty (20) acres in area; and
 2. Any building or enclosure in which animals are kept shall be a minimum distance of two hundred (200) feet from a Residential District.
 3. The issuance of a conditional use permit for riding academies and public stables is intended to insure they remain primarily agricultural in nature.

- j. Bed and Breakfast.
- k. Golf Course with clubhouse and driving range as accessory uses. (Miniature golf courses are not included)

C. *Site and Structure Provisions.*

1. *Minimum Lot Area.* The lot area of each zoning lot shall not be less than five (5) acres, except that public utility facilities may be located on lots of lesser area with administrative approval.
2. *Minimum Area Regulations.*
 - a. *Minimum Lot Width* - The width of each zoning lot shall not be less than three hundred (300) feet.
 - b. *Front Yard* - Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of fifty (50) feet from the front property line.
 - c. *Side Yard* - There shall be two (2) side yards, one on each side of the building, having a minimum width of twenty-five (25) feet each.
 - d. *Rear Yard* - There shall be a rear yard having a depth of not less than fifty (50) feet.
3. *Maximum Lot Coverage.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed fifteen (15) percent of the total area of the lot.
4. *Minimum Floor Area.* Every single-family detached dwelling hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of one thousand (1,000) square feet of livable floor space completely above grade.
5. *Height Regulations.*
 - a. No building or dwelling shall exceed thirty-five (35) feet in height, or two and one-half (2½) stories whichever is less, above the natural grade of the property at the location of the structure or base flood elevation as established in [Chapter 415, Flood Management](#), whichever is higher.
 - b. Uses incidental to farming, such as silos, windmills, etc. and any other non-habitable structure (e.g. radio, TV tower) may exceed this height limitation, provided, however, that there be one (1) foot setback for every one (1) foot over forty-five (45) feet from existing dwellings or residences.

D. *District Standards.* All uses of land and structures are subject to the general standards and regulations of this ordinance. In addition, all uses located in the "A-1" Agricultural district shall be subject to the following standards:

1. Environmental Quality.

- a. Flood Zones - Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the City Engineer prior to issuance of a building permit.
- b. Screening shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)

2. Landscaping, Signs, and Parking.

- a. Landscaping shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)
- b. Signs shall be subject to the provisions of [Chapter 425, Part 1, Sign Regulations.](#)
- c. Parking shall be subject to the provisions of [Chapter 405, Part 5, Off-Street Parking and Loading Requirements.](#)

3. Utilities.

- a. Sewer. All lots shall be served by a public sewerage supply, except lots of five (5) acres or more may be approved for an individual sewer system that must meet Department of Health and Human Resources standards and be approved by the Stone County Health Department.
- b. Water. All lots shall be served by a public water supply.

SECTION 405.210: ZONING DISTRICT "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. *Purpose.* The Single-Family Residential district is intended to provide for low density residential development including those uses which reinforce residential neighborhoods. Provision is also made for such educational, recreational, and religious uses as are customarily associated with residential uses to provide the basic elements of a balanced and attractive residential area. This district classification corresponds to the "R-1" One Family Residential District classification as was defined in the Zoning Regulations 1972.
- B. *Use Regulations.* All buildings and land within a "R-1" Single-Family Residential district shall be limited to the following primary uses:
1. *Permitted Uses:*
 - a. Single-family dwellings, one dwelling per lot but not including trailer or manufactured homes or mobile homes. (This subsection updated by Ordinance 2063, 10/21/2024)
 - b. Churches and other places of worship, including parish houses, but excluding temporary revivals, rescue missions and overnight shelters, that meet the following requirements:
 1. Frontage on and primary access to an arterial or higher classification street;
 2. Located on a minimum of two (2) acres of land to provide sufficient space for off-street parking and site design to minimize impact on adjacent residential uses. Churches and other places of worship on less than two (2) acres of land at the time this Ordinance is adopted shall be considered conforming uses.
 - c. Schools, elementary and secondary, or development centers for elementary and secondary school-age children with developmental disabilities or handicaps, on a minimum of five (5) acres of land.
 - d. Public utilities and municipal buildings, public utility water reservoirs, water standpipes, and elevated and ground level storage tanks, transportation, pipeline, and utility easements and rights-of-way, except for office buildings, garages and shops, loading yards and warehouses.
 - e. Publicly owned or operated parks, playgrounds, swimming pools, recreational and community center buildings and grounds, baseball fields, swimming pools, golf courses, tennis courts, and similar recreational uses, all of a non-commercial nature.

- f. Group home. No group home shall be located within one-half (½) mile of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
 - g. Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices, and maintenance facilities operated by a neighborhood or community organization or a property owners association.
2. *Accessory Uses.* Accessory uses, buildings, and structures customarily incidental to any of the Permitted Uses set out above and pursuant to [Section 405.300](#), including:
- a. A private garage, parking area.
 - b. Customary incidental home occupations when conducted in a dwelling, as permitted pursuant to [Section 405.310](#).
 - c. Temporary real estate signs and small announcement signs.
 - d. Temporary buildings for uses incidental to the permitted principal use of a single-family dwelling or construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work.
 - e. Temporary uses in accordance with [Section 405.305](#).
 - f. Gazebos and similar out-buildings.
 - g. Noncommercial studios and workshops.
 - h. Noncommercial nurseries, greenhouses, and gardens.
 - i. Private swimming pools and recreational facilities (basketball or tennis courts). Swimming pools may not be placed in the front setback off the road or within any side setback.
 - j. Private Garages and Accessory buildings customary, incidental and subordinate to the use of the main building. Accessory buildings would include, but not necessarily be limited to, awnings, storage cabinets and buildings, fences or windbreaks, garages, carports, pergolas, patios and fireplaces, porches, greenhouses, and other accessory structures. Any accessory building shall be located on the same lot with the principal building.

- k. Day care homes if not more than six (6) children are kept, subject to state licensing requirements.
3. *Conditional Uses.* The following uses are permitted as conditional uses subject to the conditions of approval established during the requested Planning and Zoning hearing based on the unique characteristics of the property and proposed use:
 - a. Children's day care center if not more than ten (10) children are kept, subject to state licensing requirements.
 - b. Cemeteries, including mausoleums and crematories therein, provided that any mausoleum and crematory shall comply with the distance requirements of five hundred (500) feet from any Residential District, and provided that any new cemetery shall contain an area not less than twenty (20) acres.
 - c. Single-user office in residential structure located on an arterial road or major collector road. Provided that no modifications shall be made to the residential appearance of said structure without approval of the Planning and Zoning Commission.
 - d. Bed and breakfast facilities.
 - e. Public museums and libraries on a minimum of two (2) acres.
 - f. Any other uses not listed will be required to obtain a conditional use permit.
 4. *Non-Permitted Uses:*
 - a. Communication tower.

C. Site and Structure Provisions.

1. *Minimum Lot Area.* The lot area of each zoning lot shall not be less than seven thousand five hundred (7,500) square feet, except that public utility facilities may be located on lots of lesser area with administrative approval.
2. *Minimum Area Regulations.*
 - a. *Minimum Lot Width* - The width of each zoning lot shall not be less than seventy-five (75) feet.
 - b. *Front Yard* - Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of twenty-five (25) feet from the front property line.
 - c. *Side Yard* - There shall be two (2) side yards, one on each side of the building, having a minimum width of eight (8) feet each, plus one (1) additional foot for each foot in building height over twenty (20) feet above Base Flood Elevation. However, for structures located on corner lots, there shall be a side yard setback from the side street of not less than twenty (20) feet.
 - d. *Rear Yard* - There shall be a rear yard having a depth of not less than twenty-five (25) feet, plus one additional foot, for every foot in building height over twenty (20) feet above Base Flood Elevation.
3. *Maximum Lot Coverage.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed thirty (30) percent of the total area of the lot.
4. *Minimum Floor Area.* Every single-family detached dwelling hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of one thousand (1,000) square feet of livable floor space completely above grade.
5. *Height Regulations.* No building or dwelling for residential or business purposes shall exceed thirty-five (35) feet in height, or two and one-half (2½) stories whichever is less, above the natural grade of the property at the location of the structure or base flood elevation as established in [Chapter 415, Flood Management](#), whichever is higher.

D. *District Standards.* All uses of land and structures in the "R-1" Single-Family Residential district are subject to the general standards and regulations of this ordinance. In addition, all uses located in the "R-1" Single-Family Residential district shall be subject to the following standards:

1. *Environmental Quality.*

- a. Flood Zones - Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the City Engineer prior to issuance of a building permit.
- b. Screening shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)

2. *Landscaping, Signs, and Parking.*

- a. Landscaping shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)
- b. Signs shall be subject to the provisions of [Chapter 425, Part 1, Sign Regulations.](#)
- c. Parking shall be subject to the provisions of [Chapter 405, Part 5, Off-Street Parking and Loading Requirements.](#)

3. *Utilities.*

- a. *Sewer* -
 1. Residential - All lots shall be served by a public sewerage supply, except lots of five (5) acres or more may be approved for an individual sewer system that must meet Department of Health and Human Resources standards and be approved by the Stone County Health Department.
 2. Non-Residential - All lots shall be served by a public sewerage supply.
- b. *Water* - All lots shall be served by a public water supply.

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SECTION 405.220: ZONING DISTRICT "R-2" TWO-FAMILY RESIDENTIAL DISTRICT

- A. *Purpose.* The Two-Family Residential district is intended to provide for moderate density residential development, including two-family and higher density single-family dwellings, in a manner which will encourage a strong residential neighborhood. Provision is also made for such educational, recreational, and religious uses as are customarily associated with residential uses to provide the basic elements of a balanced and attractive residential area. This district classification corresponds to the "R-2" Two Family Residential District classification as was defined in the Zoning Regulations 1972.
- B. *Use Regulations.* All buildings and land within "R-2" Two-Family Residential district shall be limited to the following primary uses:
1. *Permitted Uses:*
 - a. All uses permitted in "R-1" Single-Family Residential Districts.
 - b. Two-family dwellings or single-family dwellings with accompanying garage apartments but not including trailer or manufactured homes or mobile homes.
(This subsection updated by Ordinance 2063, 10/21/2024)
 - c. Attached single-family dwellings, with a maximum of two (2) residences.
 1. Common party walls must be located on the property line, must be a minimum of eight (8) inches thick, be constructed of masonry with no openings and meet applicable building code standards for fire walls and party walls.
 2. No portions of the dwelling or architectural features may project over any property line.
 3. One (1) side yard meeting minimum distance is required for each structure.
 - d. Bed and Breakfast

2. *Accessory Uses.* Accessory uses, buildings, and structures customarily incidental to any of the Permitted Uses set out above and pursuant to [Section 405.300](#), including:
 - a. All accessory uses permitted in "R-1" Single-Family Residential Districts.
 - b. Any accessory uses, buildings or structures customarily incidental to the aforesaid permitted uses
3. *Conditional Uses.* The following uses are permitted as conditional uses subject to the conditions of approval established during the requested Planning and Zoning hearing based on the unique characteristics of the property and proposed use:
 - a. All conditional uses permitted in "R-1" Single-Family Residential District.
 - b. Rest or nursing homes for convalescent patients provided that no more than ten (10) patients are kept.
 - c. Any other uses not listed will be required to obtain a conditional use permit.
4. *Non-Permitted Uses:*
 - a. Communication tower.

C. Site and Structure Provisions.

1. *Minimum Lot Area.* The lot area of each zoning lot shall not be less than nine thousand (9,000) square feet, except that public utility facilities may be located on lots of lesser area with administrative approval.
2. *Minimum Area Regulations.*
 - a. *Minimum Lot Width* - The width of each zoning lot shall not be less than seventy-five (75) feet.
 - b. *Front Yard* - Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of twenty-five (25) feet from the front property line.
 - c. *Side Yard* - There shall be two (2) side yards, one on each side of the building, having a minimum width of eight (8) feet each, plus one (1) additional foot for each foot in building height over twenty (20) feet above Base Flood Elevation. However, for structures located on corner lots, there shall be a side yard setback from the side street of not less than twenty (20) feet.
 - d. *Rear Yard* - There shall be a rear yard having a depth of not less than twenty-five (25) feet, plus one additional foot, for every foot in building height over twenty (20) feet above Base Flood Elevation.
3. *Maximum Lot Coverage.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed thirty (30) percent of the total area of the lot.
4. *Minimum Floor Area.* Every single-family detached dwelling hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of one thousand (1,000) square feet of livable floor space completely above grade.
5. *Height Regulations.* No building or dwelling for residential or business purposes shall exceed thirty-five (35) feet in height, or two and one-half (2½) stories whichever is less, above the natural grade of the property at the location of the structure or base flood elevation as established in [Chapter 415, Flood Management](#), whichever is higher.

D. *District Standards.* All uses of land and structures in the "R-2" Two-Family Residential district are subject to the general standards and regulations of this ordinance. In addition, all uses located in the "R-2" Two-Family Residential district shall be subject to the following standards:

1. Environmental Quality.

- a. Flood Zones - Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the City Engineer prior to issuance of a building permit.
- b. Screening shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)

2. Landscaping, Signs, and Parking.

- a. Landscaping shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)
- b. Signs shall be subject to the provisions of [Chapter 425, Part 1, Sign Regulations.](#)
- c. Parking shall be subject to the provisions of [Chapter 405, Part 5, Off-Street Parking and Loading Requirements.](#)

3. Utilities.

- a. Sewer –
 1. Residential - All lots shall be served by a public sewerage supply, except lots of five (5) acres or more may be approved for an individual sewer system that must meet Department of Health and Human Resources standards and be approved by the Stone County Health Department.
 2. Non-Residential - All lots shall be served by a public sewerage supply.
- b. *Water* - All lots shall be served by a public water supply.

SECTION 405.230: ZONING DISTRICT "R-3" MULTI-FAMILY RESIDENTIAL DISTRICT

- A. *Purpose.* The "R-3" Multi-Family Residential District is intended for the purpose of allowing multiple family development not to exceed nine (9) dwelling units per acre. The principle use of the land is for co-mingling of compatible single-family and two-family dwellings, apartments, residential care facilities, home occupations, community facilities and certain uses, yet retain the basic residential quality. Recreational, religious, and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas. This district classification corresponds to the "R-3" Multiple Family Residential District classification as was defined in the Zoning Regulations 1972.
- B. *Use Regulations.* All buildings and land within a "R-3" Multi-Family Residential district shall be limited to the following primary uses:
1. *Permitted Uses:*
 - a. All uses permitted in "R-2" Two-Family Residential District.
 - b. Multiple-family dwellings, apartment houses, condominium, townhouses.
 - c. Boarding, rooming and lodging houses.
 - d. Law enforcement and fire stations, and other emergency vehicle services.
 - e. Children's day care center if not more than ten (10) children are kept, subject to state licensing requirements.
 - f. Rest or nursing homes for convalescent patients provided that no more than ten (10) patients are kept.

2. *Accessory Uses.* Accessory uses, buildings, and structures customarily incidental to any of the Permitted Uses set out above and pursuant to [Section 405.300](#), including:
 - a. All accessory uses permitted in "R-2" Two-Family Residential District.
 - b. Property management and sales office.
 - c. Model unit or dwelling.
 - d. Storage parking area to serve residents.
3. *Conditional Uses.* The following uses are permitted as conditional uses subject to the conditions of approval established during the requested Planning and Zoning hearing based on the unique characteristics of the property and proposed use:
 - a. All conditional uses permitted in "R-2" Two-Family Residential Districts.
 - b. Museums, libraries and art galleries.
 - c. Any other uses not listed will be required to obtain a conditional use permit.
 - d. Clubs, fraternities, lodges and other meeting places of other organizations, not including any use that is customarily conducted as a gainful business.
 - e. Children's day care centers, rest homes, or nursing homes for convalescent patients, provided that not more than twenty (20) children are kept that meets state licensing requirements.
 - f. Residential and Non-Residential Group Homes as classified in these Zoning Regulations may be authorized by the Board of Adjustment, provided that all guidelines, requirements and limitations stated in these Zoning Regulations or any other requirements as deemed necessary by the Board of Adjustment are adhered to.
4. *Non-Permitted Uses:*
 - a. Communication tower.

C. Site and Structure Provisions.

1. *Minimum Lot Area.* The lot area of each zoning lot shall not be less than nine thousand (9,000) square feet, plus an additional two thousand five hundred (2,500) square feet per family over two families, except that public utility facilities may be located on lots of lesser area with administrative approval.
2. *Minimum Area Regulations.*
 - a. *Minimum Lot Width* - The width of each zoning lot shall not be less than sixty (60) feet plus thirty (30) feet for each story over two (2).
 - b. *Front Yard* - Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of twenty-five (25) feet from the front property line.
 - c. *Side Yard* - There shall be two (2) side yards, one on each side of the building, having a minimum width of ten (10) feet each, plus one (1) additional foot for each foot in building height over twenty (20) feet above Base Flood Elevation. However, for structures located on corner lots, there shall be a side yard setback from the side street of not less than twenty (20) feet.
 - d. *Rear Yard* - There shall be a rear yard having a depth of not less than twenty-five (25) feet, plus one additional foot, for every foot in building height over twenty (20) feet above Base Flood Elevation.
3. *Maximum Lot Coverage.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed fifty (50) percent of the total area of the lot.
4. *Minimum Floor Area.* Each dwelling unit hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of six hundred fifty (650) square feet of livable floor space, provided however, that a detached single-family dwelling unit shall contain a minimum of one thousand (1,000) square feet of livable floor space completely above grade.
5. *Height Regulations.* No building or dwelling for residential or business purposes shall exceed forty-five (45) feet in height, or three and one-half (3½) stories whichever is less, above the natural grade of the property at the location of the structure or base flood elevation as established in [Chapter 415, Flood Management](#), whichever is higher.

D. *District Standards.* All uses of land and structures in the "R-3" Medium Density Multi-Family Residential district are subject to the general standards and regulations of this ordinance. In addition, all uses located in the "R-3" Medium Density Multi-Family Residential district shall be subject to the following standards:

1. *Environmental Quality.*

- a. Flood Zones - Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the City Engineer prior to issuance of a building permit.
- b. Screening shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)

2. *Landscaping, Signs, and Parking.*

- a. Landscaping shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)
- b. Signs shall be subject to the provisions of [Chapter 425, Part 1, Sign Regulations.](#)
- c. Parking shall be subject to the provisions of [Chapter 405, Part 5, Off-Street Parking and Loading Requirements.](#)

3. *Utilities.*

- a. *Sewer* - All lots shall be served by a public sewerage supply.
- b. *Water* - All lots shall be served by a public water supply.

SECTION 405.240: ZONING DISTRICT "M" MOBILE HOME DISTRICT

- A. *Purpose.* It is the intent of this district to provide medium density mobile/manufactured home park development which is compatible with the character of the surrounding neighborhood in which it is located. Mobile/Manufactured home parks are considered as a residential use and should be located in areas where services and amenities are available such as those found in conventional residential areas. Provision is also made for such educational, recreational, and religious uses as are customarily associated with residential uses to provide the basic elements of a balanced and attractive residential area. This district classification corresponds to the "M" Mobile Home District classification as was defined in the Zoning Regulations 1972.
- B. *Use Regulations.* All buildings and land within a "M" Mobile Home District shall be limited to the following primary uses:
1. *Permitted Uses:*
 - a. All uses permitted in "R-1" Single-Family Residential Districts.
 - b. Single mobile homes on individual lots.
 - c. Single manufactured homes on individual lots.
 - d. Manufactured home parks.
 - e. Mobile home and manufactured home subdivisions.
 - f. Clubhouses associated with any permitted residential use, subject to the requirement that such clubhouses shall be for the use of the residents of the associated residential development and their guests, and shall not be open for general public use.
 2. *Accessory Uses.* Accessory uses, buildings, and structures customarily incidental to any of the Permitted Uses set out above and pursuant to [Section 405.300](#), including:
 - a. All accessory uses permitted in "R-1" Single-Family Residential Districts.
 - b. 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 zoning district.
 - c. Property management or sales office.

3. Conditional Uses. The following uses are permitted as conditional uses subject to the conditions of approval established during the requested Planning and Zoning hearing based on the unique characteristics of the property and proposed use:

a. All conditional uses permitted in "R-1" Single-Family Residential District.

4. *Non-Permitted Uses:*

a. Communication tower.

C. *Site and Structure Provisions.*

1. *Minimum Lot Area.* The lot area of each zoning lot shall not be less than five (5) acres, except that public utility facilities may be located on lots of lesser area with administrative approval.

2. *Minimum Area Regulations.*

a. *Minimum Lot Width* - The width of each zoning lot shall not be less than fifty (50) feet.

b. *Front Yard* - Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of twenty-five (25) feet from the front property line.

c. *Side Yard* - There shall be two (2) side yards, one on each side of the building, having a minimum width of fifteen (15) feet each, plus one (1) additional foot for each foot in building height over twenty (20) feet above Base Flood Elevation.

d. *Rear Yard* - There shall be a rear yard having a depth of not less than twenty-five (25) feet, plus one additional foot, for every foot in building height over twenty (20) feet above Base Flood Elevation.

3. *Maximum Lot Coverage.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed forty (40) percent of the total area of the lot.

4. *Minimum Floor Area.* Every single-family detached dwelling hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of one thousand (1,000) square feet of livable floor space completely above grade.

5. *Height Regulations.* No building or dwelling for residential or business purposes shall exceed thirty-five (35) feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in [Chapter 415, Flood Management](#), whichever is higher.

D. *District Standards.* All uses of land and structures in the "M" Mobile Home District are subject to the general standards and regulations of this ordinance. In addition, all uses located in the "M" Mobile Home District shall be subject to the following standards:

1. *Environmental Quality.*

- a. Flood Zones - Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the City Engineer prior to issuance of a building permit.
- b. Screening shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements](#).

2. *Landscaping, Signs, and Parking.*

- a. Landscaping shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements](#).
- b. Signs shall be subject to the provisions of [Chapter 425, Part 1, Sign Regulations](#).
- c. Parking shall be subject to the provisions of [Chapter 405, Part 5, Off-Street Parking and Loading Requirements](#).

3. *Utilities.*

- a. *Sewer* - All lots shall be served by a public sewerage supply.
- b. *Water* - All lots shall be served by a public water supply.

- E. *Supplemental Regulations.* Each manufactured home park shall be designed in accordance with all city codes and to the following minimum design standards:
1. A mobile home district shall be no less than five (5) acres in total area.
 2. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 3. Manufactured home parks hereafter approved shall have a maximum density of eight (8) manufactured homes per gross acre, and shall occupy a designated space having at least five thousand (5,000) square feet of lot area.
 4. Each mobile home space shall have a width of at least fifty (50) feet, exclusive of common driveways.
 5. All roadways within the park shall be of all-weather hard-surfaced material to a contiguous width of twenty-five (25) feet and shall be adequately lighted, provided however, that no on-street parking is permitted. All roadways shall have unobstructed access to a public street.
 6. Two (2) off-driveway parking spaces of all-weather hard-surfaced material shall be provided for each mobile home space. Required parking spaces may be included within the five thousand (5,000) square feet required for each mobile home space.
 7. At least two hundred (200) square feet of 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.
 8. No mobile/manufactured homes or other structure within a mobile home district shall be closer to each other than thirty (30) feet, except that storage or other auxiliary structures for the exclusive use of the mobile home may be no closer to another home than twenty (20) feet.
 9. The mobile home park district and all occupied units located in it must be connected to the municipal water and sewerage systems.
 10. Tie-Downs and Ground Anchors: All manufactured homes shall be secured to the ground by tie-downs and ground anchors of steel cable or strapping capable of withstanding 4,750 pounds of pull (in a vertical or diagonal direction) without failure at all corners of each mobile home to an anchor which extends at least twenty-four (24) inches below the surface of the ground.

11. Plans clearly indicating the developer's intention to comply with the provisions of this Section shall be submitted to and approved by the Planning and Zoning Commission. Such plans must be drawn to a scale of not less than one (1) inch equals fifty (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 service 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 and Zoning 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.
 12. Any expansion of mobile home parks in existence on the effective date of this Ordinance shall comply with the provisions of this Section.
- F. *Compliance.* No mobile/manufactured home shall be placed in a new mobile home park until the streets and other physical improvements shown on the mobile home park plan have been installed. The owner of the mobile home park may submit a phased development and use plan for approval to the Board of Aldermen. The owner of the mobile home park may complete the construction of one (1) section of the mobile home park and place mobile homes in this completed section, provided that the construction is in accordance with the design standards and the approved phased development plan.

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SECTION 405.250: ZONING DISTRICT "C-1" NEIGHBORHOOD COMMERCIAL DISTRICT

- A. *Purpose.* The Neighborhood Commercial district is intended for the conduct of retail trade, to provide personal services, business and commercial activities of non-offensive nature, which serve a neighborhood and the immediate environs as opposed to a larger portion of the community, or trade area; and including residences, providing non-residential uses are allowed on the street level. 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. This district classification corresponds to the "C-1" Neighborhood Commercial District classification as was defined in the Zoning Regulations 1972.
- B. *Use Regulations.* All buildings and land within a "C-1" Neighborhood Commercial district shall be limited to the following primary uses:
1. *Permitted Uses.*
 - a. All nonresidential uses permitted in the "R-3" Multi-Family district;
 - b. All residential uses permitted in the "R-1" Single-Family Residential district and "R-2" Two-Family Residential district so long as residential uses are not allowed on the street level;
 - c. Personal service establishments including beauty parlors, barber shops, shoe repair, dressmaking and tailoring;
 - d. Laundry and dry cleaning establishment employing not more than five (5) persons;
 - e. Drug store, liquor store, grocery store;
 - f. Restaurants, cafes and soda fountains excluding drive-in service, food retail stores, bakeries, delicatessens, and meat markets with on-premise sales;
 - g. Business, administrative and professional offices such as government offices, financial offices and real estate offices, provided that they retain the character of the neighborhood in which they locate;

- h. Medical offices, laboratories and clinics but excluding abortion clinics;
 - i. Car wash establishments, convenience store, which shall include gasoline sales, but shall not permit repair facilities for motor vehicles;
 - j. Interior decorating, furniture sales household appliance repair;
 - k. Music, radio or television shops;
 - l. Paint and printing stores excluding manufacturing;
 - m. Dog and cat grooming excluding kennels.
2. *Accessory Uses*. Accessory uses, buildings, and structures customarily incidental to any of the Permitted Uses set out above and pursuant to [Section 405.300](#), including:
- a. All nonresidential uses permitted in the "R-3" Multi-Family district.
 - b. Single-family residential unit, with the following conditions:
 - 1. The residence is occupied by the owner and operator or a full-time employee of the principal permitted use;
 - 2. The structures, if separate, must remain on the same property and may not be subdivided independent of each other.
 - c. Accessory retail or service uses that are necessary for convenience of residential districts subject to the review by the Zoning Commission to insure conformity to the intent of the ordinance.
 - d. Temporary building for uses incidental to construction work, which buildings shall be immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work.
 - e. Temporary uses in accordance with [Section 405.305](#).

3. *Conditional Uses.* The following uses are permitted as conditional uses subject to the conditions of approval established during the requested Planning and Zoning hearing based on the unique characteristics of the property and proposed use:
 - a. Automobile sales, boat sales, farm implements – sales and services.
 - b. Cabinet sales, lumberyards.
 - c. Nurseries, garden supplies and landscaping.
 - d. Restaurants (drive-through), outdoor dining areas associated with restaurants, cafes, and soda fountains, theaters.
 - e. Motels and hotels.
 - f. Child day care facilities, hospitals and banks and financial institutions.
 - g. Communication tower (see [Section 400.610\(H\)](#)).
4. *Non-Permitted Uses.*
 - a. No new residential structures shall be constructed in the C-1 Neighborhood Commercial District where none existed prior to this ordinance. Existing residential structures may be altered, remodeled or improved subject to the restrictions and regulations applicable to residences in the R-3 Multi-Family Residence District.
 - b. No separate business establishment shall occupy more than 7,500 square feet of floor space.
 - c. No manufacturing, processing or treating of products other than that which is clearly incidental and essential to retail business shall be conducted and all such products shall be sold at retail on the premises.

C. Site and Structure Provisions.

1. *Minimum Lot Area.* The lot area of each zoning lot shall not be less than seven thousand five hundred (7,500) square feet, except that public utility facilities may be located on lots of lesser area with administrative approval.
2. *Minimum Area Regulations.*
 - a. *Minimum Lot Width* - The width of each zoning lot shall not be less than one hundred (100) feet.
 - b. *Front Yard* - Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of twenty-five (25) feet from the front property line.
 - c. *Side Yard* - There shall be two (2) side yards, one on each side of the building, having a minimum width of fifteen (15) feet each, plus one (1) additional foot for each foot in building height over twenty (20) feet above Base Flood Elevation.
 - d. *Rear Yard* - There shall be a rear yard having a depth of not less than twenty-five (25) feet, plus one additional foot, for every foot in building height over twenty (20) feet above Base Flood Elevation.
3. *Maximum Lot Coverage.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed forty (40) percent of the total area of the lot.
4. *Minimum Floor Area.* Every building hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of one thousand (1,000) square feet of floor space completely above grade.
5. *Height Regulations.* No building or dwelling for residential or business purposes shall exceed thirty-five (35) feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in [Chapter 415, Flood Management](#), whichever is higher.

D. *District Standards.* All uses of land and structures in the "C-1" Neighborhood Commercial District are subject to the general standards and regulations of this ordinance. In addition, all uses located in "C-1" Neighborhood Commercial District shall be subject to the following standards:

1. Environmental Quality.

- a. Flood Zones - Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the City Engineer prior to issuance of a building permit.
- b. Screening shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)

2. Landscaping, Signs, and Parking.

- a. Landscaping shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)
- b. Signs shall be subject to the provisions of [Chapter 425, Part 1, Sign Regulations.](#)
- c. Parking shall be subject to the provisions of [Chapter 405, Part 5, Off-Street Parking and Loading Requirements.](#)

3. *Utilities.*

- a. *Sewer* - All lots shall be served by a public sewerage supply.
- b. *Water* - All lots shall be served by a public water supply.

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SECTION 405.260: ZONING DISTRICT "C-2" GENERAL COMMERCIAL DISTRICT

- A. *Purpose.* The General Commercial district is intended for the conduct of personal business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods. This district classification corresponds to the "C-2" General Commercial District classification as was defined in the Zoning Regulations 1972.
- B. *Use Regulations.* All buildings and land within a "C-2" General Commercial district shall be limited to the following primary uses:
1. *Permitted Uses:*
 - a. All uses permitted in the "C-1" Neighborhood Commercial District;
 - b. Automobile, truck, trailer, agricultural implement, boat and marine supply and establishments for display, hire, sales and repair, including sales lots, provided all operations, other than display and sales, shall be conducted within a completely enclosed building, but with no outdoor storage of wrecks, vehicle parts, or salvaged materials;
 - c. Service stations or gas stations and convenience stores;
 - d. General retail sales and rental of goods, merchandise and equipment including but not limited to department store, variety store, specialty shop, discount store, hardware store, household appliance store and repair, clothing and accessory goods store, gift and book store, jewelry and watch repair store, sporting goods;
 - e. Carpenter shops, electrical, plumbing and heating shops, newspaper plants and printing, publishing or lithographing shops, photo supply store, furniture and home furnishings stores, furniture upholstery shops, auction sales, flea markets and swap meets, provided that any use shall be conducted within a completely enclosed building;
 - f. Metal and wood fencing, ornamental grillwork and decorative wrought iron work and play equipment sales;
 - g. Bar, restaurant including drive-ins, cocktail lounge;
 - h. Hotel, motel and other lodging enterprises;

- i. Pet shops, animal hospitals, veterinary clinics, or kennels, provided that all animals shall be kept indoors and that no such building, kennel or exercise runway is closer than three hundred (300) feet to the boundary of any residential district;
- j. Funeral homes or mortuaries, monument sales, cemetery;
- k. Clinics, dental laboratories and similar medical service facilities. Health and fitness centers, including dance studios;
- l. Schools, professional, business and trade;
- m. Family day care center, group day care center;
- n. Greenhouse, nursery, or garden stores, pest control services;
- o. Banks and financial institutions, including automatic teller machines and drive-through facilities;
- p. Assembly halls, including clubs, lodges, billiard or pool parlors, bowling alley, skating rink, dance hall, arcade and game room, indoor theater and other such similar places of commercial entertainment excluding adult-oriented businesses, provided that such other use is conducted within a completely enclosed building(s);
- q. Accessory wholesale and services uses necessary to convenience of general public subject to conditions deemed appropriate by Board of Adjustment to insure conformity to the intent of the ordinance;
- r. 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, excluding abortion clinics.
- s. Manufactured home / prefabricated home sales and rental, but not including the use of a manufactured home as a residence;
- t. Water reservoirs, water standpipes, and elevated and ground level water storage tanks;
- u. Airport or airfield, camp, hospital, sanitarium, correctional facility or institution for the insane, on a minimum of five (5) acres of land;

- v. Library, museum, art gallery and similar uses;
 - w. Off-street parking facilities, personal self-service storage facilities, provided that there shall be no outdoor storage;
 - x. The following uses, when conducted wholly within a completely enclosed building, or when conducted within an area enclosed on all sides with a solid wall or uniformly painted solid board fence, not less than six (6) feet high. In any circumstance, such use may not take place within two hundred (200) feet of any Residential District:
 - 1. Building material sales yards, not including concrete mixing;
 - 2. Contractor's equipment storage yards or plants, or storage and rental of equipment commonly used by contractors;
 - 3. Bottlers of soft drinks and milk, or distribution stations.
2. *Accessory Uses.* Accessory uses, buildings, and structures customarily incidental to any of the Permitted Uses set out above and pursuant to [Section 405.300](#), including:
- a. All accessory uses permitted in the "C-1" Neighborhood Commercial District;
 - b. Any accessory use or structure customarily accessory and incidental to the listed principal permitted uses.

3. *Conditional Uses.* The following uses are permitted as conditional uses subject to the conditions of approval established during the requested Planning and Zoning hearing based on the unique characteristics of the property and proposed use:
 - a. Drive-in theaters, commercial baseball fields, swimming pools, golf driving ranges, livery stables and riding academies, amusement parks, or recreational uses including water slides, race tracks or similar uses.
 - b. Substance abuse treatment facilities, rescue missions, overnight shelters, halfway houses.
 - c. Recreational vehicle parks.
 - d. Zoo, private
 - e. Bus terminals
 - f. Communication tower (see [Section 400.610\(H\)](#)).

4. *Non-Permitted Uses.*
 - a. No new residential structures shall be constructed in the "C-2" General Commercial District where none existed prior to this ordinance. Existing residential structures may be altered, remodeled or improved subject to the restrictions and regulations applicable to residences in the R-3 Multi-Family Residence District.
 - b. No separate business establishment shall occupy more than 20,000 square feet of floor space.

C. *Site and Structure Provisions.*

1. *Minimum Lot Area.* No minimum lot area requirements.
2. *Minimum Area Regulations.*
 - a. *Minimum Lot Width* – No minimum lot width requirements.
 - b. *Front Yard* – No minimum front yard requirements.
 - c. *Side Yard* - No minimum side yard requirements.
 - d. *Rear Yard* – No minimum rear yard requirements.
3. *Maximum Lot Coverage.* No maximum lot coverage requirements.
4. *Minimum Floor Area.* Every single-family detached dwelling hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of one thousand (1,000) square feet of livable floor space completely above grade.
5. *Height Regulations.*
 - a. No building or dwelling for residential or business purposes shall exceed thirty-five (35) feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in [Chapter 415, Flood Management](#), whichever is higher.
 - b. Uses incidental to farming, such as silos, windmills, etc. and any other non-habitable structure (e.g. radio, TV tower) may exceed this height limitation, provided, however, that there be one (1) foot setback for every one (1) foot over forty-five (45) feet from existing dwellings or residences.

D. *District Standards.* All uses of land and structures in the "C-2" General Commercial District are subject to the general standards and regulations of this ordinance. In addition, all uses located in the a "C-2" General Commercial District shall be subject to the following standards:

1. *Environmental Quality.*

- a. Flood Zones - Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the City Engineer prior to issuance of a building permit.
- b. Screening shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)

2. *Landscaping, Signs, and Parking.*

- a. Landscaping shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)
- b. Signs shall be subject to the provisions of [Chapter 425, Part 1, Sign Regulations.](#)
- c. Parking shall be subject to the provisions of [Chapter 405, Part 5, Off-Street Parking and Loading Requirements.](#)

3. *Utilities.*

- a. *Sewer* - All lots shall be served by a public sewerage supply.
- b. *Water* - All lots shall be served by a public water supply.

SECTION 405.270: ZONING DISTRICT "C-3" PLANNED SHOPPING CENTER DISTRICT

- A. *Purpose.* The Planned Shopping Center 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. This zoning district is intended to provide for those establishments that can expect high volumes of both consumer traffic and commercial or service traffic. The principal use of land is for large retail or entertainment centers. This district classification corresponds to the "C-3" Planned Shopping Center District classification as was defined in the Zoning Regulations 1972.
- B. *Use Regulations.* The 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.
1. *Permitted Uses.*
- a. Convention centers, drive-in theaters, arenas, water parks, race tracks and other such entertainment venues;
 - b. Antique shop, appliance store, apparel store, family, big box retailers, 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;
 - c. Drug store, dry goods store, dairy products or ice cream store, delicatessen, florist shop, furniture store, gasoline service or filling station, gift shop, grocery store, hardware store, jewelry store, laundry, lumber yard and building materials sales yard not to include concrete mixing, meat market, medical facility, music store, newspaper or magazine sales, notions store, office supply store, office uses (provided that the total gross floor area of all office uses, exclusive of those listed above, shall not exceed twenty percent (20%) of the gross floor area of the shopping center), optometrist sales and service;

- d. Paint and decorating shop, photographer studio, pharmacy, radio and television sales and service, restaurant, sewing machine sales and service, stone and concrete monument and statuary sales yard, sporting goods sales, shoe store or repair shop, specialty shops, supermarket, tailor shop, toy store, variety store;
 - e. Such other commercial uses as are similar to the uses above.
2. *Accessory Uses.* Accessory uses, buildings, and structures customarily incidental to any of the Permitted Uses set out above and pursuant to Section 405.910, including:
- a. All accessory uses permitted in "C-2" General Commercial District except as herein modified.
 - b. Any accessory use or structure customarily accessory and incidental to the listed principal permitted uses.
 - c. Advertising signs relating to the planned 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 planned shopping center and shall be harmonious with its other design features.
3. *Conditional Uses.* The following uses are permitted as conditional uses subject to the conditions of approval established during the requested Planning and Zoning hearing based on the unique characteristics of the property and proposed use:
- a. Automobile sales, boat sales, correctional confinement facilities, drive-through restaurant or theaters, farm implement sales and services;
 - b. Golf courses, miniature and practice range, hospitals, ice plants, mobile home sales, motels;
 - c. Payday and title loan businesses.
 - d. Communication tower (see [Section 400.610\(H\)](#)).
4. *Non-Permitted Uses.*
- a. All of those uses otherwise permitted within "A-1", "R-1", "R-2", "R-3", "M", "C-1", "C-2", "I-1" and "I-2" zoning districts.

C. Site and Structure Provisions.

1. *Minimum Lot Area.* The lot area of each zoning lot shall not be less than four (4) acres.
2. *Minimum Area Regulations.* 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. *Minimum Lot Width* - The width of each zoning lot shall not be less than three hundred (300) feet.
 - b. *Front Yard* - Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of twenty-five (25) feet from the front property line.
 - c. *Side Yard* - There shall be two (2) side yards, one on each side of the building, having a minimum width of twenty-five (25) feet each, plus one (1) additional foot for each foot in building height over twenty (20) feet above Base Flood Elevation.
 - d. *Rear Yard* - There shall be a rear yard having a depth of not less than thirty (30) feet, plus one additional foot, for every foot in building height over twenty (20) feet above Base Flood Elevation.
3. *Maximum Lot Coverage.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed twenty (20) percent of the total area of the lot.
4. *Minimum Floor Area.* Every single-family detached dwelling hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of twelve hundred (1,200) square feet of livable floor space completely above grade.
5. *Height Regulations.*
 - a. No building or dwelling for residential or business purposes shall exceed thirty-five (35) feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in [Chapter 415, Flood Management](#), whichever is higher

- b. Uses incidental to farming, such as silos, windmills, etc. and any other non-habitable structure (e.g. radio, TV tower) may exceed this height limitation, provided, however, that there be one (1) foot setback for every one (1) foot over forty-five (45) feet from existing dwellings or residences.

D. *District Standards.* All uses of land and structures in the C-3 District are subject to the general standards and regulations of this ordinance. In addition, all uses located in the C-3 District shall be subject to the following standards:

1. *Environmental Quality.*

- a. Flood Zones - Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the City Engineer prior to issuance of a building permit.
- b. Screening shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements](#).

2. *Landscaping, Signs, and Parking.*

- a. Landscaping shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements](#).
- b. Signs shall be subject to the provisions of [Chapter 425, Part 1, Sign Regulations](#).
- c. Parking shall be subject to the provisions of [Chapter 405, Part 5, Off-Street Parking and Loading Requirements](#). Off-street parking requirements provided for may be complied with by providing a permanent common off-street parking facility for all of the uses within the shopping center. The total numbers of spaces provided shall not be less than the sum of the individual requirements; provided, however, that in the amount of off-street parking area, including driveways required for ingress or egress and circulation, shall be at least two times the gross floor area of the shopping center. The hard-surfaced parking herein provided for shall be constructed prior to occupancy of any building.

3. *Utilities.*

- a. *Sewer* - All lots shall be served by a public sewerage supply.
- b. *Water* - All lots shall be served by a public water supply.

E. *Supplemental Regulations.*

1. *Administration procedures for shopping center development.* The administration procedures for shopping center development are as follows:
 - a. *Rezoning application.* The application shall include the following in addition to the other requirements set forth herein:
 1. *Site plan.* 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.
 2. *Ability and intent.* 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 the ordinances of the city.
 3. *Development procedure.* The developer shall obtain a building permit for the shopping center in accordance with the requirements and procedures of the city, shall begin construction of the shopping center within three years after the effective date of rezoning for the shopping center, and shall make a reasonable and continuous progress toward completion. If the shopping center is not under construction within three 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 section, this fact and the reasons thereof shall be reported to the Board of Aldermen. The Board of Aldermen may, at its discretion, rezone the shopping district to a zoning district classification consistent with the general plan.
 - b. *Review of plan change.* Any substantial deviation from the plat or building plans submitted at the time of rezoning shall constitute a violation of the building permit authorizing construction of the shopping district. 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 section, and no building permit shall be issued for any construction that is not in substantial conformity with the approved plan.

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SECTION 405.280: ZONING DISTRICT "I-1" LIGHT INDUSTRIAL DISTRICT

- A. *Purpose.* The Light Industrial District is intended primarily for the conduct of light manufacturing, assembling and fabrication and for warehousing, wholesale and service uses and industrial operations and related activities that do not create nuisances and hazards. Buildings in this District should be architecturally attractive and surrounded by landscaped yards. This district classification corresponds to and combines the "I-1" Restricted Light Industrial District and "I-2" Light Industrial District classifications as was defined in the Zoning Regulations 1972.
- B. *Use Regulations.* All buildings and land within a "I-1" zoning district shall be limited to the following primary uses:
1. *Permitted Uses:*
 - a. *City-wide public uses by rights.* Public uses, essential public services, City operated recycling centers, open land uses and similar uses which are subject to public controls.
 - b. *Public Utilities.* Water reservoirs, water standpipes, and elevated and ground level water storage tanks, public utility service yard or electrical receiving or transforming station.
 - c. *Dedicated warehousing and Storage.* Storage facility and/or outdoor storage facilities, primarily for the storage of goods and materials. Such as but not limited to:
 1. Contractor's equipment storage yard or plant or rental equipment commonly used by contractors;
 2. Storage warehouses and distribution centers, commercial storage facilities, oil field equipment storage yard.
 - d. *Transportation services.* Establishments primarily engaged in:
 1. Furnishing passenger transportation including taxicabs, ambulance service, passenger bus station and transportation charger service, non-profit transit services and school buses;
 2. Vehicle finishing, repair and the like.

- e. *Manufacturing*. Industrial uses which usually generate limited environmental impact. Generally these uses involve the assembly, fabrication, packaging and processing of previously prepared materials. These uses include:
1. Fabricated metal products, structural products, extruded plastics and textile products, pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas;
 2. Mechanical and electrical appliances, electronic instruments and devices, television sets, radios and phonographs, including the manufacture of small parts only such as coils, condensers, transformers, crystal holders and the like; electric and neon signs, billboard and other commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like;
 3. Musical instruments, toys, novelties, rubber and metal stamps and other small rubber products;
 4. Bakery goods, candy, cosmetics, drugs, pharmaceuticals, creamery or dairy products, drugs, pharmaceuticals, bottling plant, ice, cold storage and food products; except fish or meat products, sauerkraut, vinegar, yeast and the rendering and refining of fats or oils.
 5. Brooms, candles, carpet, clothing, toiletries, perfumes, perfumed toilet soap, toiletries, furniture, insulation, various machines, mattresses, paper, textiles, sporting goods or similar manufacturing of preassembled parts.
 6. Bone, cellophane, canvas, cloth, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yard and paint not employing a boiling process;
 7. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping and battery manufacturing.

- f. *Trades and services.* Establishments engaged primarily in providing products and services completely indoors related to:
1. HVAC, plumbing, mechanical and electrical services;
 2. Agricultural feed and grain storage and sales;
 3. Laundry, cleaning and dyeing works, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
- g. *Research and development activities.* Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building including laboratories, experimental, film, or testing laboratories, provided no operation shall be conducted or equipment used that would create hazards, noxious, or offensive conditions.
- h. *Sales.*
1. Sale barn (excluding livestock and poultry);
 2. Agricultural feed and grain storage and sales, agriculture implements sales and service, excluding the storage of scrap or wrecked tractors parts;
 3. 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.
- i. *Other.* Auto or vehicle racing tracks, including go-carts, motorcycle or relating events or attractions given that such use is located not less, than two thousand (2,000) feet from any Residential District.
- j. Any other use which is determined by the Planning Commission to be of the same general character as the above permitted uses, but not including any use which is first permitted in the "I-2" District.

2. *Accessory Uses.* Accessory uses, buildings, and structures customarily incidental to any of the Permitted Uses set out above and pursuant to [Section 405.300](#), including:
 - a. Any uses and structures customarily accessory and incidental to a principal permitted use, except for uses not otherwise permitted in an "I-1" Light Industrial District.
 - b. Smoke stacks, water towers, and other facilities that exceed the normal height limits, but are a normal and expected structure to serve the principal permitted use.

3. *Conditional Uses.* The following uses are permitted as conditional uses subject to the conditions of approval established during the requested Planning and Zoning hearing based on the unique characteristics of the property and proposed use:
 - a. Communication tower (see [Section 400.610\(H\)](#));
 - b. Bulk petroleum storage and distribution facilities;
 - c. Commercial entertainment facility, indoor and outdoor, and motorized sports facilities;
 - d. Commercial recycling facilities;
 - e. Motor freight terminal and facilities, truck or bus yard;
 - f. Lumber production yards;
 - g. Other light manufacturing uses which are not permitted outright but which are consistent with the purpose of the "I-1" zoning district and are not detrimental to any of the outright permitted uses or other existing conditional uses.
 - h. Correctional Institution.
 - i. Vehicle storage (any type vehicle) or impound yard, other than the sale of operable motor vehicle from, or on, the premises.

- j. Adult entertainment facilities and sexually oriented business--purpose, locations, distance measured.
1. *Purpose.* The purpose of these regulations is to protect residential property values by restricting the location of sexually oriented businesses. National studies indicate that such businesses are perceived to have a negative impact on residential property values. Dispersion of sexually oriented businesses is required in order to avoid concentration of uses that have a negative impact on adjoining property values.
 2. *Locations.* An adult cabaret or adult bookstore or adult video store may locate only as conditional uses in the "I-1" zoning districts. Such uses are prohibited within the area circumscribed by a circle that has a radius of one thousand (1,000) feet from any existing residential zoning district, school, park, church or public community center. No more than one (1) such use may locate within each one thousand (1,000) feet.
 3. *Distance measured.* The distance required in shall be measured by following a straight line, without regard to intervening structures or objects, from the adult cabaret or adult bookstore or adult video store to the nearest point of the parcel of property containing a school, park, church, public community center or a residential zoning district boundary line.

4. *Non-Permitted Uses:*

- a. No use shall be permitted or authorized to be established or maintained that, when conducted in compliance with the provisions of these Zoning Regulations and any additional conditions or requirements prescribed by the Board of Aldermen, Board of Adjustment, or Planning and Zoning Commission, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or waste.
- b. All of the uses permitted under this Section shall have their primary operations conducted entirely within enclosed buildings unless otherwise allowed with an approved conditional use.
- c. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- d. The permanent or temporary outside storage and/or display of supplies, merchandise or materials for sale to others shall not be the primary use of any lot of record.
- e. Dwelling and residence of any kind, including hotels, motels, mobile home parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the I-1 District on the effective date of these Zoning Regulations, or any amendment thereto, shall not be classified as a non-conforming use as defined in [Chapter 405. Part 4, Non-Conformities of Zoning District Regulations.](#)

C. *Site and Structure Provisions.*

1. *Minimum Lot Area.* No minimum lot area requirements.
2. *Minimum Area Regulations.*
 - a. *Minimum Lot Width* - The width of each zoning lot shall not be less than one hundred (100) feet.
 - b. *Front Yard* - Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of twenty-five (25) feet from the front property line.
 - c. *Side Yard* - No minimum lot area requirements, except where adjoining "A-1", "R-1" "R-2", "R-3", "C-1" Districts, then not less than forty (40) feet each side.
 - d. *Rear Yard* - There shall be a rear yard having a depth of not less than twenty-five (25) feet, plus one additional foot, for every foot in building height over twenty (20) feet above Base Flood Elevation.
3. *Maximum Lot Coverage.* The lot coverage of all principle and accessory buildings on a zoning lot shall not exceed thirty (30) percent of the total area of the lot.
4. *Minimum Floor Area.* Every single-family detached dwelling hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of twelve hundred (1,200) square feet of livable floor space completely above grade.
5. *Height Regulations.*
 - a. No building or dwelling for residential or business purposes shall exceed thirty-five (35) feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in [Chapter 415, Flood Management](#), whichever is higher.
 - b. Uses incidental to farming, such as silos, windmills, etc. and any other non-habitable structure (e.g. radio, TV tower) may exceed this height limitation, provided, however, that there be one (1) foot setback for every one (1) foot over forty-five (45) feet from existing dwellings or residences.

D. *District Standards.* All uses of land and structures in the "I-1" Light Industrial District are subject to the general standards and regulations of this ordinance. In addition, all uses located in the "I-1" Light Industrial District shall be subject to the following standards:

1. Environmental Quality.

- a. Flood Zones - Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the City Engineer prior to issuance of a building permit.
- b. Screening shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements](#).

2. Landscaping, Signs, and Parking.

- a. Landscaping shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements](#).
- b. Signs shall be subject to the provisions of [Chapter 425, Part 1, Sign Regulations](#).
- c. Parking shall be subject to the provisions of [Chapter 405, Part 5, Off-Street Parking and Loading Requirements](#). Dustproofed 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 [Chapter 405, Part 5, Off-Street Parking and Loading Requirements](#).)

3. *Utilities.*

- a. *Sewer* - All lots shall be served by a public sewerage supply.
- b. *Water* - All lots shall be served by a public water supply.

E. *Supplemental Regulations.*

1. *Noxious conditions.* No land or building in the "I-1" Light Industrial District shall be used, constructed or operated so as to create any noxious, offensive, objectionable, dangerous or other undesirable effect on persons or property outside the lot line by virtue of emission of smoke, particulate matter, noise, fumes, odor, vibrations, glare, liquid and solid waste, heat, explosive materials or similar effects.
2. *Liquid and solid waste.* No material or wastes shall be stored on any property in "I-1" Light Industrial District in such manner that they may be transferred off the property by natural causes.
3. *Fire and explosive hazards.* All activities involving and the storage of flammable and explosive materials shall comply with the latest National Fire Protection (NFP) Code.
4. *Compliance.* 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 Zoning Commission a written application for approval of a contemplated use within said district, which application shall be accompanied with the following information:
 - a. A plot plan indicating the location of present and proposed buildings, driveways, parking lots and other necessary uses.
 - b. Preliminary architectural plans for the proposed building or buildings.
 - c. An estimate of the maximum number of employees contemplated for the proposed development and the number of shifts during which they would work.
 - d. Any other information the Zoning 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 City before a building permit is issued.
5. *Public Works.* Any public improvements or modifications shall comply with the latest revision of the City of Crane design standards.
6. *Screening and Storage Of Outside Merchandise/Materials.* Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls or fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level.

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SECTION 405.290: ZONING DISTRICT "I-2" HEAVY INDUSTRIAL DISTRICT

- A. *Purpose.* The Heavy Industrial District is intended to provide for heavy industrial uses not otherwise provided for in the districts established. 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. This district classification corresponds to the "I-3" Heavy Industrial District classifications as was defined in the Zoning Regulations 1972.
- B. *Use Regulations.* 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 structure 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 Zoning Commission:
1. *Permitted Uses:*
 - a. All uses permitted in "I-1" Light Industrial District.
 - b. Communication tower, wholesale or bulk storage of gasoline, propane, butane, or other petroleum products and the refining of.
 - c. Manufacturing and production of paving, roofing and other construction materials using asphaltic and petroleum based coatings and preserving materials.
 - d. Foundry casting lightweight, non-ferrous metal or electric foundry, not causing noxious fumes or odors. Blacksmith, welding or other metal working shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and other noise producing machine operated tools.
 - e. The manufacturing or recycling of industrial supplies or materials associated with acid manufacturing; batteries; steel; tin; copper; zinc; cement; lime; gypsum; explosives; fertilizer; lumber; asphalt shingles; alcohol; ammonia; chemicals; glue; paint; automobiles; motors; tires; belts; rubber; plastics; soap; tar; or associated manufacturing facilities.
 - f. Any industrial or storage operation pertaining to the manufacturing of cement; lime; gypsum; plaster; asphalt; concrete; aggregate; masonry supply; sand; brick; tile; block; or the production of products from similar materials.
 - g. Water and sewage treatment plants, Commercial power generation plants.
 - h. Railway freight yards.

- i. Sawmills. Lumber production yards.
 - j. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping.
 - k. Manufactured and modular home manufacturing.
2. *Accessory Uses.* Accessory uses, buildings, and structures customarily incidental to any of the Permitted Uses set out above and pursuant to [Section 405.300](#), including:
- a. Any uses and structures customarily accessory and incidental to a principal permitted use, except for uses not otherwise permitted in an "I-2" Heavy Industrial District.
 - b. Smoke stacks, water towers, and other facilities that exceed the normal height limits, but are a normal and expected structure to serve the principal permitted use.
3. *Conditional Use.* The following uses are permitted as conditional uses subject to the conditions of approval established during the requested Planning and Zoning hearing based on the unique characteristics of the property and proposed use:
- a. Auto wrecking lots; junk yards; landfills; tank manufacturing and storage yards; and scrap iron yards; Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.
 - b. Adult-Oriented business, bookstore, video store, or peep show.
 - c. Any industry involved in the production, manufacture and/or storage of explosives or ammunitions. All explosives manufacture or storage shall be subject to the minimum requirements and regulations of the Bureau of Alcohol, Tobacco and Firearms Publication ATFP 5400.7
 - d. Any industry involved in the use of processing of disposal of; and/or temporary storage of radioactive materials and other materials deemed as hazardous waste.
 - e. Correctional institution.
 - f. Meat packing and processing; Uses relating to the rendering of fat; feed grinding and processing; livestock auction sales; poultry raising, processing, packing or dressing; stockyards; or slaughter houses.
4. *Non-Permitted Uses:*
- a. Residential Uses

C. *Site and Structure Provisions.*

5. *Minimum Lot Area.* The lot area of each zoning lot shall not be less than twenty (20) acres, except that public utility facilities may be located on lots of lesser area with administrative approval.
6. *Minimum Area Regulations.*
 - a. *Minimum Lot Width* - The width of each zoning lot shall not be less than three hundred (300) feet.
 - b. *Front Yard* - Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of fifty (50) feet from the front property line.
 - c. *Side Yard* - There shall be two (2) side yards, one on each side of the building, having a minimum width of fifteen (15) feet each, plus one (1) additional foot for each foot in building height over twenty (20) feet above Base Flood Elevation.
 - d. *Rear Yard* - There shall be a rear yard having a depth of not less than twenty-five (25) feet, plus one additional foot, for every foot in building height over twenty (20) feet above Base Flood Elevation.
7. *Maximum Lot Coverage.* The lot coverage of all principal and accessory buildings on a zoning lot shall not exceed forty (40) percent of the total area of the lot.
8. *Minimum Floor Area.* Every single-family detached dwelling hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of twelve hundred (1,200) square feet of livable floor space completely above grade.
9. *Height Regulations.*
 - a. No building or dwelling for residential or business purposes shall exceed thirty-five (35) feet in height above the natural grade of the property at the location of the structure or base flood elevation as established in [Chapter 415, Flood Management](#), whichever is higher.
 - b. Uses incidental to farming, such as silos, windmills, etc. and any other non-habitable structure (e.g. radio, TV tower) may exceed this height limitation, provided, however, that there be one (1) foot setback for every one (1) foot over forty-five (45) feet from existing dwellings or residences.

D. *District Standards.* All uses of land and structures in the "I-2" Heavy Industrial District are subject to the general standards and regulations of this ordinance. In addition, all uses located in the "I-2" Heavy Industrial District shall be subject to the following standards:

1. Environmental Quality.

- a. Flood Zones - Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the City Engineer prior to issuance of a building permit.
- b. Screening shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements](#).

2. Landscaping, Signs, and Parking.

- a. Landscaping shall be subject to the provisions of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements](#).
- b. Signs shall be subject to the provisions of [Chapter 425, Part 1, Sign Regulations](#).
- c. Parking shall be subject to the provisions of [Chapter 405, Part 5, Off-Street Parking and Loading Requirements](#).

3. *Utilities.*

- a. *Sewer* - All lots shall be served by a public sewerage supply.
- b. *Water* - All lots shall be served by a public water supply.

E. *Supplemental Regulations*

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.

Property and buildings in the "I-2" Heavy Industrial District when used for the above purposes, shall have the uses thereon conducted in such a manner that fences, walls and/or permanent evergreen plantings screen the uses so that such uses cannot be seen from a public street, provided that no such use shall be located within five hundred (500) feet of any Residence District.

SECTION 405.295: DIMENSIONAL REQUIREMENTS (SETBACKS)

The required height and area regulations are established and shown on the following chart:

District	Min. Lot Area (square feet)	Min. Lot Width	Min. Front Yard ⁽¹⁾	Min. Side Yard ⁽²⁾	Min. Rear Yard	Max. Lot Coverage	Min. Floor Area (square feet)	Height
"A-1" General Agriculture	5 Acres	300'	50'	25'	50'	15 %	1,000	35 ⁽⁴⁾
"R-1" Single-Family	7,500	75'	25'	8' ⁽³⁾	25' ⁽³⁾	30 %	1,000	35
"R-2" Two-Family	9,000	75'	25'	8' ⁽³⁾	25' ⁽³⁾	30 %	1,000	35
"R-3" Multi-Family	9,000 ⁽⁶⁾	60'	25'	10' ⁽³⁾	25' ⁽³⁾	50 %	650 ⁽⁷⁾	45
"M" Mobile Home	5 Acres	50'	25'	15' ⁽³⁾	25' ⁽³⁾	40 %	1,000	35
"C-1" Neighborhood Commercial	7,500	100'	25'	15' ⁽³⁾	25' ⁽³⁾	40 %	1,000	35
"C-2" General Commercial	0	0	0	0	0	0	1,000	35 ⁽⁴⁾
"C-3" Planned Shopping Center	4 Acres	300'	25'	25' ⁽³⁾	30' ⁽³⁾	20 %	1,200	35 ⁽⁴⁾
"I-1" Light Industrial	0	100'	25'	0 ⁽⁵⁾	25' ⁽³⁾	30 %	1,200	35 ⁽⁴⁾
"I-2" Heavy Industrial	20 Acres	300'	50'	15' ⁽³⁾	25' ⁽³⁾	40 %	1,200	35 ⁽⁴⁾

Numbers in parentheses refer to the following additions or modifications to the aforementioned dimensional requirements.

- ¹ Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of the specified footage from the front property line.
- ² There shall be two (2) side yards, one on each side of the building, having the minimum width specified.

Plus one (1) additional foot for each foot in building height over twenty (20) feet above Base Flood Elevation.
- ³
- ⁴ Uses incidental to farming, such as silos, windmills, etc. and any other non-habitable structure (e.g. radio, TV tower) may exceed this height limitation, provided, however, that there be one (1) foot setback for every one (1) foot over forty-five (45) feet from existing dwellings or residences.

Except where adjoining "A-1", "R-1" "R-2", "R-3","C-1" Districts, then not less than forty (40) feet each side.
- ⁵
- ⁶ Plus an additional two thousand five hundred (2,500) square feet per family over two families, except that public utility facilities may be located on lots of lesser area with administrative approval.
- ⁷ Provided however, that a detached single-family dwelling unit shall contain a minimum of one thousand (1,000) square feet of livable floor space completely above grade.

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CHAPTER 405. ZONING REGULATIONS
PART 3. SUPPLEMENTAL LAND USE REGULATIONS**SECTION 405.300: ACCESSORY USES AND STRUCTURES**

- A. *Purpose* This Section provides for the regulation of accessory uses and structures and lists those common accessory uses and structures that are specifically permitted.

Accessory structure(s) shall not be attached to the principal structure, may have a permanent foundation or may be portable. All accessory structures, regardless of type of foundation, shall be considered a permanent accessory structure and shall comply with all regulations of this Ordinance. An accessory structure shall not be placed in the front yard or any closer than twenty-five (25) feet from the front corner of the principal structure. If an accessory structure is placed in any easement, it will be the responsibility of the property owner to remove or replace structure if easement is exercised at the owners expense. Accessory structure shall not be placed within a utility easement, drainage easement, ditch or designated floodplain necessary for stormwater surface flow. All permanent structures will require a permit

- B. *Definition* An accessory use or structure:

1. Is subordinate to and serves a principal use or structure;
2. Is subordinate in area, extent or purpose to the principal use or structure;
3. Contributes to the comfort, convenience or necessity of occupants of the principal use or structure;
4. Is located on the same lot as the principal use or structure served and shall include all structures or uses whether or not they are permanently affixed to the ground by foundation or otherwise; and
5. Is not injurious, noxious or offensive to surrounding properties and uses.

C. *Permitted Accessory Uses and Structures.* Any use or structure that complies with the definition in [Section 405.300\(B\)](#) may be allowed as an accessory use or structure. Accessory uses and structures include, but are not limited to, the following list of examples:

1. Structures for parking incidental to a permitted use.
2. Structures for storage incidental to a permitted use, provided no such structure that is accessory to a residential use shall exceed twenty-five percent (25%) of the residential structure's ground level gross floor area.
3. Children's playhouses.
4. Private swimming pools and bathhouses.
6. Greenhouses.
7. A guest house, without kitchen facilities, or rooms for guests in an accessory building provided such facilities are use for the occasional housing of guests of the occupants of the principal building and not as rental units or for permanent occupancy as housekeeping units.
8. Satellite dish antennas.
9. Barbecue pits.
10. Storage of boats, boat trailers, camping trailers, small house trailers and recreational vehicles owned and used by the property owner, provided the equipment is not used for living, sleeping or housekeeping purposes when parked or stored.
11. Home occupations as permitted in [Section 400.310](#).
12. Restaurants, drugstores, gift shops, cocktail lounges, newsstands and other similar uses located in a permitted motel, hotel or office building.
13. Employee restaurants and cafeterias when located in a permitted business or manufacturing building.
14. Central laundry and washroom facilities, clubhouse, manufactured home park office and maintenance buildings when located in a manufactured home park.

15. A day care center located in a permitted business or manufacturing building providing day care for children of persons employed on the premises.
16. A day care center, hourly care center or preschool located on the same lot as a church or school.
17. A detached garage is designated primarily for the storage of motor vehicles and shall have a permanent foundation. The side and rear setback shall be no less than eight (8) feet from any lot line and six (6) feet separation between the principal structure and the detached garage. No detached garage shall be placed within any utility easement, drainage easement, ditch or designated floodplain necessary for stormwater surface flow.

D. *Accessory Uses Not Permitted.* None of the following shall be permitted as an accessory use:

1. Outdoor storage or overnight parking in a residence district of a commercial truck, van or bus licensed for twelve thousand (12,000) pounds or greater. School buses are permitted provided they are parked on church or school property.
2. Outdoor storage, except as specifically permitted by the zoning district regulations.
3. Modular homes, manufactured or mobile homes or house trailers used as storage, workshops or accessory buildings. The conversion of such dwelling units or vehicles to a purpose other than for which it is manufactured is prohibited.
4. Living quarters in any zoning district other than a residential district unless specifically permitted.

- E. *Use Limitations.* All accessory uses and structures shall comply with the limitations applicable in the zoning district in which they are located. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of construction of the principal structure to which it is accessory.

- F. *Size and Setback Regulations.* The setback of an accessory structure shall be dictated by the property zoning. No accessory use or structure shall be permitted in any required front yard. The max square footage of an accessory structure and/or the combination of any accessory structures, not to exceed three (3) per lot, shall meet the maximum square footages shown below for each individual zoning district.

"A-1" Zoning Setback (side 10', rear 10'), Size (height 19' max./500 sq. ft.)*
"R-1" Zoning Setback (side 8', rear 10'), Size (height 19' max./500 sq. ft.)*
"R-2" Zoning Setback (side 8', rear 10'), Size (height 15' max./300 sq. ft.)*
"R-3" Zoning Setback (side 10', rear 10'), Size (height 12' max./150 sq. ft.)*
"M" Zoning Setback (side 10', rear 10'), Size (height 12' max./150 sq. ft.)*
*All accessory buildings requested in excess of 500 square feet must obtain approval as a conditional use.
*This only applies to conforming lots, non-conforming shall be considered case by case.
Front yard setback for all zonings shall be 25 feet from the front corner of the principal structure.
*Any previously built accessory structures that are destroyed by fire, flood and/or any natural acts of God may be built back to its original dimension, size and height, it will have to meet the current architectural standards and/or conform with the existing principal structure.

SECTION 405.305: TEMPORARY USES

A. *Purpose.* This Section provides for the regulation of land uses or structures which are in place or needed for only a short period of time.

B. *Temporary Uses Permitted.*

1. *In any district.* The following uses of land are permitted in every zoning district subject to the following regulations and to the other applicable regulations of the district in which the use is permitted:
 - a. Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only for the duration of the project.
 - b. Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
 - c. Fund raising activities and events, such as craft sales and bazaars, for non-profit organizations such as churches, libraries and schools in the districts where the non-profit organization use is permitted, provided that each event shall not exceed a period of ten (10) consecutive days.
 - d. Garage or yard sales, provided that each garage or yard sale shall not exceed a period of three (3) consecutive days.
 - e. Street festivals, subject to the following limitations:
 1. Activities, lighting, noise or traffic associated with a festival shall not unreasonably disturb surrounding residential properties not abutting directly on the street.
 2. The festival sponsor shall provide the City with a plan for security, traffic control and parking and adequate evidence that said plan will be carried out at the expense of the sponsor.
 3. The festival sponsor shall provide the City with a plan for ensuring that there will be no adverse environmental impact on surrounding properties during the festival operations. Such plan shall include provisions for noise abatement, sanitary needs and litter and trash controls. All cleanup and waste disposal shall be at the expense of the sponsor.

4. The festival sponsor shall be required to obtain a permit from the City. The City shall issue the permit upon finding that all the foregoing conditions have been or will be met. Any violation of the above conditions or plans shall be grounds for immediate revocation of the permit granted under the provisions of this Section.
 - f. Temporary wireless facilities towers for special events provided the temporary tower does not exceed sixty (60) feet in height and a permit shall not be issued for a period of time exceeding two (2) days preceding and following the special event. Temporary towers may also be located on the same site as an approved permanent tower during the period that the permanent tower is being constructed.
2. *In specific districts.* The following temporary uses of land or structures are permitted in the specific zoning districts listed, subject to the limitations in this Section and the other applicable regulations in the district or districts in which the temporary use is permitted:
- a. *In "R-1" and "R-2" Residence Districts.* Seasonal sale of farm produce grown on the premises, to continue for not more than five (5) months per year. Structures incidental to such sale need not comply with the applicable front yard setback requirements, provided that such structures shall either be removed or moved back of the required front yard setback at the end of the season during which they are used.
 - b. *In the "C-1", "C-2", "M" Districts.*
 1. Christmas tree sales for a period not to exceed thirty-five (35) days. Display of Christmas trees need not comply with the yard and setback requirements of this Ordinance provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets or any sight triangle required in the City of Crane design standards for public improvements.
 2. Promotional activities of retail merchants involving the display of goods and merchandise may be conducted outside of enclosed buildings for a period of not more than two (2) consecutive weeks in any three (3) month period.
 - (a) These provisions shall in no way be deemed to authorize the outdoor display or the sale of used furniture, appliances, plumbing, housewares, automobiles or other vehicles, trailers and equipment rental or other secondhand merchandise in those districts which do not otherwise permit such uses.

- (b) No permit for a temporary promotional use shall be granted where the promotional activities, lighting, noise or increased traffic associated with the temporary use will unreasonably disturb adjacent residential properties.
- (c) No more than two (2) permits for a temporary promotional use on the same property shall be issued by the City during any six (6) month period.

C. *Temporary Vendors.* This Section provides for the regulation of land uses or structures which are in place or needed for only a short period of time.

1. *Temporary vendors permitted in specific districts.* Temporary vendors are permitted in the "C-1" and "C-2" Districts. Only those uses permitted in the zoning district in which the temporary vendor is located may be conducted.
2. *Permit required.* A permit is required for each temporary vendor site. The application for a temporary vendor permit shall include the following information:
 - a. Name and address of applicant.
 - b. Property owner's name and address.
 - c. Letter from the property owner authorizing the site to be used by the temporary vendor for the specific stated purpose.
 - d. Description of the proposed temporary use of the site.
 - e. A plan drawn to scale showing the dimensions of the property, required setbacks, the location and dimensions of the temporary use, indicating that the temporary use does not encroach into the required setbacks or site triangles.
 - f. The location and number of parking spaces for the temporary use and the number of parking spaces required for the permanent business on the site. Parking spaces required for the permanent business shall not be utilized as a portion of the temporary vendor site.
 - g. The following additional information is required to erect a temporary structure on an existing parking lot (excluding vehicles or trailers on wheels with a license to operate on roadways):
 1. Written permission from the landowner to authorize use of the land for a temporary structure.

2. Setbacks for the property indicating the temporary structure does not encroach upon the required setbacks.
3. Written verification the temporary structure conforms to the requirements of the City Building Code.
3. *Permit period.* A temporary vendor permit shall be valid for six (6) months within one (1) calendar year, including the time to erect and dismantle any temporary structure.
4. *Licenses required.* A temporary vendor shall not occupy a temporary vendor site or engage in the business of selling merchandise within the City of Crane without first obtaining a business license from the City. A business license may be issued to a temporary vendor for a specific vendor site for the period of time approval has been granted for the vendor site. A copy of this license must be on display, in full view of the public, on the approved site. No property owner shall allow any temporary vendor to occupy any part of his/her premises without approval being granted by the City for the actual location of the temporary vendor business and a City business license being issued and in effect for the temporary vendor.
5. *Number of permits.* No more than two (2) permits for a temporary vendor use on the same property shall be issued by the City during any six (6) month period.

SECTION 405.310: HOME OCCUPATIONS

- A. *Authorization.* Any home occupation that is incidental to the principal use of a building as a dwelling unit shall be permitted in any dwelling unit subject to the provisions of this Section.
- B. *Definition.* An activity carried out for compensation in a residential dwelling unit or in a structure that is accessory to the residential dwelling.
- C. *Home Occupations Permitted.* Home occupations include, but are not limited to, the following:
1. Dressmakers, seamstresses, tailors.
 2. Artists, sculptors, photographers, authors and composers.
 3. Home offices for architects, engineers, lawyers, realtors, insurance agents, brokers, accountants, ministers, priests, rabbis, sales representatives, manufacturers' representatives, home builders, home repair contractors, trash haulers and similar occupations, provided that no retailing and wholesaling of goods and materials are conducted on the premises.
 4. Music and art teachers or other tutoring services.
 5. Computer programming and data processing.
 6. Mail order and Internet order, not including retail sales from the site.
 7. Telephone answering or similar telecommunication services.
 8. Washing and ironing.
 9. Home crafts, such as model making, weaving, woodworking, ceramics and similar activities, provided that no machinery or equipment shall be used other than that which would customarily be found in the home, including machinery and equipment that would ordinarily be used in connection with a hobby or avocation not conducted for gain or profit.
 10. "Work at home" activities where employees of a business, located at another site, perform work for the business in their own residences, provided all physical contact between the employee and the business occurs at the place of business, other than the initial installation of any equipment or other work facilities in the employee's residence. The work activities of the employee shall conform to all other requirements of this Section.

D. *Performance Standards.* In addition to all limitations applicable to the zoning district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. The home occupation shall be conducted entirely within the principal residential structure or in a permitted accessory building.
2. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.
3. There shall be no outdoor storage of materials or equipment used in the home occupation.
4. No more than twenty-five percent (25%) of the gross floor area of the primary residential dwelling may be used for a home occupation.
5. No stock in trade shall be displayed or sold on the premises.
6. No manufacturing or processing of any sort shall be done, except as permitted in [Section 405.310\(C\)](#).
7. No stock in trade, except articles produced by members of the family residing on the premises, shall be stored on the premises.
8. No person other than an immediate member of the family related by blood, marriage, adoption or custodial relationship occupying the dwelling shall be employed in the home occupation.
9. The receipt or delivery of merchandise, goods or supplies for use in a home occupation shall be limited to the United States mail, similar parcel delivery services or private vehicles with a gross vehicle weight rating of ten thousand (10,000) pounds or less.
10. No vehicles shall be parked and no equipment or materials shall be stored on the premises for trash haulers and similar occupations.
11. The home occupation shall not produce offensive noise, vibration, illumination, smoke, electrical interference, dust, odors or heat. Any such condition detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a duplex or multi-family structure, shall constitute a violation of this Section.

E. *Particular Home Occupations Prohibited.* Permitted home occupations shall not include the following types of activities and uses:

1. Animal hospitals, stables or kennels.
2. Auto repairing and painting.
3. Boarding and lodging houses, unless specifically permitted by the zoning district regulations.
4. Dancing schools and studios.
5. Funeral homes or mortuaries.
6. Furniture repairing and refinishing.
7. Medical offices for doctors, dentists or veterinarians.
8. Nursery schools, day care homes and day care centers, unless specifically permitted by the zoning district regulations.
9. Radio and television repair shops.
10. Restaurants.
11. Shops for contractors and tradesmen, such as electricians, plumbers and carpenters.
12. Tattoo parlors.

SECTION 405.315: EXCEPTIONS TO HEIGHT REGULATIONS

The following structures are not subject to the height limitations in this Ordinance:

1. When they are an integral part of a building: machinery room, elevator machinery, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the buildings, and fire or parapet walls, skylights, towers (excluding radio, television and telecommunications towers), spires, steeples, flagpoles, silos, chimneys and smokestacks or other agriculture buildings. No space above the height limit shall be used to provide additional floor space for the use being conducted on the premises.
2. When they are a separate structure: Water standpipes, water ground storage tanks or similar structures.
3. In any district, public, semi-public, or public service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding sixty feet (60') and churches and temples may be erected to a height not exceeding seventy-five feet (75').
4. No exception to height regulations shall be used as a place of habitation or for tenant purposes. No sign, nameplate, display or advertising device other than one identifying the manufacturer of the structure or the geographic location shall be inscribed upon or attached to a chimney, tower, tank or other structure which extends above the height requirement.

SECTION 405.320: SUPPLEMENTAL YARD AND OPEN SPACE REGULATIONS

- A. *Front Yard Regulations.* All property shall have a front yard of not less than prescribed in [Chapter 405, Part 2, Use Regulations By Zoning District](#), except that the following provisions shall apply:
1. Where the front yard setback of existing buildings on platted lots of record fronting the same street is less than the required front yard specified in this Ordinance, any building or structure hereafter erected or structurally altered or enlarged shall conform to the following:
 - a. On interior lots where the frontage is located between two (2) intersecting streets, the front yard setback line shall be at least the average setback of the two (2) adjacent developed lots fronting the same street.
 - b. On interior lots where the frontage is located between two (2) intersecting streets and only one (1) adjacent lot is developed, the setback line shall be at least the average between the setback of the existing building and the minimum required front yard setback on the vacant lot.
 - c. On corner lots where the frontage is located at the intersection of two (2) streets and the zoning district requires a setback, the front yard setback line shall be the average of the adjacent existing building setback and the required minimum setback fronting the same street. However, no structure shall be located in an area formed by a triangle measured twenty-five (25) feet along the right-of-way lines from the intersection of adjacent street right-of-way lines.
 2. Where property on one (1) side of the street between two (2) intersecting streets is located in a non-residential district adjacent to a residential district, the front yard setback required in the residential district shall also apply to the non-residential district. This requirement shall apply only to the first (1st) one hundred (100) linear feet of frontage zoned non-residential. No parking shall be permitted within the required front yard setback.
 3. On culs-de-sac, the front yard setback line shall be located on the lot so that it is parallel to a line drawn tangent to the cul-de-sac right-of-way line at the center of the lot frontage. The front yard setback line shall be located at a distance from the cul-de-sac right-of-way line where the length of the front yard setback line is equal to the minimum lot width required in the zoning district and the resulting front yard setback is at least equal to the minimum required in the zoning district.

B. *Exceptions to Yard Regulations.* The following exceptions shall be permitted to yard and area regulations:

1. *Peculiar shape of yard.* Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape, such regulations may be modified or determined by the Board of Adjustment as provided Chapter 400, Part 4, Board of Adjustment.
2. *Variations from major street plan.* Where the Board of Aldermen has adopted right-of-way of greater or lesser width from those established by the City's major street plan, the right-of-way established by the Board of Aldermen shall apply. Such right-of-way width shall be used in determining yard requirements.
3. *Modification of lot width.* Where an odd-shaped lot has more than the required area for its particular zoning district, the width of such lot may be computed in the most buildable portion having minimum area requirements, provided that it complies with all bulk and open space requirements for the zoning district.
4. *Parking area in rear yard.* A parking area may occupy a required rear yard or any part thereof if in conformance with [Chapter 405, Part 5, Off-Street Parking and Loading Requirements](#).
5. *Loading space in rear yard.* A loading space may occupy a required rear yard or any part thereof if in conformance with [Chapter 405, Part 5, Off-Street Parking and Loading Requirements](#).

C. *Vision Clearance Requirements.*

1. *Front yards.*
 - a. *No obstructions in front yards.* On any lot which a front yard is required by this Ordinance, no wall, fence or other structure shall be erected and no hedge, tree, shrub or other growth or object of any kind shall be maintained in such location within such required front yard so as to obstruct the view, except as permitted by this Section.
 - b. *Fences in front yards.* Open fences not exceeding fifteen percent (15%) screening or less than eighty-five percent (85%) open voids and three and one-half (3½) feet in height above grade shall not be deemed to obstruct the view. Questions on yard grade shall be resolved by the City.

2. *Sight triangles.* Unless otherwise permitted by this Ordinance, no wall, fence, other structure, hedge, tree, shrub, other vegetation or landscaping materials over two (2) feet in height shall be placed within the sight triangle formed by the intersection of two (2) public streets or within the sight triangle formed by the intersection of a public street and a driveway as defined in [Section 400.205](#). However, a single tree having a single trunk shall be allowed in a sight triangle provided the tree is pruned to a height of seven (7) feet above the yard grade.
 3. *When front yard not required.* On any lot on which a front yard is not required by this Ordinance, no wall, fence, other structure, hedge, tree, shrub, other vegetation or landscaping materials over two (2) feet or under seven (7) feet in height above the lowest grade of two (2) or more intersecting streets shall be placed within the street intersection sight triangle, the two (2) sides of which are defined by measuring twice the pavement width of each intersecting street, as classified in the City's major street plan, along its centerline from the center of the intersection.
- D. *Yard Requirements for Open Land.* If a lot is or will be occupied by a permitted use without buildings or structures, then the minimum front, side and rear yards that would otherwise be required for such lot shall be provided and maintained unless other provision of this Ordinance requires or permits a different minimum front, side or rear yard. Front, side and rear yards shall not be required on lots used for garden purposes without structures or on lots used for open public recreation areas.

SECTION 405.325: ADULT ENTERTAINMENT

- A. *Purpose.* The purpose of these regulations is to protect residential property values by restricting the location of adult entertainment businesses. National studies indicate that such businesses are perceived to have a negative impact on residential property values. Dispersion of adult businesses is required in order to avoid concentration of uses that have a negative impact on adjoining property values.
- B. *Location.* An adult cabaret or adult media store may locate only as conditional uses in the "I-1" and "I-2" zoning districts. Such uses are prohibited within the area circumscribed by a circle that has a radius of five hundred (500) feet from any residential zoning district, school, park, church or public community center. No more than one (1) such use may locate within each one thousand (1,000) feet.
- C. *Distance Measured.* The distance required in Section 405.325(B) shall be measured by following a straight line, without regard to intervening structures or objects, from the adult cabaret or adult media store to the nearest point of the parcel of property containing a school, park, church, public community center or a residential zoning district boundary line.

SECTION 405.330: COMMERCIAL AND INDUSTRIAL USE PERFORMANCE STANDARDS

- A. *General Requirements.* No land or structure in any district shall be used or occupied in any manner as to create a dangerous, injurious, noxious or otherwise objectionable fire, smoke, dust, odor or other form of air pollution; noise, glare, heat, cold, dampness, electrical or other substance, condition or element in such a manner or in such an amount as to adversely affect the adjoining premises or surrounding area referred to herein as "dangerous or objectionable elements"; provided that any use permitted or not prohibited by this Ordinance may be established and maintained if it conforms to the provisions of this Section.
- B. *Conditions.* The following conditions shall apply to commercial and industrial uses located in the "C-1", "C-2", "C-3" and "I-1", "I-2" Districts:
1. No noise from any operation conducted on the premises or other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary of the lot on which the use is located.
 2. No toxic matter, noxious matter, smoke, gas or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the lot on which the use is located.
 3. No vibrations shall be detectable beyond the lot lines of the lot on which the use is located.
 4. The manufacture of flammable materials which produce explosive vapors or gases is prohibited.
 5. Any operation that produces intense glare or heat shall be performed within a completely enclosed building and exposed sources of light shall be screened so as to be in conformance with the exterior lighting standards in [Section 405.335\(B\)](#).

SECTION 405.335: EXTERIOR LIGHTING STANDARDS

- A. *Purpose.* This Section provides for the regulation of exterior lighting and glare that may create a safety hazard and nuisance for motor vehicle operators, pedestrians and land uses in the proximity of the light source.
- B. *Light Standards.* Except for the exemptions provided for in Section 405.335(C), the following standards shall apply to all exterior lighting:
1. The light source or luminaire for all exterior lighting shall have a cutoff so that the bare light bulb, lamp or light source is shielded from the direct view of an observer at ground level at a property line adjacent to a public right-of-way or property zoned residential or at the interior bufferyard line if such bufferyard is required.
 2. Flickering or flashing lights are prohibited.
- C. *Exemptions.* The following are exempt from the exterior light standards:
1. Public street lights, signs, seasonal displays.
 2. Due to their limited hours of operation and unique requirements for nighttime visibility, ball diamonds, playing fields, tennis courts and other similar public recreation facilities are exempt from the standards in Section 400.335(B).
 3. Safety signal and warning device lighting.
 4. Private outdoor lights installed by a public utility on private property for security purposes, provided that installation of said lighting shall be approved by all property owners of residential property from which the light source can be viewed directly.

CHAPTER 405. ZONING REGULATIONS
PART 4. NON-CONFORMITIES OF ZONING DISTRICT REGULATIONS

SECTION 405.400: PURPOSE

Under the regulations established by this Ordinance, there are existing buildings and uses that could not be built, but that were lawful when built or established under prior City ordinances and regulations. The City recognizes the legitimate interests of those who have lawfully established structures or uses that are non-conforming by permitting such non-conformities to be continued. However, non-conformities do adversely affect the orderly development, maintenance, use and value of other property within their vicinity. It is therefore necessary to establish restrictions that are intended to prevent the expansion of such non-conforming buildings and uses and to encourage the eventual conversion of such buildings and uses to conforming buildings and uses.

SECTION 405.410: GENERAL PROVISIONS AFFECTING NON-CONFORMITIES

- A. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed (except as otherwise herein provided), but not to encourage their survival. Such non-conformities are declared by this Ordinance to be incompatible with the permitted structures and uses of land and structures in the districts involved. It is further the intent of this Ordinance that such non-conformities shall not be enlarged upon, expanded or extended except as provided for herein, nor to be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- B. A non-conforming use of land, premises or structure shall not be enlarged upon, expanded or extended after the effective date of this Ordinance.
- C. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- D. A non-conforming use or a non-conforming building or structure which is non-conforming only because of failure to provide required off-street parking spaces or loading berths shall have all the rights of a conforming use or structure.

SECTION 405.420: NON-CONFORMING LOTS OF RECORD

A. In the "A-1", "R-1", "R-2" And "R-3" Residence Districts.

1. Notwithstanding the regulations imposed by any other provision of this Ordinance, a single-family detached dwelling that complies with the restrictions of Section 405.420(B) may be erected on a lot of record that is not less than twenty (20) feet in width and that consists entirely of a tract of land that:
 - a. Has less than the prescribed minimum lot area, width or depth or all three (3);
 - b. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning ordinance; and
 - c. Has remained in separate and individual ownership from adjoining tracts of land during the entire time that the creation of such lot has been prohibited by any zoning ordinance.
2. Construction permitted by Section 405.420(A)(1) shall comply with all of the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which the lot in question is located, provided that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable.
 - a. The dwelling unit shall be placed on the lot so as to provide a yard on each side of the dwelling.
 - b. The sum of the widths of the two (2) side yards on such lot shall be not less than the smaller of:
 1. Twenty-five percent (25%) of the width of the lot, or
 2. The minimum total for both side yards prescribed by the bulk regulations for said zoning district.
 3. No side yard shall be less than ten percent (10%) of the width of the lot and in no case less than five (5) feet.

B. In Other Zoning Districts.

1. In any district other than those listed in Section 405.420(A)(1), notwithstanding the regulations imposed by any other provision of this Ordinance, a building designed for any permitted use may be erected on a lot of record of the type described in Section 405.420(A)(1).
2. Construction permitted by Section 405.420(B)(1) shall comply with all of the regulations (except lot area, width and depth) applicable in the zoning district in which the lot in question is located; provided however, that if the zoning district requires a minimum lot width, the width of any side yard need not be greater than that determined by the following formula (where the width of any side yard required = X):

$\frac{X}{\text{Actual Lot Width}}$	$\frac{\text{Minimum Side Yard Required By District Regulations}}{\text{Minimum Lot Width Required By District Regulations}}$
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SECTION 405.430: NON-CONFORMING BUILDINGS AND STRUCTURES

- A. *Authority to Continue.* Any building or structure which is devoted to a use which is permitted in the zoning district in which it is located but which does not comply with the applicable bulk regulations, or which is located on a lot which does not comply with the applicable lot size requirements, may be continued so long as it remains otherwise lawful, subject to the restrictions of Sections 405.430(B) through 405.430(D).
- B. *Maintenance, Repair, Remodeling and Structural Alterations.* Any non-conforming building or structure may be maintained, repaired, remodeled or structurally altered, provided that any such maintenance, repair, remodeling or structural alteration shall conform to all requirements of the zoning district in which the building or structure is located and shall not increase the non-conformity of the existing building or structure.
- C. *Expansions or Enlargement.* A non-conforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made to conform to all the requirements of the zoning district in which the building or structure is located and does not increase the non-conformity of the building or structure. For buildings located on a lot that does not comply with the applicable lot size requirements of the zoning district, the side yard requirements shall be determined by Section 405.420(A)(2) or Section 405.420(B)(2), whichever is applicable.
- D. *Damage or Destruction.* In the event that any non-conforming building or structure described in Section 405.430(A) is damaged or partially destroyed, by any means, to the extent of more than seventy-five percent (75%) of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. Structures located on a lot that does not comply with the applicable lot size requirements shall not be required to provide a side yard that exceeds the yard requirements in Section 405.420(A)(2) or Section 405.420(B)(2), whichever is applicable.
- E. *Moving.* No building or structure described in Section 405.430(A) shall be moved in whole or part for any distance whatever to any other location on the same or any other lot unless the entire building or structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

SECTION 405.440: NON-CONFORMING USES

- A. *Authority to Continue.* Any lawful existing non-conforming use of part or all of a building or structure or any lawfully existing non-conforming use of land, not involving a building or structure or only involving a building or structure which is accessory to such use of land, may be continued, so long as it is otherwise lawful, subject to the provisions of Sections 405.440(B) through 405.440(G).
- B. *Repairs and Maintenance.*
1. Normal maintenance and incidental repair, replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing may be performed on any building or structure that is devoted in whole or in part to a non-conforming use, provided however, that this Section shall not be deemed to authorize any violation of Sections 405.440(C) through 405.440(F) of this Article.
 2. Notwithstanding the provisions of Section 405.430(D), nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, where such restoration will not be in violation of Section 405.440(D) of this Article.
- C. *Remodeling.* No building or structure that is devoted in whole or in part to a non-conforming use shall be remodeled, if structural alteration is required, unless the entire building or structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located.
- D. *Enlargement.* No building or structure that is devoted in whole or in part to a non-conforming use shall be enlarged or added to in any manner unless such building or structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
- E. *Extension.* A non-conforming use shall not be extended, expanded, enlarged or increased in intensity; provided however, that the extension of a lawful use to any portion of a lawfully existing non-conforming building or structure shall not be deemed the extension of such non-conforming use.

F. *Change in Use.*

1. When no structural alterations are made in any building or structure devoted to a non-conforming use, the use of the building or structure may change from one use to another use permitted in the zoning district in which the non-conforming use is allowed, provided that the uses are similar to one another and the proposed use is not more intense in terms of activity, traffic generation and impacts on surrounding property. No building in which a non-conforming use has been changed to a more restrictive use shall again be devoted to a less restrictive use.
2. At such time as any non-conforming use changes to a conforming use allowed in the zoning district in which the property is located, it shall not thereafter be changed backed to a non-conforming use.

G. *Abandonment or Discontinuance.* When a non-conforming use of land or of a building or structure is discontinued or abandoned for a period of twelve (12) consecutive months, such use shall not thereafter be re-established or resumed and any subsequent use or occupancy of such land, building or structure shall comply with the regulations of the zoning district in which it is located.

H. *Non-Conforming Accessory Uses.* No use which is accessory to a principal non-conforming use shall continue after such principal use ceases or terminates.

SECTION 405.450: UNLAWFUL USE NOT AUTHORIZED

Nothing in this Ordinance shall be interpreted as authority for or approval of a continuance of the use of a structure or building in violation of any City regulations in effect at the time of the effective date of this Ordinance.

SECTION 405.460: CHANGES IN DISTRICTS OR REGULATIONS

Whenever the boundaries of a zoning district are changed so as to transfer an area from one zoning district classification to a different zoning district classification or boundaries or districts are changed as a result of annexation of new territory or changes are made in the regulations or restrictions of the zoning regulations, the provisions of this Ordinance shall also apply to any uses existing therein which may become non-conforming.

CHAPTER 405. ZONING REGULATIONS
PART 5. OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 405.500: OFF-STREET PARKING GENERAL REQUIREMENTS

- A. *Applicability.* All developments in all districts, shall provide sufficient off-street parking spaces solely for the parking of motor vehicles in operating condition of patrons, occupants or employees in accordance with the requirements of this Article. Each application for a building permit, site plan or other zoning request involving the construction, expansion or alteration of off-street parking areas shall include plans indicating the minimum number of parking spaces required in this Section. Plans shall include information as to the 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 Section are met.
1. The basic requirement of all off-street parking is to exist on the same lot of the primary structure and/or use. However, if the number of off-street parking spaces required by this Ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this Section. These off-site spaces are referred to in this Section as satellite parking spaces.
 2. All such satellite parking spaces must be located within four hundred (400) feet of the use or building which is the subject of an application for joint use of parking. Provided however, that no off-street parking facility for a structure or use permitted in a commercial or industrial district shall be located in a residential zoning district. The principal use shall be permitted to continue only as long as its parking requirements are met.
 3. The developer wishing to take advantage of the provisions of this Section must present satisfactorily written evidence that he/she has permission of the owner or other persons in charge of the satellite parking spaces to use such spaces. The written evidence shall at a minimum consist of a perpetual, mutual parking/access easement submitted for review by the City Planner and duly filed and recorded with the Stone County Recorder; said easement shall include a specific time schedule for the availability of parking by use. The demand for available parking created by each of the uses must occur at separate times, thereby eliminating a conflict of need.

B. *Building or Use Enlarged.*

1. *Commercial.* Whenever a building constructed or a use established after the effective date of this Article 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 Article 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.
2. *Residential.* An approved surface/driveway addition in a residentially zoned district shall not enclose or cover any surface utilities such as water meters, manhole covers, phone boxes, etc. The total surface area of driveway shall not exceed thirty-five percent (35%) of the total area of the front yard calculated from the front elevation of the principal structure to the front and side property lines. The approved driveway addition may be of any composition provided that the addition is constructed of three-eighths (3/8) inch base rock, asphalt, pavers or concrete. A base rock surface will not be permitted where stormwater runoff is capable of transporting the rock to the public right-of-way. Base rock surfacing shall consist of three-eighths (3/8) inch maximum size rock, crushed rock, limestone or dolomite and if this surface is used it must be bordered with landscaping timbers. An addition utilizing base rock or pavers shall be properly prepared with removal of existing vegetation and top soil and placement of a weed barrier prior to the placement of the rock or pavers. Future vegetation growth shall be controlled. Any addition shall be no closer than five (5) feet from the side lot lines. Any surface extending beyond the property line, as depicted in Figure 405.500-1 appended to this Section, to the edge of the street shall be paved.

C. *Surfacing.* All off-street parking and driving areas serving newly developed land uses in all zoning districts other than "A-1", "R-1" shall be surfaced with asphalt or concrete materials. All off-street parking and driving areas serving existing land uses and structures prior to the adoption of this Subsection in all zoning district other than "A-1", "R-1", "R-2" where the expansion or enlargement of said land use and/or structure requires a building/development permit shall also be required to install an asphalt or concrete surface.

D. *Curbing.* All off-street parking areas, in all zoning district other than "A-1", "R-1", "R-2", shall be provided with six (6) inch high curb to prevent vehicular encroachment into adjacent yard areas.

- E. *Recreational Vehicle Parking.* The parking of a recreational vehicle for dwelling or business purposes is permitted only in a recreational vehicle park. However, the off-street parking and storage of recreational vehicles is permitted in any zoning district provided that the vehicle is not used for dwelling or business purposes and that the vehicle is parked and stored on the lot in conformance with all applicable regulations in this Article.
- F. *Employee Parking.* Parking spaces required for employee shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
- G. *Lighting.* Illumination within off-street parking areas shall be designed and installed in a manner which minimizes light scatter to adjacent properties.
- H. *Landscaping/Screening.* Landscaping or screening, or both, of open off-street parking areas shall be in conformance with the requirements of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements.](#)
- I. *Accessibility.* Under no circumstances shall any parking area configuration interfere with access to adjacent facilities/locations. This applies to locations either with or without recorded access easements. Consideration shall also be given to the effect of traffic stacking at drive-up windows to ensure that access is not hindered for adjacent facilities/locations.

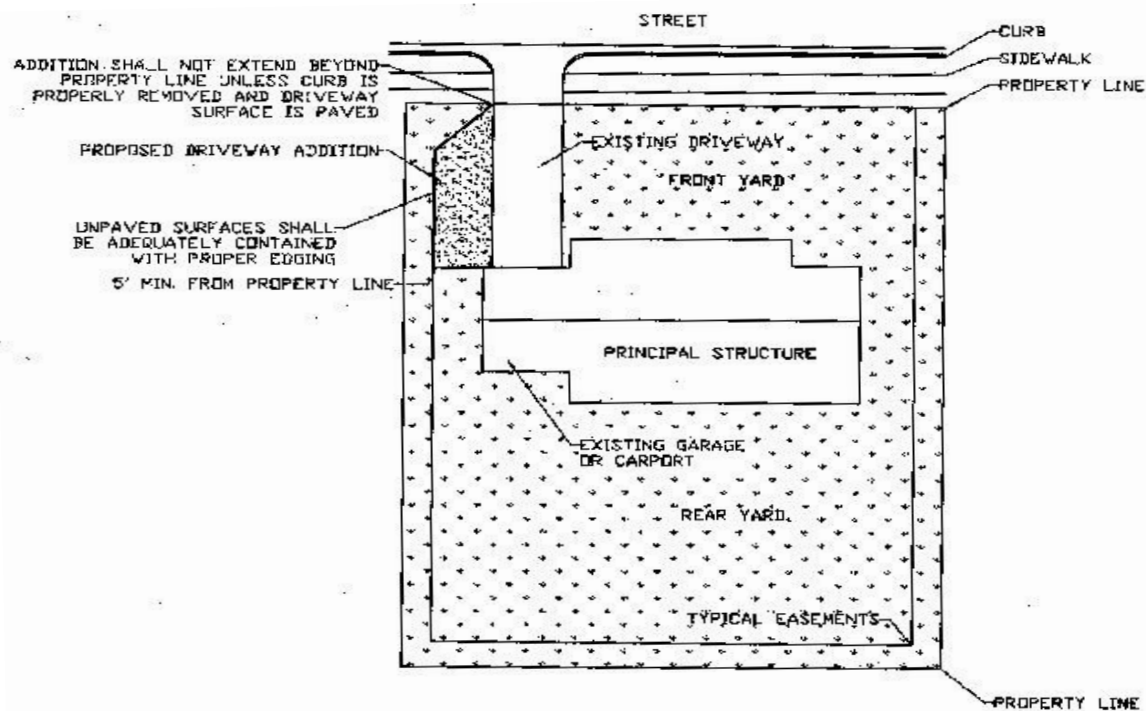


Figure 405.500-1

SECTION 405.510: PARKING SPACE DIMENSIONS AND DESIGN REQUIREMENTS

- A. *Access.* Each required off-street parking space shall open directly upon an aisle or driveway of such design as to provide safe and efficient access to such park space. This requirement does not apply to driveways that provide parking space for single-family and two-family dwellings, although backing onto an arterial street is discouraged.
- B. *Emergency Access.* Parking areas shall allow for reasonable access and movement by emergency, sanitation and other public service vehicles.
- C. *Spaces Marked.* Parking spaces in multi-family residential, commercial, industrial, institutional and public parking lots shall be clearly marked with painted lines or dividers.

SECTION 405.520: HANDICAPPED ACCESSIBLE PARKING

Public facilities with off-street, self-parking facilities for employees, visitors or both shall provide accessible parking spaces for the disabled in conformance with the requirements of the Americans With Disabilities Act.

**SECTION 405.530: MINIMUM NUMBER OF OFF-STREET PARKING SPACES
REQUIRED**

Off-street parking shall be provided in accordance with the following table. Where fractional spaces result in computation of parking space requirements, the parking spaces required shall be rounded up to the nearest whole number.

See the latest addition of City of Crane "Standard Design Details for Public Improvements" for parking stall dimension standards, layout and striping.

DEVELOPMENT TYPE	PARKING SPACE REQUIREMENT
Residential Uses	
Single-family dwellings	2 spaces per dwelling unit.
Two-family dwellings	2 spaces per dwelling unit.
Multi-family dwellings	1 space per dwelling unit for multi-family units limited to the elderly; all other multi-family requires 2 spaces for a 1 bedroom unit; 2 spaces for 2 bedroom units; 2 spaces for 3 or more bedroom units.
Rooming house	2 spaces, plus 1 space per bedroom
Bed and breakfast, hotel, motel	2 spaces, plus 1 space for each room to be rented plus additional space for restaurant or other facilities, in accordance with other sections of this table.
Home occupations	1 space in addition to the spaces required for the residence.

DEVELOPMENT TYPE	PARKING SPACE REQUIREMENT
Commercial Uses	
Animal hospitals and veterinary clinics	1 space per each 300 square feet of gross floor area.
Convenience stores with self-service gas sales	1 space per each 300 square feet of gross floor area. Service areas at gas pumps shall not count as parking spaces.
Planned commercial shopping plazas	1 space per each 250 square feet of gross floor area.
Big box retail stores (excluding hardware and building supply stores)	1 space per each 250 square feet of gross floor area or 1 space for each 160 square feet of net usable building floor area, whichever requires less parking spaces.
Hardware and building supply stores	1 space per each 300 square feet of gross floor area.
Furniture and appliance stores	1 space per each 500 square feet of gross floor area.
Banks and similar institutions, including drive-up facilities	1 space per each 300 square feet of gross floor area. Drive-up windows shall have 3 queuing spaces in addition to 1 space at the service window. The number of queuing spaces may be reduced for additional windows; however, at least 2 queuing spaces are required at each window.
Business or professional and public administration offices (including medical and dental offices)	1 space per each 250 square feet of gross floor area.
Bowling alleys	5 for each alley, plus any required for restaurants, cocktail lounges, etc.
Stadiums, theaters, auditoriums, assembly halls	1 space for every 3 seats.
Funeral homes and mortuaries	1 space for every 4 seats, plus 1 space for each employee.
Retail grocery stores	1 space per 250 square feet of gross floor area.
Restaurants with no pickup or drive-thru service	1 space for every 3 seats, plus 1 space for every 2 employees on the largest shift.

DEVELOPMENT TYPE	PARKING SPACE REQUIREMENT
Commercial Uses (Continued...)	
Restaurants with pickup or drive-thru service and on-site seating	1 space for every 3 seats, plus 1 space for every 2 employees on the largest shift. Drive-in restaurants shall have at least 10 spaces. Each window shall have 6 queuing spaces in addition to 1 at the service window.
Restaurants with pickup or drive-thru and no on-site seating	1 space for each employee on the largest shift but not less than 6. Each window shall have 9 queuing spaces in addition to 1 space at the service window.
Motor vehicle, manufactured home and recreational vehicle sales and rental	1 space for each 400 square feet of enclosed building floor area, plus 1 space per 3,000 square feet of open sales lot area.
Vehicle repair, body work	1 space per 200 square feet of gross floor area.
Vehicle service stations	3 spaces for each repair rack, 1 space for each 2 persons employed on a single shift and 1 parking space for each vehicle used directly in the conduct of the business.
Automobile washing establishment	Queuing spaces for waiting automobiles equal to 3 times the maximum capacity for each wash bay, measured by the greatest number of automobiles undergoing some phases of laundering at the same time plus 1 for each 2 employees.
Dry cleaners	1 space per each 300 square feet of gross floor area. Drive-up windows shall have 2 queuing spaces in addition to 1 space at the service window.
Greenhouses and landscaping sales	1 space per 200 square feet of gross floor area.

DEVELOPMENT TYPE	PARKING SPACE REQUIREMENT
Industrial Uses	
Manufacturing, processing, assembly, cleaning, testing, servicing of goods, materials and products	2 spaces for each 3 employees on the largest shift, plus 1 space for each company vehicle.
Truck terminals, warehouses and transfer stations	2 spaces for each 3 employees, plus 1 space for each truck or semi-trailer kept on the premises.
Self-service storage facilities	1 space for each 25 storage units without vehicular access; plus 2 spaces if a resident manager is present; plus 2 additional spaces for office parking.
Churches	1 space for each four seats.
Day care center	1 space for each employee, plus 1 space for each 5 children.
Emergency services	1 space per 200 square feet of gross floor area.
Golf activities	Miniature golf course: 2 spaces per hole plus 1 space per 200 square feet of building. Driving range: 1 space per tee plus 1 space per 200 square feet of building. Pro golf course: 2 spaces for each hole, plus 1 space for each employee on the maximum shift. If the course also includes a restaurant/lounge facility, add 1 space for each 3 seats.
Hospitals	2 spaces per bed for inpatient care facilities and 1 space per 250 square feet of gross floor area for outpatient facilities.
Libraries, museums, art galleries	1 space per 300 square feet of gross floor area.
Nursing or rest homes, convalescent centers and similar facilities	1 space for each 3 beds, plus 1 space for each 2 employees on the largest shift.
Preschool, elementary and junior high	2 spaces for each classroom or 1 for each 5 seats of the largest place of public assembly, whichever requires the greatest number of spaces.
High school	1 for each 8 students based on the maximum number of students for which the school is designed plus 2 for each classroom or 1 for each 5 seats of the largest place of public assembly, whichever requires the greatest number of parking spaces.

SECTION 405.540: JOINT USE PARKING FACILITIES

- A. *Joint Use Parking.* Up to fifty percent (50%) of the off-street parking spaces required for a use or structure may be located on another site if a joint use parking plan has been approved in accordance with this Section. Such shared use of parking spaces shall be considered to meet the minimum requirements for off-street parking only if the hours of operation of all such uses or structures are such that they are not normally open, used or operated during the principal operating hours of the other use or facility. The joint use of parking shall not be a matter of right but may be granted by the Board of Aldermen based upon review of plans and information submitted by the applicant and the recommendation of the Commission.
- B. *Location.* Where such parking spaces are provided collectively or used jointly by two (2) or more uses or establishments, the required spaces shall be located within two hundred (200) feet of any use to be served by the parking space.
- C. *Application for Joint Use Parking Plan.* An application for a joint use parking plan shall be filed with the Administrative Official by the owner or owners of the entire land area to be served the owner or owners of existing buildings and structures to be included in and served and all other parties having a legal interest in such land area and structures. The application shall include plans showing the location of the use, buildings or structures for which shared off-street parking spaces are to be provided or the location of existing off-street parking spaces to be used and a parking demand schedule.
- D. *Parking Demand Schedule.* The parking demand schedule shall include the following information:
1. The hours of operation of each building, structure or use this is a party to the joint use parking plan.
 2. The projected parking demand for each building, structure or use during each hour of each day. Hourly parking demand may be averaged for weekdays but shall be separately stated for Saturday and Sunday.
- E. *Review of Application.* The Commission shall review the application and make its recommendation to the Board of Aldermen. The Board of Aldermen shall approve or disapprove the joint use parking plan.

- F. *Registration of Joint Use Parking Plan.* Upon approval of a joint use parking plan, a copy of such plan shall be recorded in the Stone County registry and shall thereafter be binding upon the applicants, their heirs, successors and assigns. Such recording shall limit and control the issuance and validity of building and occupancy permits. The applicant is responsible for the recording fee charged by the Stone County Recorder of Deeds.
- G. *Amendment or Withdrawal of Joint Use Parking Plan.* Pursuant to the same procedure and subject to the same limitations and requirements by which the joint use parking plan was approved and recorded, such plan may be amended or withdrawn, either partially or completely, if all parties to the joint use parking plan consent, if all land and structures remaining under such plan comply with all the conditions of the plan, and all land and structures withdrawn from such plan comply with the off-street parking regulations of this Article.

SECTION 405.550: LOADING AND UNLOADING AREAS

- A. *Applicability.* In any zoning district, all structures built or expanded and all uses established shall provide necessary accessory off-street loading facilities in accordance with the requirements of this Section.
1. Commercial and industrial uses shall provide on the same lot adequate space for motor vehicles to load and unload in order to avoid interference with traffic in the public streets or alleys.
 2. Elementary and secondary schools, churches and other places of assembly shall provide at least one (1) off-street loading space for passenger automobiles for each fifty (50) people and one (1) queuing space for each ten (10) people based upon the designed maximum capacity of the facility. Queuing spaces may be provided in the driving aisles of parking lots associated with the facility.
- B. *Off-Street Loading Design Standards.*
1. **Location.** All required loading spaces shall be located on the same lot as the use served. Off-street loading areas may occupy all or part of any required yard space, other than a required front yard or a side yard adjoining a street, or the required setback from the right-of-way centerline of a street. No loading space shall be located within fifty (50) feet of the nearest point of intersection of any two (2) streets or highways.
 2. **Space allocation.** No area allocated to loading and unloading facilities may be used to satisfy the requirements for off-street parking, nor shall any portion of any off-street parking area be used to meet the requirements for loading and unloading.
 3. **Access.** All off-street loading areas shall be accessed without requiring any backing onto or from a public street.
 4. **Grading and surfacing.** All off-street loading areas shall be graded for proper drainage, provided with an appropriate base and surfaced with asphalt or Portland cement concrete.
 5. **Landscaping/screening.** All off-street loading areas that abut or are adjacent to a residence district shall comply with the requirements of [Chapter 405, Part 6, Landscaping, Screening and Buffer Yard Requirements](#).
 6. **Repair and service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with any off-street loading area.

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CHAPTER 405. ZONING REGULATIONS
PART 6. LANDSCAPING, SCREENING AND BUFFER YARD REQUIREMENTS

SECTION 405.600: PURPOSE

The screening, buffering and landscaping requirements contained in this Article are intended to enhance the visual and environmental image of the City of Crane through landscaping; protect and enhance property values by promoting quality living and working environments which integrate landscaping as part of the development design; reduce or mitigate the negative effects of air and noise pollution through natural plantings which absorb dust, carbon monoxide and which screen the glare of lighting; and provide for the use of green buffers and/or structural buffers to reduce the negative impacts of potentially incompatible land uses.

SECTION 405.605: APPLICABILITY

The requirements of this Chapter shall apply to all public, private and institutional developments approved after the effective date of this Ordinance with the following exceptions:

1. Developments that have been issued a building permit or have received final plat approval prior to the effective date of this Ordinance shall not be subject to the landscaping, screening or buffering requirements.
2. Individual single-family homes built on existing lots of record or lots platted after the effective date of this Ordinance shall not be subject to the landscaping, buffering or screening requirements.
3. Single-family subdivisions platted after the effective date of this Ordinance shall not be subject to the landscaping requirements. However, such subdivisions may be subject to the screening and buffering requirements herein.

SECTION 405.610: APPROVAL PROCESS

- A. No building permit shall be issued for the improvement of any site, the construction of any building or the establishment of any use for which a landscaping plan is required until such plan has been submitted and approved by the City.
- B. A certificate of occupancy shall not be issued for any building or structure until all screening, buffering and/or landscaping is in place in accordance with the approved landscape plan.

- C. In any case in which a certificate of occupancy is sought during a season of the year which the City determines that weather conditions make it impractical to plant trees, shrubs or other required landscaping, a temporary certificate of occupancy may be issued, provided that the applicant deposits cash in an escrow account in the amount of the estimated cost of such landscaping. Such escrow deposit shall contain the following conditions:
1. The installation of all landscaping required by the landscape plan shall be completed within six (6) months of the date of the application for the temporary certificate of occupancy.
 2. The City shall have the right to draw upon the escrow account to complete said landscaping if the applicant fails to do so.

SECTION 405.615: LANDSCAPE PLANS

- A. Where a site plan is required, the landscape plan may be submitted concurrently with the site plan. The Planning and Planning and Zoning Administrator shall review the landscape plan and shall approve it if the plan is in accordance with the requirements of this Article. If the plan is not in accord, a written statement shall be provided to the applicant setting forth the changes necessary to bring the plan into compliance.
- B. Landscape plans shall include the following information:
1. The location of all trees or other vegetation to be preserved.
 2. The location of all plant and landscaping materials to be used, including plants, paving or other landscape features.
 3. The types of all plant material (canopy, understory ornamental, evergreen, shrub, etc.) to be used.
 4. Common names, quantity, spacing and size of all proposed material at the time of planting.
 5. Location and description of other landscaping improvements, such as berms, walls, fences, screens, paved area, street furniture, etc.
 6. The name and address of the person responsible for preparation of the landscape plan.
- C. Wherever possible, the landscape plan shall provide for the preservation of existing trees. A landscape plan which includes the clear cutting of existing trees shall be approved only if the developer establishes through convincing evidence that the prohibition of clear cutting would substantially and unreasonably restrict his/her ability to develop the property and the development will not be economically viable unless clear cutting is permitted.

SECTION 405.620: LANDSCAPE PLANTING STANDARDS

The following standards and criteria shall apply to landscape materials and installation.

1. *Quality.* All trees and shrubs installed in conformance with this Ordinance shall have well-developed leaders and tops, roots characteristic of the species, shall be fully branched and shall show evidence of proper pruning. Trees installed shall be Number One (1) grade. All plant materials shall be free of insects, diseases or mechanical injury.
2. *Coverage.* Grass, ground cover or other living landscape material shall be used to cover all open ground. Mulch, bark or other landscaping materials may be incorporated in the landscape plan where appropriate.
3. *Maintenance.* The applicant is required to guarantee the plants for one (1) year or they must be replaced by the owner. Property owners shall maintain all trees and vegetation planted in accordance with this Article.
4. *Shrubs and hedges.* Shrubs shall be a minimum of eighteen (18) inches in height when measured immediately upon planting. Where installed, hedges shall be planted so as to form a continuous, solid visual screen that will be at least three (3) feet high within one (1) year of planting.
5. *Trees.* Trees referred to in this Article shall be of a species common to or adapted to the climate and soil conditions of this area. The selection of trees should take into consideration the ease of maintenance, tolerance of City conditions and availability from area nurseries. Caliper measurements shall be taken six (6) inches above grade. Trees shall meet the following minimum standards:
 - a. Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity. All canopy trees shall have a caliper width of two (2) inches at time of planting.
 - b. Understory trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity. All understory trees shall have a caliper width of one and one-half (1½) inches at time of planting and shall be a minimum of six (6) feet in height above the root ball.
 - c. Ornamental trees may be flowering or non-flowering trees. All ornamental trees shall have a caliper width of one and one-half (1½) inches at time of planting or shall be a minimum of five (5) feet in height above the root ball.
 - d. Evergreen or conifer trees shall have a minimum height of twenty (20) feet at maturity. All evergreen trees shall be at least four (4) feet high at time of planting.

6. Credit for existing trees. Any existing trees preserved on a site in required bufferyards, interior or perimeter landscaped areas and meeting the specifications in this Section may, at the determination of the City inspector, be credited towards meeting the tree requirement of this Article. Any tree for which credit is given shall be in a condition that allows for long-term survival and shall be in a location that conforms to the intent and standards of this Article. The following conditions shall apply:
 - a. Existing trees for which credit is given shall be protected during construction. A temporary fence shall be constructed around the root zone and no heavy equipment or building materials shall be used or stored within the temporary fence area.
 - b. Existing trees for which credit is given but which subsequently die within one (1) year of issuance of certificate of occupancy shall be replaced with the required number of living trees in accordance with the standards of this Article.

SECTION 405.625: LANDSCAPE REQUIREMENTS -- PARKING AND VEHICLE USE AREAS

A. *Applicability.* The perimeter and interior of parking lots and vehicular use areas shall be landscaped in accordance with the following requirements. Areas used for parking or vehicular storage which are located under or within buildings are exempt from these requirements.

B. *Perimeter Landscaping.*

1. Perimeter landscaping shall be provided where an off-street parking lot or vehicular use area is within fifty (50) feet of a public right-of-way and there is not an intervening building.
2. Whenever an off-street parking lot or vehicular use area abuts a public right-of-way, a perimeter landscaped area at least ten (10) feet in depth shall be maintained between the abutting right-of-way and the parking lot or vehicular use area.
3. Perimeter landscaping shall contain one (1) canopy tree, one (1) understory, ornamental or evergreen tree and four (4) shrubs per one hundred (100) linear feet of frontage. Where a perimeter landscaped area is less than fifty (50) linear feet, four (4) shrubs and one (1) canopy tree or two (2) understory ornamental or evergreen trees shall be required. Where utility lines, easements or other conditions not under the control of the developer limit the planting of canopy trees, each required canopy tree may be replaced by two (2) understory ornamental or evergreen trees.
4. Required trees and shrubs may be clustered to allow for the most effective use of landscaping. All other areas shall be landscaped with grass, ground cover or other appropriate landscape treatment.

C. *Interior Parking And Vehicle Use Area Landscaping*

1. For developments containing parking and vehicular use areas totaling twenty (20) or more parking spaces, a minimum of five percent (5%) of the parking or vehicular use area shall be landscaped. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. Landscaped areas outside of the parking lot may not be used to meet interior landscaping requirements.
2. Interior landscaped areas shall be protected from damage by vehicles through appropriate wheel stops or curbs.

3. Interior landscaping shall contain one (1) canopy or understory tree or two (2) ornamental trees for each twenty (20) parking spaces or fraction thereof.
4. Interior trees shall be planted within a planting island. Planting islands shall be located so as to best relieve a continuous expanse of paving. Planting islands for canopy trees shall be at least one hundred (100) square feet for each understory tree and at least two hundred (200) square feet for each canopy tree. Islands shall be dimensioned in such a way as to be suitable for planting and to prevent damage to plantings from opening car doors.

SECTION 405.630: RESIDENTIAL LANDSCAPING REQUIREMENTS

Except where exempt in accordance with [Section 405.605](#), landscaping requirements for residential uses shall be in conformance with the following table:

Residential Type	Minimum Number Canopy or Understory Trees*	Minimum Number Ornamental or Evergreen Trees*
Town houses, two-family	1 per dwelling	0.5 per dwelling
Multi-family dwellings	0.5 per dwelling	0.5 per dwelling
*Total number of trees to be located on lots and in common open space.		

SECTION 405.635: BUFFER YARD REQUIREMENTS

- A. This Section establishes requirements for screening in order to minimize the negative impacts of incompatible land uses on adjoining properties. Whenever the installation of a buffer area is required, the screening requirement shall be in addition to any other applicable landscaping requirements in conformance with this Section.
- B. In order to promote creativity, any variance from the strict interpretation of these standards may be submitted for consideration and approval by the Planning and Zoning Commission.
- C. Screening shall be provided between uses in accordance with the following table:

**TABLE 1.5:
BUFFERING REQUIREMENTS BETWEEN DIFFERENT LAND USES**

Proposed Use	Adjacent Existing Use								
	Agricultural A	Single-family R-1	Two-family	Multi-family	Manufactured housing park M	Commercial C-1	Commercial C-2	Commercial C-3	Industrial I-1, I-2
Agricultural	None	None	A	B	B	B	C	C	C
Single-family	None	(B)	(B)	B	B	B	C	C	C
Two-family units	A	(B)	None	B	B	B	C	C	C
Multi-family	B	B	B	None	B	B	C	C	C
Manufactured housing park	B	B	B	B	None	B	B	C	C
Commercial C-1	B	B	B	B	B	None	None	C	B
Commercial C-2	C	C	C	C	B	None	None	None	B
Commercial C-3	C	C	C	C	C	C	None	None	B
Industrial I-1, I-2	C	C	C	C	C	B	B	B	None

(B) Buffer required when permitted non-residential uses locate adjacent to existing residential uses.
 "A" Bufferyard category required. See [Section 405.635\(D\)](#) for definition and standards.

- D. When there is an intervening public street with a right-of-way width of at least fifty (50) feet or railroad rights-of-way between two (2) zoning districts, the appropriate buffer yard option, as shown in [Table 1.5](#), shall not be required except where the backs of the buildings of the proposed use face the adjoining zoning district uses.

SECTION 405.640: BUFFER YARD OPTIONS

The developer of the proposed use shall be responsible for providing screening, when required, in accordance with [Section 405.635](#). Fractions of one hundred (100) foot lengths shall be prorated accordingly. For these fractional lengths, understory trees may be substituted for canopy trees at a 2:1 ratio.

- A. *Buffer yard A.* This screen is intended to partially block visual contact between adjacent uses and to create a strong impression of separation of spaces. The following buffer area and plantings are required per one hundred (100) linear feet. Minimum width of bufferyard area shall be fifteen (15) feet.
1. One (1) canopy tree.
 2. One (1) understory tree.
 3. Six (6) shrubs.
- B. *Buffer yard B.* This screen is intended to provide more intensive visual block between adjacent uses and to create a stronger sense of separation of spaces. The following buffer area, plantings and/or other structural screening are required per one hundred (100) linear feet. Minimum width of bufferyard area shall be twenty-five (25) feet.
1. Two (2) canopy trees.
 2. Two (2) understory trees.
 3. Two (2) evergreen trees.
 4. Fifteen (15) shrubs.
 5. A six (6) foot solid wood fence, solid masonry/brick wall or solid evergreen hedge or a three (3) foot earthen berm with perennial vegetative ground cover sown and maintained on the berm. All screenings shall be constructed along the full length or width of the rear or side of the property requiring the screening; provided however, no screenings shall be constructed in a right-of-way or within fifteen (15) feet from any right-of-way.

C. *Buffer yard C.* This screen is intended to provide an opaque visual screen that excludes visual contact between adjacent uses and creates a very strong impression of separation. The following buffer area, plantings and/or other structural screen are required per one hundred (100) linear feet. Minimum width of bufferyard area shall be forty (40) feet.

1. Four (4) canopy trees.
2. Four (4) understory trees.
3. Five (5) evergreen trees.
4. Twenty (20) shrubs.
5. Three (3) foot high earthen berm with perennial vegetative ground cover sown on the berm and a six (6) foot solid wood fence, solid masonry/brick wall or solid evergreen hedge constructed or planted on top of the berm. All screenings shall be constructed along the full length or width of the rear or side of the property requiring the screening; provided however, no screenings shall be constructed in a right-of-way or within fifteen (15) feet from any right-of-way.

SECTION 405.645: SUBSTITUTION OF SMALLER/FEWER PLANTINGS

The number and size of plantings required by this Ordinance may be reduced upon the approval of the Planning and Zoning Commission where the applicant establishes that the location of driveways or the physical characteristics of the property would not allow the plantings required.

SECTION 405.650: MAINTENANCE OF BUFFER YARDS AND SCREENING

Buffer yards and associated screening shall be the responsibility of one (1) of the following:

1. Either the owner of the property on which the screening and/or buffering is located, provided that this responsibility shall be included as a deed restriction placed on the property; or
2. A homeowners' association with the authority to collect dues in an amount sufficient to provide for required annual maintenance; provided that a copy of the homeowners' association Charter and bylaws must be filed with the Planning and Zoning Commission at the time of subdivision plat approval.

SECTION 405.655: GENERAL STANDARDS - SCREENING

A. Storage Containers.

1. Outside trash receptacles, dumpsters, drop-off containers and all other waste containment devices within multi-family residential, commercial and/or manufactured housing park developments shall be fully screened with a six (6) foot chain link slatted fencing or solid masonry/brick wall.
2. Outside trash receptacles, dumpsters, drop-off containers and all other waste containment devices within industrial developments shall be fully screened with a six (6) foot solid masonry/brick wall.

B. Outdoor Storage.

1. The outside storage of supplies, materials and/or merchandise either for sale, personal use, or utilized for the operation of an approved land use in the general commercial and central business zoned districts shall be fully screened with a minimum of six (6) feet of solid vinyl fencing, solid wood fencing or solid masonry/brick wall.

Outside storage is allowed in the rear yard only.

2. The outside storage of supplies, materials and/or merchandise either for sale, personal use or utilized for the operation of an approved land use in the industrial and office warehouse zoned districts shall be fully screened with a minimum of eight (8) feet of solid vinyl fencing, solid slatted chain link fencing or solid masonry/brick wall.

Outside storage is allowed in the rear yard only.

3. [Table 1.6](#) Screening Requirements for Materials, Supplies and Merchandise

TABLE 1.6: SCREENING REQUIREMENTS FOR MATERIALS, SUPPLIES AND MERCHANDISE				
Proposed Zoning Use	Types of Fencing			
	Wood	Slated Chain link	Vinyl	Solid Masonry/ Brick Wall
"C-2"		X	X	X
"C-3"	X	X	X	X
"I-1"		X	X	X
"I-2"		X	X	X

**SECTION 405.660: SIGHT DISTANCE, VISIBILITY AND UTILITY EASEMENTS
GENERAL STANDARDS**

- A. Whenever an ingress/egress access intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, a sight triangle, as set forth herein, shall be required.

In no instance shall vegetation or ornaments be planted or placed that would interfere with required sight distances.

In order to preserve sight distance, an unobstructed view shall be maintained within the following:

1. At no-stop intersections, the intersection shall be constructed so that a person standing at a location on the centerline of any street ninety (90) feet from the intersection of the street centerlines has an unobstructed view to a point located on the centerline of the intersecting street ninety (90) feet (in either direction) from the intersection of the street centerlines.
 2. At stop intersections, the intersection shall be constructed so that a person standing ten (10) feet back of the intersection right-of-way lines on the stop street has an unobstructed view to a point on the right-of-way line of the intersecting through street located seventy (70) feet from the intersection of the right-of-way lines.
 3. At street connections to primary State roads, the intersection shall be constructed so that a person standing thirty (30) feet back of the intersection right-of-way lines on the stop street has an unobstructed view to a point on the right-of-way line of the intersecting through street located one hundred fifty (150) feet from the intersection of the right-of-way lines.
- B. Landscaping, except required grass and low ground cover, shall not be located closer than five (5) feet from the edge of any ingress/egress access pavement.
- C. In the event other visibility obstructions are apparent in the proposed landscape plan as determined by the City, the requirements set forth herein shall be modified to the extent necessary to remove the conflict.

D. Plantings on utility easements shall be limited to ornamental trees, shrubs and hedges, ground cover and lawn grass. Each required canopy tree may be replaced by two (2) understory or ornamental trees to reduce conflicts with overhead utilities. Plantings in or adjacent to a utility easement shall be coordinated with the utility company.

TABLE 1.7: RECOMMENDED TREE SPECIES		
Fall Colors	Sugar Maple	Bright orange to red
	Red Maple	Bright red
	White Ash	Purple to yellow
	Amur Maple	Bright red
	Norway Maple	Yellow
	Blackgum	Scarlet red
Bloom in spring	Redbud	Pinkish purple
	F. Dogwood	Pink or white
	Goldenrain Tree	Yellow (summer)
	F. Crabapple	Pink or white
	Hawthorn	White
	Bradford Pear	White
	Cornelian Cherry	Yellow
	Smoke Tree	Puffy blooms, smoke color (summer to fall)
	Purple Leaf Plum	Pink
Winter Color	Foster Holly	
	American Holly	
	Norway Spruce	
	CO. Blue Spruce	

TABLE 1.8: TREE HEIGHT GUIDE		
LARGE	MEDIUM	SMALL
Norway Spruce	Bradford Pear	Redbud
CO. Blue Spruce	Foster Holly	F. Dogwood
Norway Maple	American Holly	F. Crabtree
White Ash	Goldenrain Tree	Hawthorn
Sugar Maple		Amur Maple
Red Maple		Burning Bush

TABLE 1.9: TREE SPACING GUIDELINES			
PLANT SIZE	FROM CORNERS	FROM WALLS	DISTANCE FOR MASS PLANTING
Small	8 feet	12 feet	6--12 feet
Medium	12 feet	16 feet	16--30 feet
Large	16 feet	20 feet	30--40 feet

CHAPTER 405. ZONING REGULATIONS
PART 9. MISCELLANEOUS REGULATIONS**SECTION 405.900: FENCES**

- A. *General Requirements.* The following general fence provisions shall apply to all zoning districts:
1. No fence, wall, shrub or hedge can exceed six (6) feet in height except as indicated in the specific district regulations.
 2. When a fence is facing a public street, the improved side (see figure 405.900-2) of the fence shall be oriented toward the street.
 3. In the case of fences constructed over dedicated utility easements, the City shall not be responsible for replacement if the fence is removed for maintenance purposes.
 4. A fence may not be erected to enclose or block a stormwater catch basin, culvert or other stormwater structure or stormwater surface flow in any development.
- B. *Corner Visibility.* It is the owners of the property's responsibility to comply with all building regulations. No fence shall be constructed in a manner that would block the view of vehicular traffic or restrict snow plowing of streets. Any violations may require removal of existing fence at the owner's expense.
- C. *Utility Line Location.* It is very important to accurately locate any utilities on your property prior to any excavation, including fence postholes, to prevent personal injury or utility damage. All utilities will be located free by calling the Missouri One-Call System Inc. at 1-800-344-7483. Please call between two (2) and ten (10) days prior to digging.
- D. *Residential Requirements.*
1. No permit is required for a residential fence not exceeding six (6) feet in height. Permits are required for residential fences exceeding six (6) feet in height.
 2. City of Crane recommends that the owner of any property who plans on erecting a fence to obtain a proper survey. Fence misplacement outside proper property lines is not the responsibility of the City of Crane.
 3. The owners of residential properties are responsible for maintaining their fences and to remove any fence if it becomes unsightly or a menace to the public health, safety or welfare.

4. The use of barbed wire, hardware cloth, single strand wire or any other similar material is not permitted as fencing in residential districts.
 5. In no case shall any front yard use a fence that exceeds four (4) feet in height.
 6. The improved side (see figure 405.900-2) of the fence shall face the street and all exterior sides.
 7. It is advisable to check with your homeowners' association and review the covenants of the subdivision prior to any fence placement.
- E. *Additional Fence Regulations by District.* Commercial, industrial and multiple-family zoning districts.
1. Fences in commercial, industrial and multiple-family zoning district require the submission of a miscellaneous building permit prior to installation. The following supporting information should be included with the application: a sketch/site plan showing the fence location and a description of the fence materials and height.
 2. Fencing may be required between different zoning districts. Please refer to the buffer requirements in Section 605.640.
 3. Fences constructed must refer to City of Crane Construction Specifications for Public Improvements.
 4. Fences are required to be six (6) feet in height for security and/or screening purposes.
 5. Fences are permitted on any lot or paved area provided they do not extend beyond the front building lines, except industrial areas, or otherwise approved by the Planning and Development Department.
 6. All fences shall comply with the maintenance, material and height regulations as contained with the zoning and subdivision regulations.
 7. All other general provisions previously stated shall also apply.
- F. *"A-1" Agricultural District.*
1. Electrified and barbed wire fences are only permitted in an "A-1" Agricultural District.

FENCING ON STANDARD LOT

A fence shall not extend closer than ten (10) feet from the front corner nor beyond the side and rear property lines.

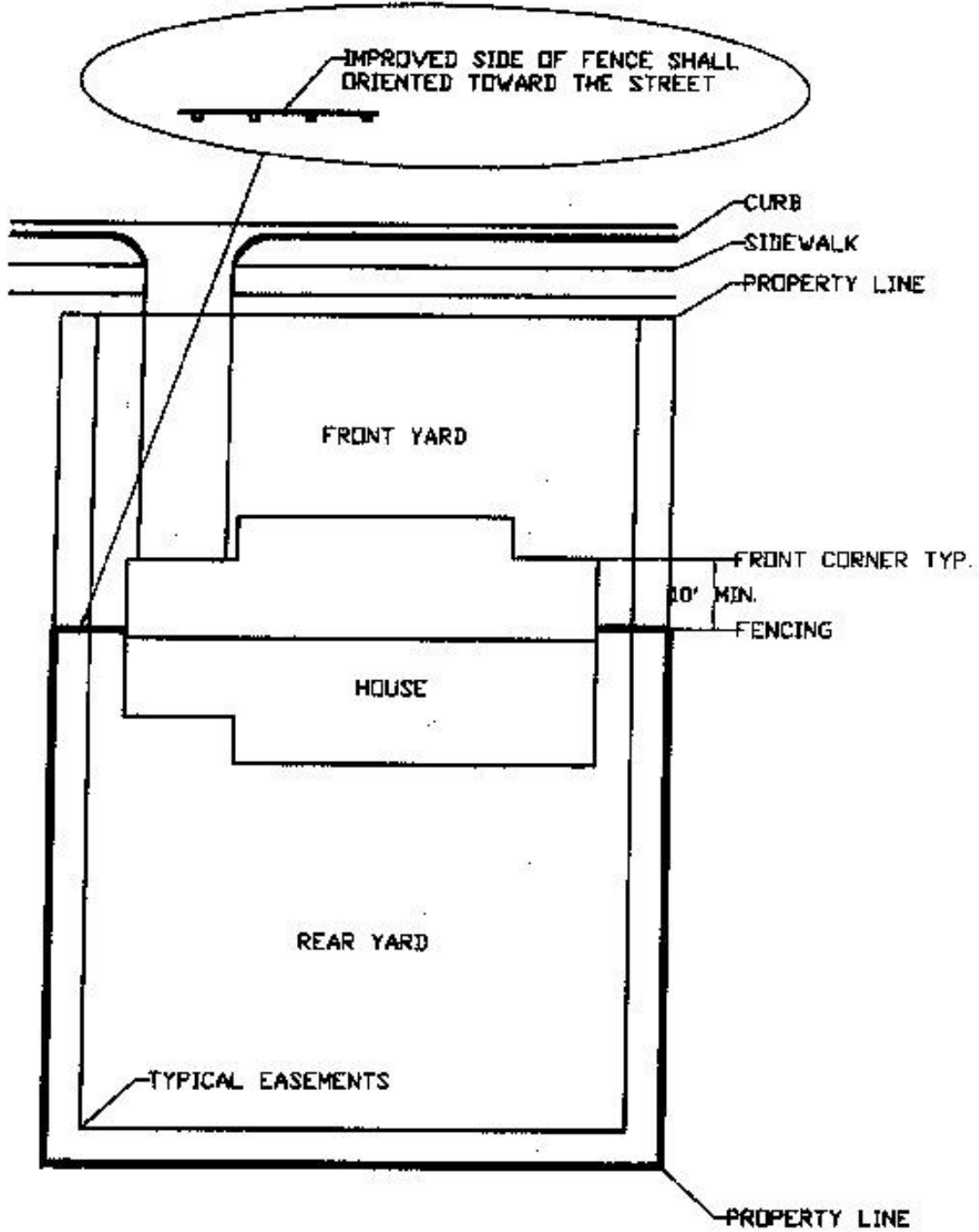


Figure 405.900-1

FENCING ON CORNER LOT

The sight triangle is dependent upon the design speeds of the intersection roadways and the type of traffic control used at the intersection. Any fencing that interferes with the visibility shall be removed.

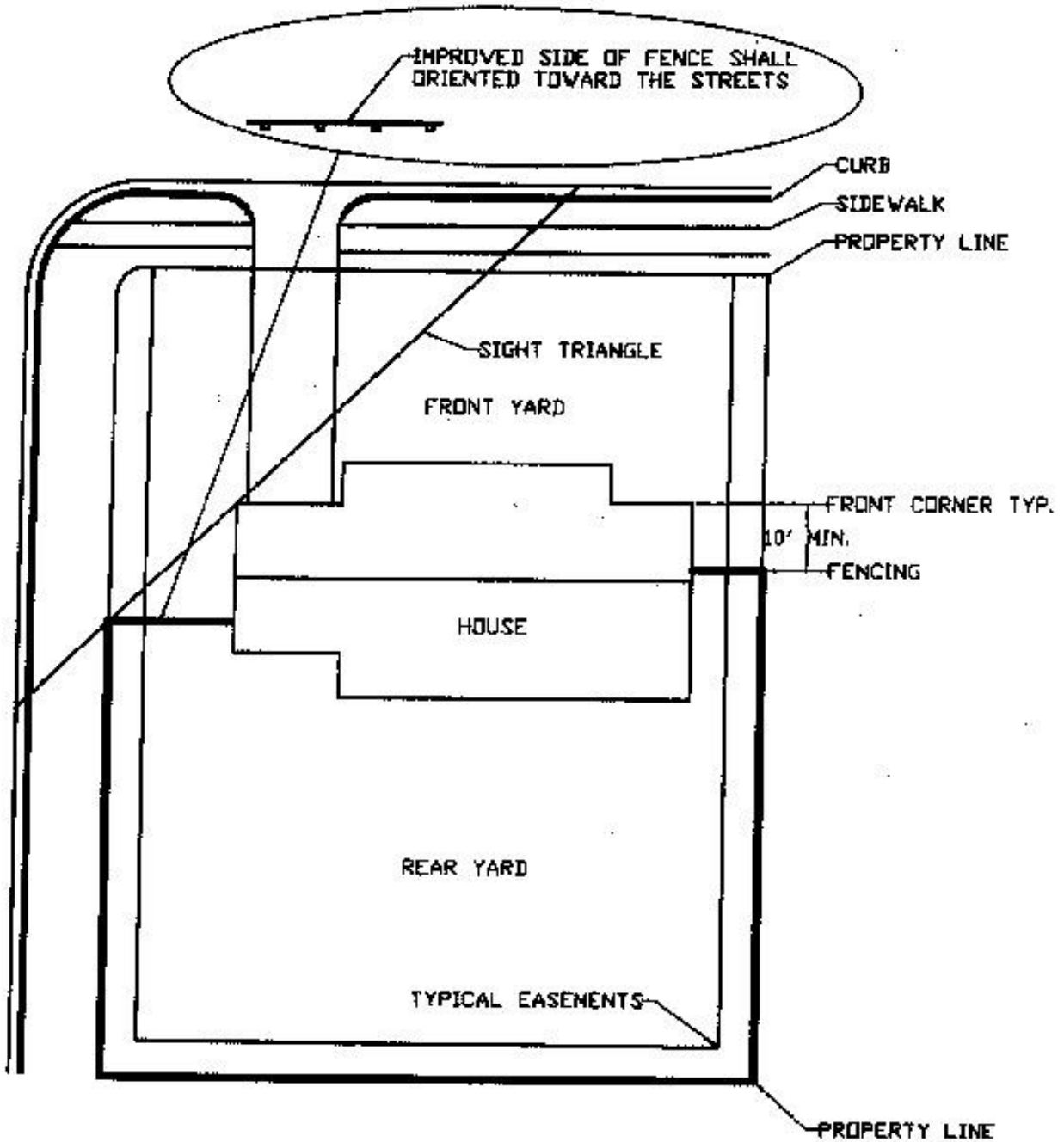


Figure 405.900-2

ACCESSORY STRUCTURES ON STANDARD LOTS

Accessory structure shall comply with all rear and side yard setbacks that are required for the principal structure, but a ten (10) foot minimum setback is required in all cases. If the accessory structure is placed in any utility easement, the property owner shall be responsible for the removal and replacement of the accessory structure as required for utility work. Accessory structures shall never be placed in drainage easements established for surface flow.

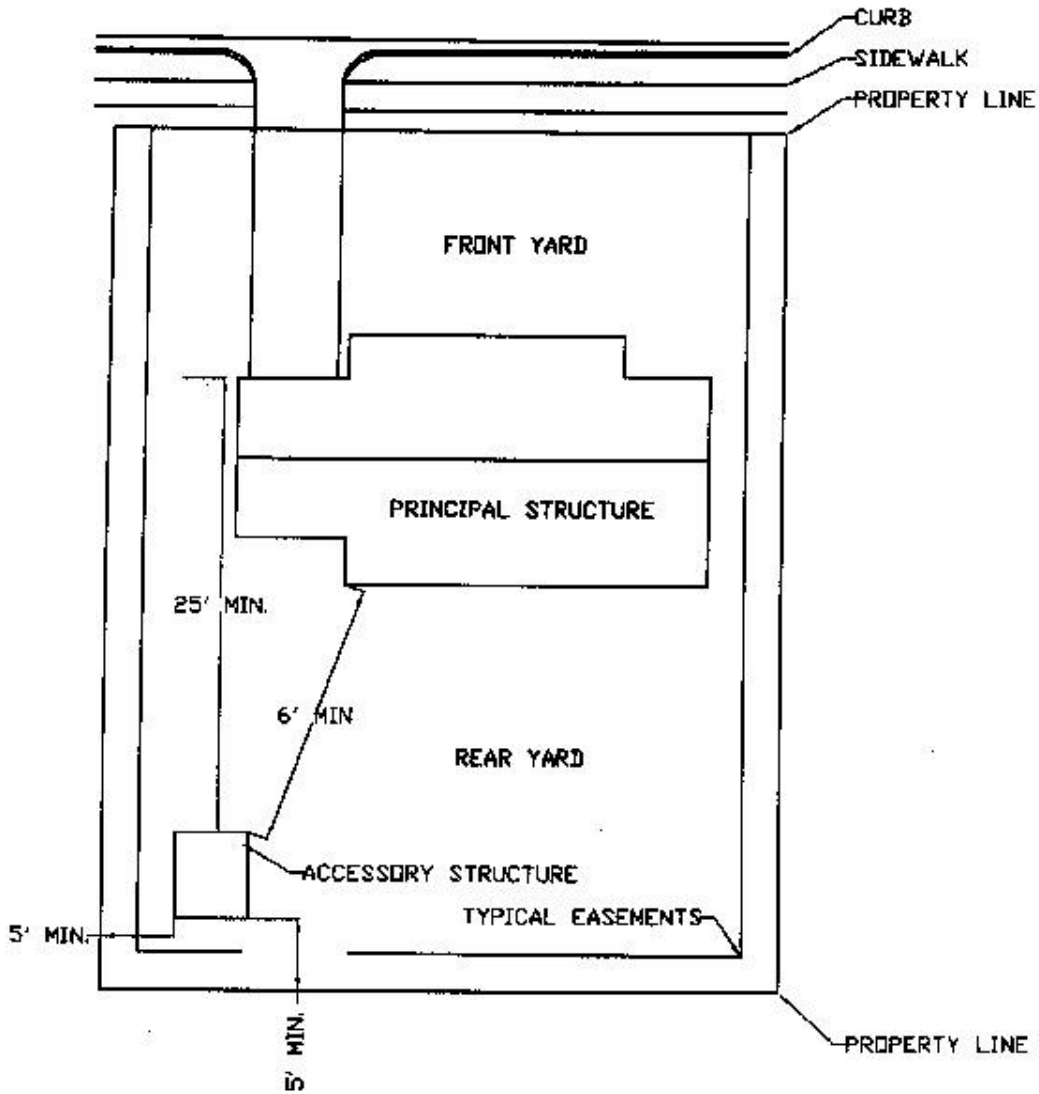


Figure 405.900-3

ACCESSORY STRUCTURES ON CORNER LOTS

Accessory structure shall comply with all rear and side yard setbacks that are required for the principal structure, but a ten (10) foot minimum setback is required in all cases. A corner lot is considered to have two (2) front yards. The accessory structure shall not be placed within twenty-five (25) feet of either front yard. If the accessory structure is placed in any utility easement, the property owner shall be responsible for the removal and replacement of the accessory structure as required for utility work. Accessory structures shall never be placed in drainage easements established for surface flow.

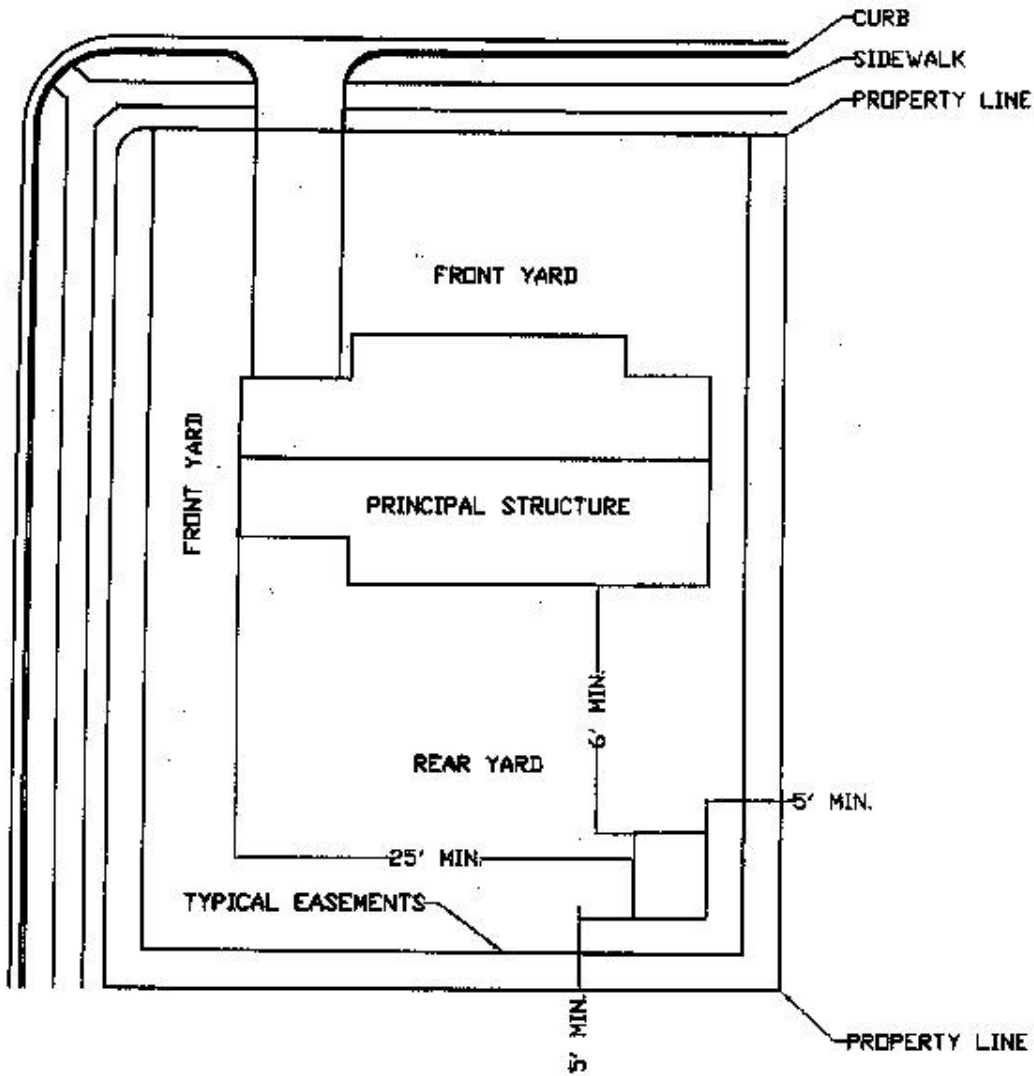


Figure 405.900-4

DETACHED GARAGE ON STANDARD LOT

Detached garages shall comply with all front, rear and side yard setbacks that are required for the principal structure, but a ten (10) foot minimum setback is required in all cases. Detached garages shall never be placed in utility/drainage easements.

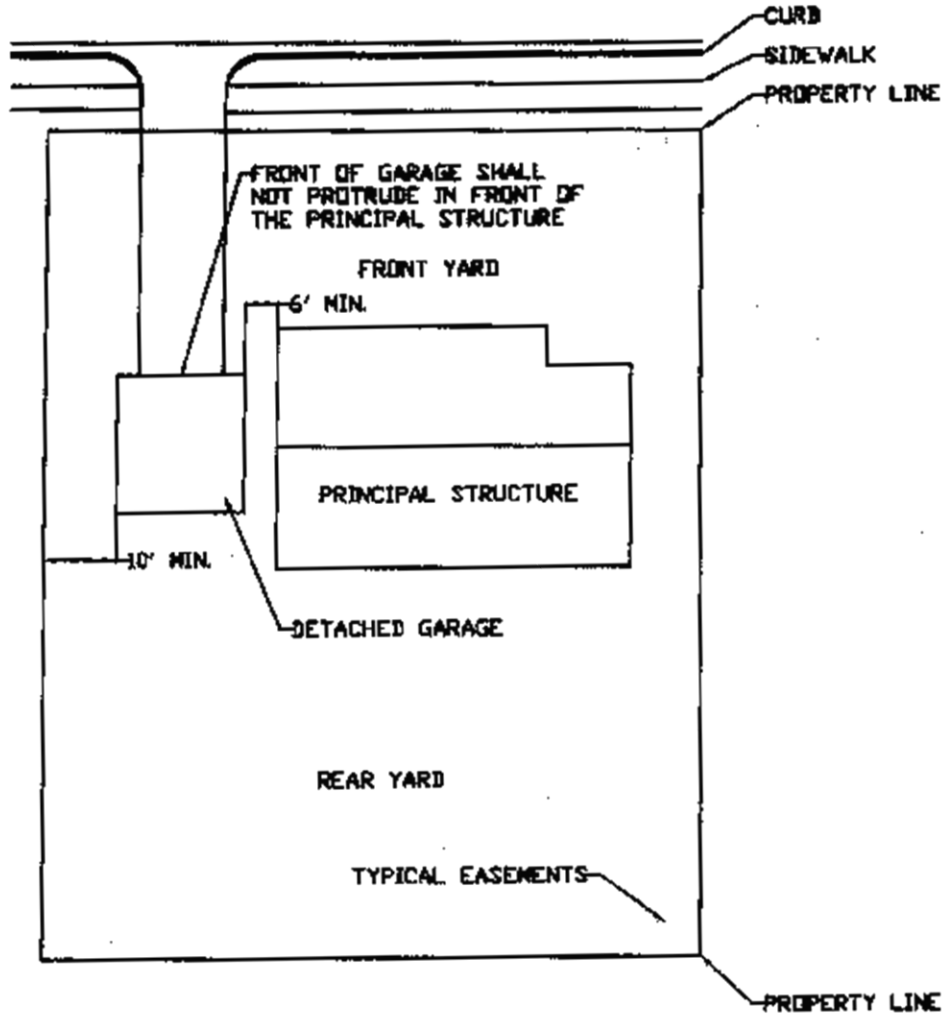


Figure 405.900-5

DETACHED GARAGE ON CORNER LOTS

Detached garages shall comply with all front, rear and side yard setbacks that are required for the principal structure, but a ten (10) foot minimum setback is required in all cases. A corner lot is considered to have two (2) front yards. Detached garages shall not be placed in either front yard. Detached garages shall never be placed in utility/drainage easements.

FRONT OF GARAGE SHALL NOT PROTRUDE IN FRONT OF THE PRINCIPAL STRUCTURE

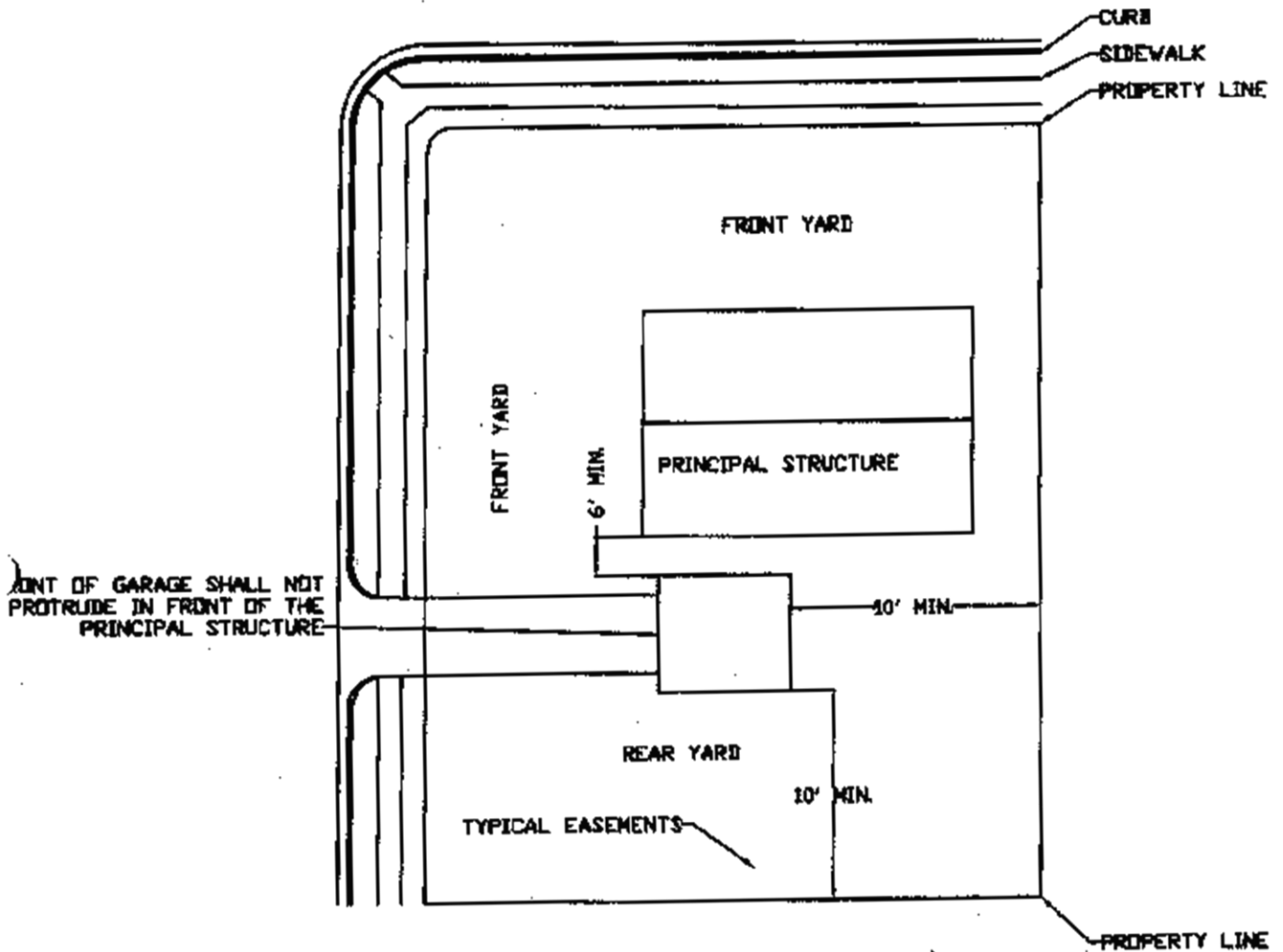


Figure 405.900-6

SECTION 405.910: SWIMMING POOLS

- A. *Permit.* Pools shall not be located within ten (10) feet of any side or rear lot line or within six (6) feet of any principal structure or frost footing. Pools shall not be located closer than ten (10) feet to any portion of a private sewage system. Pools shall not be located within any required front yard. Pools shall be drained to the street storm sewer system unless otherwise authorized by the City. Public swimming pools maintained or operated by the City do not require a permit.
- B. *Fences.*
1. All private swimming pools shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have opening, holes or gaps larger than four (4) inches in vertical or horizontal direction, except for doors and gates. The fence shall be of a type not readily climbed by children. A dwelling or accessory building may be used as part of such enclosure. An above ground pool with a wall greater than four (4) feet in height does not require a fence if the wall cannot be readily climbed by children.
 2. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.
 3. When it is necessary to fill pool prior to the installation of the required fencing, a temporary fence may be installed in a substantial manner with the approval of the Building Official. Maximum time allowed for a temporary fence is thirty (30) days.
- C. *Outdoor Pool Enclosures.* Outdoor pool enclosures, permanent or inflated, shall be constructed in accordance to the City of Crane building codes and shall be of a neutral color and designed to blend with the existing surroundings. The enclosure shall not exceed in height the principal structure on the property and requires a special use permit.
- D. *Pool Covers.* Pool covers, whether they can be locked or not, do not alone meet public safety requirements if the cover is of the type that can collect and hold natural water.

E. Polluted Water.

1. No body of water, whether it be a natural or an artificial body of water in the City, which contains sewage, waste, or other contamination or polluting ingredients rendering the water hazardous to health shall be used for swimming or bathing by any persons.
2. Water shall not be allowed to remain in any unused or abandoned pool.

F. *City Water Supply.* There will be no cross-connections of the City water supply with any other source of water supply for the pool. The line from the City water supply to the pool shall be protected against backflow of polluted water by means of either an air-gap, vacuum breaker or other adequate device to prevent back siphonage.

G. Pool Filters.

1. Every private swimming pool, and public, shall be equipped with a recirculation system capable of filtering the entire contents of the pool in twelve (12) hours or less.
2. Provision shall be made for each private swimming pool and public water of accurate and controlled applications of a disinfectant in sufficient quantities to attain and maintain efficient bactericidal action while the pool is in use.

SECTION 405.920: ON-SITE STORAGE IN STORAGE TRAILERS AND/OR STORAGE CONTAINERS*A. General Provisions.*

1. Moving vans/trucks, storage containers and storage trailers are allowed as conditional uses in any zoning district subject to the restrictions, limitations and regulations contained in the Sections set forth below.
2. The Planning and Development is authorized to issue a permit for storage containers and storage trailers used as temporary construction site offices or for the storage of tools or building supplies needed for a construction project or personal property of the owner or tenant of a building which is being remodeled during the course of a project on a lot for which a valid building permit has been issued. Upon the expiration of the permit (or any extension thereof) such container or trailer shall be promptly removed. The Planning and Development Department may authorize the placement of a container or trailer used for a construction project on property other than the property where the construction project is located upon determining that the location is necessary and reasonable under the circumstances.

B. Non-Residential Zoning Districts.

1. No moving truck/van, storage container or storage trailer shall be located on property in such a manner so as to occupy any required:
 - a. Parking space;
 - b. Open space;
 - c. Sight triangle;
 - d. Circulation aisle;
 - e. Setback;
 - f. Easement;
 - g. Detention area;
 - h. Buffer yard;
 - i. Perimeter landscaping areas;
 - j. Front yard; as defined in [Section 400.205](#). No moving truck/van, storage container or storage trailer shall be located within ten (10) feet of the right-of-way of a public street.

2. No moving truck/van, storage container or storage trailer shall be located on property or used in such a manner as to violate any of the provisions of this ordinance or of the Nuisance provisions of the Code of Ordinances of the City of Crane.
3. No utility services shall be provided to a storage container or storage trailer unless it has been converted into a permanent building and meets all requirements of all applicable Building Codes. Providing temporary (seven (7) days or less) utility services for the purpose of loading and unloading shall not be considered a violation.
4. No moving truck/van, storage container or storage trailer shall be physically connected, in any manner, to any structure or building or another storage container or storage trailer.
5. Merchandise, pallets, furniture, tires, equipment, fixtures, products, trash, debris or other materials shall not be stacked under or on top of any moving truck/van, storage container or storage trailer. Nor shall any such items be placed in a fire lane or within ten (10) feet of a storage container or storage trailer.
6. No storage container or storage trailer shall be stacked on top of another storage container or storage trailer or on top of any building. Storage trailers and storage containers may be stacked when stored on sites zoned "Industrial" where the provision of such storage trailers or storage containers is a principal use if such containers and trailers are empty and properly secured based on accepted industry standards.
7. The owner, operator and/or renter of the moving truck/van, storage container(s) or storage trailer(s) shall be responsible to ensure that the unit(s) is/are in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.

*C. Residential Districts.**1. Short-term loading and unloading.*

- a. No more than three (3) moving truck/van(s), storage container(s), storage trailer(s) or any combination thereof may be placed on a property at any one time.
- b. No moving truck/van shall remain upon the property for a period in excess of seven (7) consecutive days.
- c. The moving truck/van shall be placed on a paved surface and meet all other requirements for parking of motor vehicles on residential lots.

2. Short-term storage.

- a. No more than two (2) storage container(s), storage trailer(s) or combination of them may be located on a property at any one time.
- b. No storage container or storage trailer shall be located on a property for a period of more than sixty (60) consecutive days. No property shall be permitted to have a storage trailer or storage container for more than two (2) sixty (60) day periods in any twelve (12) month period.
- c. The storage container or storage trailer shall be placed on a paved surface and meet all other requirements for parking of motor vehicles on residential lots.
- d. No storage container or storage trailer shall be used in conjunction with, or associated with, a home occupation.
- e. No storage container or storage trailer shall be located on property or used in such a manner as to violate any of the provisions of this ordinance or of the Nuisance provisions of the Code of Ordinances of the City of Crane.
- f. The owner, operator and/or renter of the storage trailer(s) or storage container(s) shall be responsible to ensure that the storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.

- D. *Construction Projects Not Requiring A Building Permit.* Storage containers and storage trailers are permitted on any lot for twenty-one (21) consecutive days (a fourteen (14) day extension may be granted by the Planning and Development Department upon application by the owner) in conjunction with construction projects not requiring building permits subject to the following restrictions, requirements and limitations.
1. The use of storage containers and storage trailers is limited to the storage of tools or building supplies needed for a construction project.
 2. All storage containers and storage trailers shall be located on the property where the work is being performed.
 3. In non-residential zoning districts, storage container or storage trailer shall be located on property in such a manner so as not to occupy any required:
 - a. Parking space;
 - b. Open space;
 - c. Sight triangle;
 - d. Circulation aisle
 - e. Setback;
 - f. Easement;
 - g. Detention area;
 - h. Buffer yard;
 - i. Perimeter landscaping areas;
 - j. Front yard; as defined in [Section 400.205](#). No moving truck/van, storage container or storage trailer shall be located within ten (10) feet of the right-of-way of a public street.
 4. No storage container or storage trailer may be stacked one on top of another or on top of any building.
 5. No storage container or storage trailers shall be removed from the property upon completion of the construction project or by the end of the permitted time period, whichever may occur first.
 6. No storage container or storage trailer shall be located on property or used in such a manner as to violate any of the provisions of this ordinance or of the Nuisance provisions of the Code of Ordinances of the City of Crane.

- E. *Recycling Containers*. Storage containers and storage trailers used as commercial/industrial recycling containers are permitted in all non-residential zoning districts subject to the following restrictions, requirements, and limitations:
1. The use of the storage container or storage trailer is limited exclusively to materials to be recycled.
 2. The storage container or storage trailer shall be located on property in such a manner so as not to occupy any required:
 - a. Parking space;
 - b. Open space;
 - c. Sight triangle;
 - d. Circulation aisle;
 - e. Setback;
 - f. Easement;
 - g. Detention area;
 - h. Buffer yard;
 - i. Perimeter landscaping areas;
 - j. Front yard; as defined in [Section 400.205](#). No storage container or storage trailer shall be located within ten (10) feet of the right-of-way of a public street.
 3. No storage container or storage trailer may be stacked one on top of another or on top of any building.
 4. No storage container or storage trailer shall be located on property or used in such a manner as to violate any of the provision of this ordinance or of the Nuisance provisions of the Code of Ordinances of the City of Crane.
 5. No storage container or storage trailer may be located in the required front yard. All storage trailers and storage containers must be a minimum of twenty-five (25) feet from any street and a minimum of fifty (50) feet from any residential district.
 6. The owner, operator and/or renter of the storage container(s) or storage trailer(s) shall be responsible to ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.

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CHAPTER 415. FLOODPLAIN MANAGEMENT
PART 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES

SECTION 415.100: STATUTORY AUTHORIZATION

The Legislature of the State of Missouri has in RSMO 79.110 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare of the public. Therefore, the Board of Aldermen of the City of Crane, Missouri, ordains as follows: (This entire chapter 415 added by Ordinance 2060, 08/05/2024)

SECTION 415.105: FINDINGS OF FACT

- A. *Flood Losses Resulting from Periodic Inundation.* The special flood hazard areas of the City of Crane, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare
- B. *General Causes of These Flood Losses.* Flood losses are caused by;
1. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
 2. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages
- C. *Methods Used to Analyze Flood Hazards.* The Flood Insurance Study (FIS) that is the basis of this chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps:
1. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this chapter. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Stone County, dated August 28, 2024, as amended, and any future revisions thereto.
 2. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
5. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood

SECTION 415.110: STATEMENT OF PURPOSE

It is the purpose of this chapter to promote the public health, safety, and general welfare of the public; to minimize those losses described in Article 1, Section B (1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) § 59.22(a) (3); and to meet the requirements of 44 CFR § 60.3(d) by applying the provisions of this chapter to:

- A. Restrict or prohibit uses which are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities.
- B. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- C. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

**CHAPTER 415. FLOODPLAIN MANAGEMENT
PART 2. GENERAL PROVISIONS****SECTION 415.200: LANDS TO WHICH THIS CHAPTER APPLIES**

This chapter shall apply to all lands within the jurisdiction of the City of Crane, Missouri identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Map (FIRM) panel numbers 29209C0012D, 29209C0014D, 29209C0016D, and 29209C0018D dated August 28, 2024, as amended, and any future revisions thereto. In all areas covered by this chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Part 4 of this chapter.

SECTION 415.210: COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

SECTION 415.220: ABROGATION AND GREATER RESTRICTIONS

It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

SECTION 415.230: INTERPRETATION

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

SECTION 415.240: WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create a liability on the part of the City of Crane, any officer or employee thereof, for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.

SECTION 415.250: SEVERABILITY

If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this chapter shall not be affected thereby.

**CHAPTER 415. FLOODPLAIN MANAGEMENT
PART 3. ADMINISTRATION****SECTION 415.300: FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED)**

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Section 415.200. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

SECTION 415.305: DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Planning and Zoning Administrator or his/her designee is hereby appointed to administer and implement the provisions of this chapter.

**SECTION 415.310: DUTIES AND RESPONSIBILITIES OF FLOODPLAIN
ADMINISTRATOR**

Duties of the Floodplain Administrator shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this chapter have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the Missouri State Emergency Management Agency (MO SEMA) to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;

7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
9. When floodproofing techniques are utilized for a particular non-residential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

SECTION 415.315: APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Specify whether development is located in designated flood fringe or floodway;
6. Identify the existing base flood elevation and the elevation of the proposed development;
7. Give such other information as reasonably may be required by the Floodplain Administrator;
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

CHAPTER 415. FLOODPLAIN MANAGEMENT
PART 4. PROVISIONS FOR FLOOD HAZARD REDUCTION**SECTION 415.400: GENERAL STANDARDS**

- A. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.
- B. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the one percent annual chance (aka 100-year) flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this chapter. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
- C. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- D. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
 - 1. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - 2. Construction with materials resistant to flood damage;
 - 3. Utilization of methods and practices that minimize flood damages;
 - 4. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - 5. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - a. all such proposals are consistent with the need to minimize flood damage;
 - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d. all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
- E. *Storage, material, and equipment*
 1. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 2. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
- F. *Accessory Structures* - Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this chapter; and a floodplain development permit has been issued.
- G. *Agricultural Structures* - Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; the structure meets the following floodplain management requirements; and a floodplain development permit has been issued.

SECTION 415.405: SPECIFIC STANDARDS

- A. In all areas identified as numbered and unnumbered A zones and AE zones, where **base flood elevation** data have been provided, as set forth in section 415.400 subsection B, the following provisions are required:
1. *Residential Construction* - New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.
 2. *Non-Residential Construction* - New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Missouri registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in section 415.310 subsections (7), (8), (9).
 3. *Enclosures Below Lowest Floor*. Require, for all new construction and substantial improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. 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. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - b. The bottom of all opening 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.

SECTION 415.410: MANUFACTURED HOMES

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

SECTION 415.415: FLOODWAY

Located within areas of special flood hazard established in this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
2. The community shall prohibit any encroachments, including fill, new construction, substantial- improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in **any** increase in flood levels within the community during the occurrence of the base flood discharge.
3. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and Floodway revision, fulfills the requirements of such revisions as established under the provisions of 44 CFR § 65.12, and receives the approval of FEMA.
4. If Section 415.415 (2) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of PART 4.
5. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in section 415.400 subsection B.

SECTION 415.420: RECREATIONAL VEHICLES

- A. Require that recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM either:
1. be on the site for fewer than 180 consecutive days, **or**
 2. be fully licensed and ready for highway use*; **or**
 3. meet the permitting, elevation, and the anchoring requirements for manufactured homes of this chapter.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

CHAPTER 415. FLOODPLAIN MANAGEMENT
PART 5. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES**SECTION 415.500: ESTABLISHMENT OF APPEAL BOARD**

The Board of Aldermen as established by the City of Crane shall hear and decide appeals and requests for variances from the floodplain management requirements of this chapter.

SECTION 415.505: RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Board of Aldermen, as defined in section 415.500.

Additionally, the Board of Aldermen shall hear and decide appeals when it is alleged that there has been an error in any decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

SECTION 415.510: FURTHER APPEALS

Any person aggrieved by the decision of the Board of Aldermen may appeal such decision to the Stone County Circuit Court as provided in RSMo. 89.110.

SECTION 415.515: FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Board of Aldermen shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this chapter, and the following criteria:

1. Danger to life and property due to flood damage;
2. Danger that materials may be swept onto other lands to the injury of others;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations, not subject to flood damage, for the proposed use;

7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

SECTION 415.520: CONDITIONS FOR APPROVING FLOODPALIN MANAGEMENT VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items B through F below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- F. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this chapter.

**SECTION 415.525: CONDITIONS FOR APPROVING VARIANCES FOR
AGRICULTURAL STRUCTURES**

Any variance granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

Use of the accessory structures must be solely for parking and limited storage purposes in any special flood hazard area as identified on the community's Flood Insurance Rate Map (FIRM).

1. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with section 415.400 subsection D (2) of this chapter.
2. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Section 415.400 subsection D (1) of this chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
3. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 415.400 subsection D (4) of this chapter.
4. The accessory structures must meet all NFIP opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with section 415.405 subsection A (3) of this chapter.
5. The accessory structures must comply with the floodplain management floodway encroachment provisions of section 415.415 subsection (2) of this chapter. No permit may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
6. Equipment, machinery, or other contents must be protected from any flood damage.
7. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
8. Wet-floodproofing construction techniques must be reviewed and approved by the community. The community may request approval by a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. Cost for any required professional certification to be paid by the developer.

**SECTION 415.530: CONDITIONS FOR APPROVING VARIANCES FOR
AGRICULTURAL STRUCTURES**

Any permit granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances.

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

1. All proposed agricultural structures shall demonstrate that no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farmhouses, cannot be considered agricultural structures.
2. Use of the structures must be limited to agricultural purposes in any special flood hazard area only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with section 415.400 subsection D (4) of this chapter.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with section 415.405 subsection A (3) of this chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located one (1) foot above the base flood elevation, or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 415.415 subsection (2) of this chapter. The elevation shall be certified by a licensed land surveyor or professional engineer. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with section 415.405 subsection A (3) of this chapter.

7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of section 415.415 (2) of this chapter. No permits may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the one percent annual chance flood event, also referred to as the 100-year flood.
8. Major equipment, machinery, or other contents must be protected from any flood damage.
9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community. The community may request approval by a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. Cost for any required professional certification to be paid by the developer.

**CHAPTER 415. FLOODPLAIN MANAGEMENT
PART 6. PENALTIES FOR VIOLATION****SECTION 415.600: PENALTIES FOR VIOLATION**

- A. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person, firm, corporation, or other entity that violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. A structure or other development without a floodplain development permit or other evidence of compliance is presumed to be in violation until such documentation is provided.
- C. The imposition of such fines or penalties for any violation for non-compliance with this chapter shall not excuse the violation or noncompliance or allow it to continue. All such violations or noncompliant actions shall be remedied within an established and reasonable time.
- D. Nothing herein contained shall prevent the City of Crane or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation

**CHAPTER 415. FLOODPLAIN MANAGEMENT
PART 7. AMENDMENTS****SECTION 415.700: AMENDMENTS**

The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Crane. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this chapter are in compliance with the National Flood Insurance Program (NFIP) regulations.

**CHAPTER 415. FLOODPLAIN MANAGEMENT
PART 8. DEFINITIONS****SECTION 418.100: DEFINITIONS**

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

100-YEAR FLOOD: see "base flood."

ACCESSORY STRUCTURE: means the same as "appurtenant structure."

ACTUARIAL RATES: see "risk premium rates."

ADMINISTRATOR: means the Federal Insurance Administrator.

AGENCY: means the Federal Emergency Management Agency (FEMA).

AGRICULTURAL COMMODITIES: means agricultural products and livestock.

AGRICULTURAL STRUCTURE: means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

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

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

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

BASE FLOOD: means the flood having a one percent chance of being equaled or exceeded in any given year.

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

BUILDING: see "structure."

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

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

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

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

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

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

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

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

FLOOD or *FLOODING:* means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

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

FLOOD HAZARD MAP: means the document adopted by the governing body showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel; and (5) other geographic features.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORIC STRUCTURE: means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

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

(NFIP): means the National Flood Insurance Program (NFIP).

NUMBERED A ZONE: means a special flood hazard area where the Flood Insurance Rate Map shows the Base Flood Elevation.

ONE PERCENT ANNUAL CHANCE FLOOD: see "*base flood.*"

PARTICIPATING COMMUNITY: also known as an "*eligible community,*" means a community in which the Administrator has authorized the sale of flood insurance.

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

PERMIT: means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

PRINCIPALLY ABOVE GROUND: means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

REASONABLY SAFE FROM FLOODING: means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

RECREATIONAL VEHICLE: means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

REPETITIVE LOSS: means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

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

SPECIAL FLOOD HAZARD AREA: see "*area of special flood hazard*."

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

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

STATE COORDINATING AGENCY: means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

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

SUBSTANTIAL-DAMAGE: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition).

For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

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

SUBSTANTIAL IMPROVEMENT: means any combination of reconstruction, alteration, or improvement to a building, taking place during the life of the building, in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work done.

The term does not apply to:

1. any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or

2. Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” Or
3. Any building that has been damaged from any source or is categorized as repetitive loss.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS: is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

UNNUMBERED A ZONE: means a special flood hazard area shown on either a flood hazard boundary map or flood insurance rate map where the base flood elevation is not determined.

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

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

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

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