

## **TITLE I**

### **PURPOSE**

#### **Section 1. Basis for Establishing.**

The zoning regulations and districts as herein set forth are made in accordance with a comprehensive master plan in order that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. They are made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values on all land under the jurisdiction of this ordinance.



## TITLE II

### GENERAL PROVISIONS

#### **Section 2. Short Title.**

This ordinance shall be known and may be cited as "The Lowry City, Missouri, Zoning Ordinance."

#### **Section 3. Definitions.**

In this ordinance, words used in the present tense include the future, the singular includes the plural and the plural the singular, and the word "lot" includes the word "plot". The word "used" includes "designed" or "intended to be used". The word "shall" is mandatory and not optional. Unless otherwise specified, all distances shall be measured horizontally, in any direction. The following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

Accessory Building and Use. A subordinate building located on the same lot with the main building, or a subordinate use of land, either of which is customarily incidental to the main building or to the principal use of the land.

Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

Accessory Living Quarters. Living quarters within an accessory building, for the sole use of persons employed on the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

Advertising Device or Devices. Any billboard, sign, notice, poster, display, emblem, or any structure for supporting said device.

Aldermen, Board of. Lowry City, Missouri, Board of Aldermen.

Apartment Hotel. An apartment house which provides services for the use of its tenants, which are usually furnished by hotels, but the privileges of these services are not available to the public.

Block Frontage. All the property fronting on one side of a street between intersecting or intercepting streets or between a street and right-of-way, end of dead-end street or city boundary measured along the street line.

Board. The Board of Adjustment (Board of Zoning Appeals) of the City of Lowry City, Missouri.

Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattel. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building. At no time shall this definition be construed to include mobile homes.

Building, Detached. A building having no party wall in common with another building.

Building, Nonconforming. A legally existing building which fails to comply with the regulations set forth in this ordinance applicable to the district in which this building is located.

Building, Semi-detached. A building having one party wall common with an adjacent building.

Building, Height of. The vertical distance measured from the adjoining street centerline grade at a point opposite the center of the principal frontage of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

Building Line. The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of the building foundation and the front lot line. The front line of the foundations of enclosed porches or vestibules if nearer the front lot line than the main foundations.

Camp Ground and/or Mobile Home Park. Any area or tract of land used for occupancy by tents, moveable or temporary dwellings, rooms, sleeping quarters or mobile home of any kind. Two (2) or more such units shall constitute a camp ground or mobile home park.

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Certificate of Occupancy. A certificate issued by the Zoning Administrator stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of the ordinance.



City. City of Lowry City, County of St. Clair, State of Missouri.

Clerk. The Clerk of the City of Lowry City, County of St. Clair, State of Missouri.

Commission. The Lowry City Planning Commission.

Compact Home. A portable structure designed for year-around living, sixteen (16) feet or more wide, with the four (4) outside walls being supported by a permanent foundation.

Condominium. An association of co-owners, organized in accordance with the Missouri Condominium Laws, in which individual owners hold title exclusively in their unit and are co-owners of the common elements. The association of co-owners has responsibility for control and maintenance of common elements.

County. The County of St. Clair, State of Missouri.

County Board. The Board of County Commissioners of the County of St. Clair, State of Missouri.

Court. An open unoccupied space on the same lot with a building or group of buildings and bounded on three or more sides by such building or buildings. The width of any court is its least horizontal dimension measured between opposite walls. The length of any court is its greatest horizontal dimension measured at right angles to its width.

District Zoning. Any section or sections of a city for which regulations governing the use of building and premises or the height and area of buildings shall be uniform.

Dwelling. A structure or building or portion thereof, used exclusively for residential occupancy, including one-family and multiple dwellings, but not including hotels, lodging or boarding houses or tourist homes.

Dwelling, Attached. A dwelling having any portion of the structure in common with another dwelling.

Dwelling, Detached. A dwelling having no portion of the structure in common with another dwelling.

Dwelling, One Family. A structure used for occupancy by one family.

Dwelling, Two-Family. A building used for occupancy by two families living independently of each other.

Dwelling, Multiple. A building or portion thereof used for occupancy by three or more families living independently of each other.

Dwelling, Row. A building having a party wall on each side in common with an adjoining building unless it is situated as the outermost building; in the latter case, it will have a party wall on one side only.

Dwelling Unit. A single family dwelling or a portion of a two-family, multi-family, or row dwelling or of an apartment hotel used by one family for cooking, living and sleeping purposes.

Educational Institution. Pre-primary, primary or grade, public, parochial or private school, high school, preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to college or universities which award B.A. or B.S. degrees; junior college, college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization, or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business school as defined in this section.

Essential Uses. Transmission lines, distribution systems and all appurtenances constructed and maintained for or by a utility company, either private or governmental.

Family. One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, or sorority house. A family shall be deemed to include necessary servants.

Flood Plain. The areas adjoining any river or stream which have been, or may be expected hereafter to be, covered by flood water as established from data supplied by the Department of Natural Resources or the U.S. Corps of Engineers.

Floodway. The channel of a river or stream, and those portions of the flood plains adjoining the channels, which are required to efficiently carry the discharge of flood water or flood flow or any river or stream.

Floor Area (For Determining Floor Area Ratio). For the purpose of determining the floor area ratio, the "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building shall include basement floor area when more than



one-half (1/2) of the basement height is above the finished lot grade level at the front of the building, interior balconies and mezzanines, and enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in the "floor area".

Foundation. A solid concrete, concrete block, or brick wall completely enclosing and supporting, at least, the exterior walls of the structure. Access scuttle and ventilation openings to crawl space are encouraged.

Garage, Private. A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed three vehicles, or not more than two vehicles per family housed in the building to which such garage is accessory, whichever is the greater; not more than one-third (1/3) the total number of vehicles stored in such garage shall be commercial vehicles. Storage space for not more than three (3) vehicles may be rented for vehicles of non-occupants of the building to which the garage is accessory.

Garage, Parking. Any building, except those herein defined as a private garage, used exclusively for parking of self-propelled vehicles, and with not more than two (2) pumps for the incidental sale of gasoline.

Home Occupation. Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no commodity sold upon the premises except that which is produced by or is incidental to such home occupation, and not more than two (2) persons are engaged in such occupation. Such uses as barber shop, beauty parlor, and tourist home may be deemed home occupations.

Hospital. "Sanitarium", "sanitorium", "preventorium", "clinic", provided such institution is operated by, or treatment given under, direct supervision of a physician licensed to practice by the State of Missouri.

Hospital, Animal. A lot, building, structure, enclosure or premises whereon or wherein three (3) or more dogs, cats, and other domestic animals are kept or maintained and which is operated by, or the treatment therein is under direct supervision of, a veterinarian licensed to practice by the State of Missouri.

Hotel. A building or portion thereof used for the more or less temporary occupancy of individuals who are lodged with or without meals and in which provision for cooking is made primarily in a central kitchen and not in the individual rooms or suites.

Improvement Location Permit. A permit issued by the City or its duly authorized representative, stating that the proposed erection, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of this ordinance.

Junk Yard, Including Automobile Wrecking and Storage. Any lot, building, structure, enclosure, premises, or parts thereof used for the storage, keeping or abandonment of any worn out, cast off, or discarded or abandoned article, material, vehicle, automobile, and machinery or parts thereof, which is ready for destruction or sale or has been collected or stored for salvage or conversion to some use, including scrap metal, paper, wood, cordage or other waste or discarded materials, articles, vehicles, automobiles and machinery or parts thereof, or vehicles or automobiles that are inoperable or incapable of movement by their own locomotion or power, or vehicles or automobiles without a valid current state registration and license plat issued for said automobile or vehicle and to the occupant, owner, purchaser, lessor, lessee or tenant of any lot, building, or structure therein or thereon situated.

Jurisdiction. All of the incorporated area of Lowry City. A drawing representing its external limits is on file in the office of the recorder of St. Clair County, Missouri, as provided by Chapter 89 RSMo 1986, and all acts amendatory thereto, as is now or may hereafter be in effect.

Kennel. A lot, building, structure, enclosure, or premises whereon or wherein four or more dogs or cats over six months of age are maintained, boarded, bred, kept, or cared for, in return for remuneration, or are kept for the purpose of sale, or are groomed, trained, or handled for others.

Lodging House (Rooming House). A building with more than two (2), but not more than ten (10), guest rooms where lodging of a permanent nature, with or without meals, is provided for compensation.

Lot. A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed street rights-of-way shall be included.

Lot Corner. A lot abutting two (2) or more streets at their intersection.

Lot Front. That part of a lot adjacent to and parallel with the street. The front of a corner lot shall be determined, at the time of application for the improvement location permit, by either the owner, builder, developer or their agent and the zoning administrator. Once the front is determined, the structure shall then be erected in conformity with the zoning and the subdivision ordinances.



Lot Lines. Lines bounding a lot, as hereinafter described:

- (a) Lot Line, Front. The line running along the front of the lot and separating it from the street. In this ordinance, the front lot line may be called the "front street line". In a "through lot" both lines abutting the streets are deemed "front street lines".
- (b) Lot Line, Rear. The lot line generally opposite and parallel to the front street line, except in a "through lot". If a rear lot line is less than ten (10) feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line at least ten (10) feet long, lying wholly within the lot, parallel to the front street line or, if the front street line is curved, parallel to the chord of the arc of said front street line.
- (c) Lot Line. Any lot line other than a front street line or a rear lot line. A side lot line separating the lot from the street is a "side street line".

Lot, Through. A lot having frontage on two (2) parallel or approximately parallel streets.

Lot Width. The distance parallel to the front of a building erected or to be erected, measured between side lot lines at the building line.

Manufactured Housing. Manufactured housing means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which may be built on a permanent chassis or may be moved by placing on a trailer, 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. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

Mobile Home. A one-family structure designed for the transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connections to utilities and the like.

Mobile Home Lot. The area of land in a mobile home park intended for the parking of one (1) mobile home.

Mobile Home Park. An area of land used for the parking of two (2) or more mobile homes which are being used for dwelling purposes.

Mobile Home Subdivision. A residential subdivision designed exclusively for and occupied only by mobile homes and compact homes, in which the homes and the land are owned by the occupants.

Modular (Component) Home. A housing unit that is manufactured in three or more components and field assembled on site. Assembly may result in one story or multi-story structures.

Motel. A permanent building or group of buildings containing rooms without cooking facilities, used, rented, or hired out for the more or less temporary occupancy of overnight guests.

Motor Vehicle. Shall include automobiles, trucks, tractors, trailers, semitrailers, airplanes, buses and farm implements, whether self-propelled or designed to be pulled, pushed or carried by another motor vehicle.

Net Site Area. The entire land area within the boundaries of a site, including the area of any existing streets, alleys or rights-of-way which are included in the legal description of the site.

Nonconforming Use. A legally existing use of land or building which fails to comply with the regulations set forth in this ordinance applicable to the district in which such use is located.

Parking Area, Public. An open area, other than a street, used for the temporary parking of more than four automobiles and available for public use whether free, for compensation or an accommodation for clients or customers.

Parking Space (Off-Street), One. A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking spaces with a street or alley and permitting ingress and egress of an automobile. For purposes of this article, the size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

Person. A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

Plan for Sustainable Development. The complete plan, or any of its parts, serving as a guide for the development of Lowry City, Missouri, prepared by the



authority conferred by Chapter 89 of the RSMo 1986 of the General Assembly of the State of Missouri and acts amendatory thereto, as is now or may hereafter be in effect.

Planned Unit Development. A development planned in accordance with the provisions of section 14, 25 and 28 et seq. of the ordinance.

Recreational Vehicle. A temporary dwelling for travel, recreation and vacation use including, but not limited to travel trailer, pickup coach, motor home, camping trailer, or tent.

Recreational Vehicle Park. An area of land used for the parking of two (2) or more recreational vehicles which are being used for temporary dwelling purposes.

Sanitary Landfill. The disposal of garbage by the trench and cover method or fill and borrow method. In the first case, an excavation will be made and the garbage placed in the excavation and covered with the dirt which was removed. In the second case, the fill may be made in a low area and dirt borrowed from higher ground will be spread over the top of the garbage.

Sign. Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure, or surface. Signs placed or erected by public agencies for the purpose of showing street names or traffic directions or regulations or for other governmental purposes or signs which are part of the architectural design of the building shall be included herein.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless more than one-half (1/2) of the basement height is above grade level at the front of the building.

Street. A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name. The arterial thoroughfares and primary and secondary streets are designated on the Transportation Plan of the Plan for Sustainable Development. For the purpose of this ordinance, streets shall be classified as follows:

- (a) Arterial Thoroughfares. This type of facility serves mainly to move through traffic; Missouri and U.S. marked routes, as well as some county

roads and important intra-city streets are considered under this classification. Where a highway is a non-limited access route, these facilities also perform a secondary function of providing direct access to abutting land and thus interconnect principal traffic generators.

- (b) Primary (Major) Routes. These facilities serve to connect cities with each other, as well as to link smaller towns or settlements with the arterial thoroughfare systems. Primary routes provide access to abutting land and generally serve all principal traffic generators.
- (c) Secondary (Connector) Roads. These facilities serve intra-city movements of traffic, such as that moving between a subdivision and a major street. The principal difference between the connector road and streets or roads of higher classification is the length of trip each principally serves. They are intended to supply the abutting property with the same degree of land service as the local street, while at the same time serving larger volumes of traffic.
- (d) Local (Residential) Streets. The sole function of these streets is to provide access to the immediately adjacent property. Local access streets are intended to carry low volumes of traffic.
- (e) Marginal Access Street (Frontage Road). A street designed to connect not more than two (2) streets, and which normally parallels an arterial thoroughfare, or a primary or secondary street, and is not separated from the said thoroughfare or street by a lot or tier of lots, and which is specifically so designated and approved as such on the plat of the subdivision.

Structure. Anything constructed, erected, or placed which requires location on the ground or attachment to something having a location on the ground. Devices used for the support of wires and appurtenances supplying public utility services shall not be considered as structures under this ordinance.

Subdivision. The division of any parcel of land, after the enactment of this ordinance, shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof, into three (3) or more parcels, or lots, any one of which is less than five (5) acres in area, in any twelve (12) months period of time, for the purpose, whether immediate or future, of transfer of ownership, or improvement of one or more of the lots or parcels of land for residential, commercial, or industrial structures or groups of structures. All division of land meeting the above described definition of a subdivision shall have, after the enactment of this ordinance, a plat recorded in the office of the Recorder of the County of St. Clair, State of Missouri; said plat shall comply with all provisions of this ordinance and any amendments hereto. Where no



new streets or roads are involved, divisions of land for agricultural purposes, divisions of property by testamentary or intestate provisions, or divisions of property upon court order shall not be considered subdivisions.

Subdivision, Mobile Home. A subdivision designed exclusively for use only by mobile homes and compact homes, in which the homes and the land are owned by the occupant.

Tourist Home. A building in which more than one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.

Trade or Business School. Secretarial school or college; business school or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization, school conducted as commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include educational institution as defined in this section.

Treasurer. The Treasurer of the City of Lowry City, County of St. Clair, State of Missouri.

Use. The employment or occupancy of a building, structure or land for a person's service, benefit or enjoyment.

Use, Open. The use of a lot without a building or dwelling, or including a building or dwelling incidental to the open use with a ground floor area equal to five percent (5%) or less of the area of the lot.

Yard. A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this ordinance.

Yard, Front. A yard extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.

Yard, Rear. A yard extending the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

Yard, Side. A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally and

perpendicularly from the nearest point of the side lot line toward the nearest part of the main building.

Zoning Administrator. The officer designated and authorized by the Commission or the Board of Aldermen to enforce the zoning requirements.

Zoning Lot. A single tract of land located within a single block which (at the time of the filing for a Zoning Permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "Zoning Lot" may or may not coincide with a lot of record. The Zoning Lot shall have adequate frontage on an improved dedicated roadway of adequate width.

#### **Section 4. Building and Uses Affected by Zoning.**

No building, dwelling, or structure, or land, except buildings, dwellings, or land incidental to agricultural operations, shall hereafter commence to be used unless erection has been started prior to the enactment of this ordinance. No building or dwelling or part thereof shall be erected, moved or altered unless in conformity with the regulations of this ordinance. The placing of a permanent foundation, or the legal execution of architectural or construction contracts, shall constitute the starting of the erection of a building, dwelling, or structure.

#### **Section 5. Continuance of Nonconforming Buildings or Uses.**

##### **A. Nonconforming Buildings or Structures.**

- (1) Maintenance Permitted. A nonconforming structure lawfully existing upon the effective date of this ordinance may be maintained.
- (2) Repairs and Alterations. Repairs and alterations may be made to a nonconforming building or structure, provided that no enlargement shall be made.
- (3) Additions, Enlargements or Moving.
  - (a) A structure nonconforming as to use, height, yard requirements or lot area per dwelling unit shall not be added to or enlarged in any manner unless such structure, including such addition or enlargement, is made to conform to the use, height, yard, and area requirements of the zone in which it is located.
  - (b) No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building



or structure is made to conform to all the regulations of the zone in which it is located.

B. Nonconforming Use of Buildings or Structures.

- (1) Continuation and Change of Use. Except as otherwise provided in this ordinance:
  - (a) The nonconforming use of a building or structure, lawfully existing at the time this ordinance became effective, may be continued.
  - (b) The nonconforming use of a building or structure may be changed only to a use of the same or more restricted classification.
- (2) Expansion Prohibited. A nonconforming use of a building or structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use.
- (3) A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.
- (4) A nonconforming use of a building or structure designed for such use may be expanded to include all of the area nonconforming at the time of passage of this ordinance.

C. Nonconforming Variance Permitted by Board of Adjustment.

The Board of Adjustment may authorize, upon appeals in specific cases, such variance from the terms of this section as will not be contrary to the public interest, where, owing to a special condition, a literal enforcement of the provisions of this section will result in unnecessary hardship, and so that the spirit of this section shall be observed and substantial justice done; provided, however, that no action shall be taken or decision made except after public hearing.

**Section 6. Amortization of Nonconforming Uses or Buildings.**

- A. Discontinuance. Whenever a nonconforming use has been discontinued for a period of thirty (30) days, such use shall not thereafter be established and any future use shall be in conformity with the provisions of this ordinance, except as otherwise noted in Paragraph B, this section.
- B. Discontinuance Seasonal Trade. Whenever a nonconforming use dependent on seasonal trade has been discontinued for a period of fourteen (14) months, such use

shall not thereafter be established and any future use shall be in conformity with the provisions of this ordinance.

- C. Damaged Building. No building damaged by fire or other causes to the extent that its restoration will cost more than double its assessed valuation shall be repaired or rebuilt except to conform to the provisions of this ordinance.
- D. Open Use. Any nonconforming open use of land lawfully existing upon the effective date of this ordinance and not previously designated as a nonconforming open use of land by any prior zoning ordinance, shall be discontinued or be made conforming on or before five (5) years after the effective date of this ordinance. Any nonconforming open use of land that has been previously zoned as a nonconforming open use of land with a five (5) year amortization period established, shall be discontinued on or before the date as established under the previous zoning jurisdiction.

#### **Section 7. Nonconformance Due to Reclassifications.**

The provisions of Sections 5 and 6 shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of zones under this ordinance, or any subsequent change in the regulations of this ordinance, and any time periods specified for discontinuance of nonconforming uses shall be measured from the date of such reclassification or charge.

#### **Section 8. General Use Provisions.**

##### **A. Conformance and Permits Required.**

No building or structure shall be erected, reconstructed, enlarged or moved for any use other than that which is permitted in the zone in which such building, structure or land is located, nor shall any building, structure or land be used for any other use than is permitted in the zone in which it is located.

##### **B. Zone Group Classification.**

Whenever the terms "F. Zone, A. Zone, R. Zone, B. Zone, or I. Zone" are used, they shall be deemed to refer to all zones containing the same letters in their names; e.g., B. Zone shall include the B-1, B-2, and B-3 zones.



C. Temporary Buildings, Structures and Mobile Homes.

- (1) No temporary building or temporary structure shall be erected, reconstructed, enlarged, or moved on to any lot, plot, or tract of land other than for agricultural purposes or as a temporary construction field office unless it conforms with this ordinance.
- (2) A mobile home may be moved on to a lot, plot, or tract of land and be used as a temporary residence for a period of one year during the construction time of a permanent residence on the same lot, plot, or tract. Prior to the moving of any mobile home onto any lot, plot, or tract, for said purpose, the owner shall obtain a special exception grant from the Board of Adjustment; said grant shall run for a period of one year. Upon expiration, the grant may be extended for one additional year by the Zoning Administrator upon adequate showing by the owner that the construction of the residence has not progressed to a livable stage due to conditions beyond his control. Only one such extension shall be allowed for said grant; after the final expiration of said grant, the mobile home shall be vacated and removed within thirty (30) days of the expiration date.

The temporary residence shall comply with all city, county and state health requirements which would be imposed upon a permanent residence on the same lot, plot, or tract.

- ✓ (3) A H.U.D. approved and certified mobile home may be moved onto a lot, plot or tract of land in an approved mobile home park or subdivision and be used as a dwelling. Prior to moving any mobile home onto any lot, the owner or agent shall first obtain an improvement location permit. The zoning administrator may issue the permit subject to the following conditions:
  - (a) Each mobile home shall be located on a lot and shall be the only principal structure on the lot.
  - (b) The minimum lot and yard requirement shall be the same as required in Section 19C of this ordinance.
  - (c) Each mobile home shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for and attached to appropriate external systems.
  - (d) Personal goods and articles, other than cars, fuel tanks, boats, and similar items too large to reasonable enclose, shall be stored on the lot only in a completely enclosed structure.
  - (e) All health and sanitary regulations of the City, St. Clair County and the Missouri State Boards of Health are met.

- D. Compact, Component, Modular Homes. In any district in which compact, component, or modular homes are permitted, the following minimum requirements shall apply:
- (1) Each unit shall be located on a lot and shall be the only principal structure on the lot.
  - (2) The unit shall comply with the minimum lot, and yard requirements of the district in which it is located.
  - (3) The wheels shall be removed from each unit.
  - (4) All units shall be supported under all exterior walls by a continuous permanent foundation completely enclosing the undercarriage.
- E. Storage and Parking of Recreational Vehicles, Trailers and Commercial Vehicles. Any recreational vehicles, trailers and commercial vehicles shall not be parked or stored on any lot occupied by a dwelling or any lot in a residential district except in accordance with the following provisions:
- (1) In no case shall any vehicle used for hauling explosives, gasoline, liquefied petroleum products, chemicals or other hazardous materials or any major construction type of equipment be permitted.
  - (2) In no case shall any vehicle, from which offensive odors or noise originates, be permitted. Such vehicles are deemed a public nuisance.
  - (3) In no case shall any recreation vehicle, hauling or travel trailer or commercial vehicle be permitted to park on public right-of-way for purposes other than delivery.
  - (4) The owner of any vehicle which causes damage to be done to public property shall be liable for the cost of repairing said damage or repairing said damage in accordance with city requirements. The liability set forth herein is applicable whether the damage arises from a permitted use or a prohibited use.
  - (5) Not more than one (1) recreational vehicle or travel trailer per family living on the premises shall be permitted, provided that no such vehicle shall be used for permanent residential purposes.
  - (6) Not more than one (1) hauling trailer, customarily towed behind passenger vehicle, and not exceeding a box length of eight (8) feet in length, per family living on the premises shall be permitted.



- (7) Recreational vehicles, travel trailers, and hauling trailers on the basis of one (1) per family living on the premises may be in the side or rear yard of private homes, but not on the street side of a corner lot. Additional such vehicles or trailers may be stored if kept in an enclosed garage. No such vehicles as trailers may be stored on a public street.
- (8) Standing or parked advertising trailers or other such advertising devices are prohibited on any public right-of-way.

**Section 9. Off-Street Parking and Loading Provisions.**

- A. **Off-Street Parking.** The following off-street parking spaces shall be provided and satisfactorily maintained, by the owner of the property, for each building which is hereafter erected, enlarged, or altered for use for any of the following purposes:
- (1) Each automobile parking space shall be not less than 180 square feet (9 x 20) in area.
  - (2) Dwellings, at least one parking space for each dwelling or sleeping unit in the building or buildings.
  - (3) For any general auditorium, gymnasium, church, funeral home, or theater; high school or college, or university auditorium or stadium; or other similar place of assembly, there shall be provided at least one (1) parking space of each six (6) seats provided for its patrons, based on the maximum seating capacity, including fixed and moveable seats. For any church there shall be allowed the use of joint parking facilities in connection with any buildings or use not normally open, used, or operated during the principal operating house of a church providing a properly drawn legal instrument is executed by the parties concerned for the joint use of such off-street parking facilities, which instrument, duly approved as to form by the City Attorney, shall be filed with the application for a zoning permit.
  - (4) For any hotel, apartment hotel, club house, dormitory, fraternity house or any other similar use or establishment, there shall be provided at least one parking space for each two (2) guest sleeping rooms.
  - (5) For any hotel in a B-2 district or any other similar use, at least one (1) parking space for each sleeping room shall be provided.
  - (6) For any dancing, exhibition, labor temple, lodge hall, skating rink or other assembly hall without fixed seats, there shall be provided not less than one (1) parking space for each 120 square feet of gross floor area thereof.

- (7) For any bank, clinic, office building, professional office, welfare institution or any other similar use or establishment, there shall be provided not less than one (1) parking space for each 400 square feet of gross floor area thereof.
- (8) For any medical clinic or any other similar use, there shall be provided at least three (3) parking spaces for each doctor or dentist using the clinic, plus one (1) space for each two (2) regular employees including nurses.
- (9) For any hospital, sanitarium, convalescent home or any other similar use of establishment, there shall be provided not less than one parking space for each three (3) beds or any portion thereof.
- (10) For any eating or drinking establishment or any other similar use where customers are seated and served within a building, there shall be provided at least one (1) parking space for each two hundred (200) square feet of gross floor area thereof.
- (11) For any eating or drinking establishment or any other similar use where customers are served outside of a building, there shall be provided at least one (1) parking space for each fifty (50) square feet of gross floor area thereof, provided however, that there shall not be less than six (6) parking spaces for each such establishment.
- (12) For any retail store, except a food market, there shall be provided not less than one (1) parking space for each three hundred (300) square feet of gross floor area thereof.
- (13) For any food market establishment or any similar use with a gross floor area of less than 2,500 square feet, there shall be provided not less than one (1) parking space for each 250 square feet of gross floor area thereof. For each gross floor area in excess of 2,500 square feet, there shall be one (1) parking space for each one hundred (100) square feet of gross floor area thereof in excess of 2,500 square feet.
- (14) For any manufacturing, processing, wholesaling, storage, or any other industrial use or commercial establishment not specifically set out in this subsection, there shall be provided at least one (1) parking space for each two (2) employees, plus sufficient spaces to park all company-owned or leased motor vehicles, semitrailers and trailers.
- (15) For any launderette, laundromat, self-service laundry, washeteria, or any similar use or establishment under a different name, there shall be provided one (1) parking space for each two (2) washing machines or portion thereof.



- (16) For any bowling center, there shall be provided four (4) parking spaces for each bowling alley thereof.
  - (17) For any motel, tourist court, or similar use or establishment, there shall be provided one (1) parking space on the same parcel of land for each individual sleeping or living unit.
  - (18) For any camp ground, there shall be provided not less than one (1) parking space on the same parcel of land for each individual house trailer, tent, moveable or temporary dwelling contained therein.
  - (19) For any commercial or business office having a gross floor area in excess of ten thousand (10,000) square feet and occupied solely by the employees of one person, as defined in this ordinance, there shall be provided at least one (1) parking space for each eight hundred (800) square feet of gross floor area thereof.
- B. Distance Measurements. The distance to any parking space as herein required shall be measured between the nearest point of the off-street parking facility and the nearest point of the building said parking area or facility is to serve.
- C. Mixed Uses. In the case of any use not listed herein, the number of parking spaces required for such use shall be the same as for a similar use which is listed. In the case of mixed uses in the same building or structure, the total requirement for off-street parking facilities shall be the sum of the requirements of the various uses computed separately from the items set out in this section, and off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for collective use.
- D. Collective Parking Facilities. Nothing in this section shall be construed to prevent collective provision of any off-street parking facility for two or more buildings or uses, providing, however, that the total number of off-street parking spaces shall not be less than the sum of requirements for the various individual uses computed separately in accordance with the items set out in this section.

All parking spaces provided pursuant to this section shall normally be on the same lot with the building; however, the Board may permit the parking spaces to be on any lot within three hundred (300) feet of the building, except for the requirements of Paragraphs 17 and 18. If the Board determines that it is impractical to provide parking on the same lot with the building, the requirements set forth in Paragraphs 4, 5, 7, 8, 9, 10, and 12 first above may be waived by the Board in the case of a building erected or altered as a result of destruction by fire or act of God, or whenever the Board determines that more than seventy-five percent (75%) of the privately owned lands within three hundred (300) feet of the building to be erected, enlarged, or altered, are improved with buildings regularly occupied and used.

- E. Off-Street Loading. On the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other uses, involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley.

Such space, unless otherwise adequately provided for, shall include a twelve (12) foot by forty-five (45) foot loading space with fourteen (14) foot height clearance for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of floor area used for above mentioned purposes, or for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of land used for the above mentioned purposes. These requirements may, upon appeal, be increased, modified, or waived by the Board where the conditions or circumstances justify such action provided it has obtained thereon recommendations from the Town Engineer or appointed official.

- F. Public Parking Area. Every parcel of land which, after the effective date of this ordinance, is changed to a public parking area, automobile or trailer sales area, filling station or garage shall be developed as follows:

- (1) Such area, where subject to wheeled traffic, shall be improved with bituminous, concrete, crushed stone with an adequate base or other equivalent surfacing and shall have appropriate bumper guards where needed.
- (2) Where such area adjoins a lot in an R zone or a residential development, a solid wall, compact evergreen screen or uniformly painted board fence having a height of not less than three (3) feet shall be erected and maintained between such area and the property in residential areas and zones. Such enclosures shall be at least five (5) feet from the side of a lot in an R zone or residential development and all required front and side yards shall be properly maintained as such. Where such area is across the street from an R zone or a residential development, a compact evergreen screen having a height of not less than four (4) feet shall be erected and maintained between such area and the property in the said zone or development and all required front yards shall be maintained as such.
- (3) Any light used to illuminate said parking area shall be so arranged as to reflect the light away from the adjoining premises in an R zone or residential development.

- G. Permanency of Spaces Provided. Any parking or loading space established prior to the effective date of this ordinance and which is used or intended to be used in connection with any main building, structure or use, or any spaces designed and



intended to comply with the requirements of this ordinance for any such main building or structure erected after such effective date, shall hereafter be maintained for long as said building or structure remains, unless the owner provides and maintains in another location an equivalent number of required spaces in conformance with the provisions of this ordinance.

#### **Section 10. General Area Provisions.**

Except as hereinafter provided, no building or structure shall be erected on a lot unless such building, combined existing structure plus additions, conforms with the area regulations of the zone in which it is located.

- A. Reduction of Lot Area. No lot area shall be so reduced, diminished and maintained that the yards, other open space, or total lot area shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.
- B. Recorded Lots Less Than Minimum Area. Lots of record at the time of the enactment of this ordinance which have less than the minimum area requirements for residential use may nevertheless be used for any use permitted therein, except that for dwellings, the lot must have a width of at least sixty (60) feet, and an area of at least 7,500 square feet.
- C. Yards Apply to Only One Building. No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provision of this ordinance, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.
- D. Only One Main Building On a Lot. Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one residential building and its accessory buildings on one lot except a farm tenant dwelling may be erected on the same tract as the main farm dwelling. Row dwellings or group housing may be considered as one main residential building.
- E. Corner Setback. At street intersections of an angle less than sixty (60) degrees, shrubs or structures over three and one-half (3 1/2) feet high will not be placed between the intersections of the street lines and ten (10) feet from the building line.
- F. Front Yards On a Through Lot. At each end of a through lot there shall be a front yard of the depth required by this ordinance for the zone in which each street frontage is located, and one of such front yards may serve as a required rear yard.

## **Section 11. General Height Provision.**

Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the height limit established for the zone wherein such building or structure is located.

## **Section 12. Contingent Uses (All Districts).**

The contingent uses hereinafter set forth shall be permitted by the Board, only after public hearing, in any district where such uses are essential or desirable to the public convenience or welfare, or if the refusal of this permit would create an undue hardship on the applicant. No permit for a contingent use shall be granted if the Board shall find that such use is in conflict with any plan duly adopted by ordinance, or if the Board determines that the proposed use will be detrimental to the surrounding area. In the exercise of its approval the Board may impose such additional conditions regarding the location, character, and other features of the proposed building, structure, or use as may be reasonably required to further the purpose of this ordinance.

### **A. Such Permitted Contingent Uses are Identified as Follows:**

- (1) An airport or similarly designed area for the landing and taking off of aircraft; provided that:
  - (a) The proposed location has been approved by the Commission as to compatibility with the Sustainable Development Plan for the physical development of Lowry City.
  - (b) The area and the arrangement of all improvements shall be sufficient, for the class of airport proposed, to meet the requirements of the Federal Aviation Agency, the Missouri Department of Transportation and any other rightfully involved governmental agency.
  - (c) Any proposed buildings, hangars, or other structures shall be at least one hundred (100) feet from any street or lot line.
  - (d) No application shall be considered, unless it is accompanied by a plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of owners of abutting properties; purposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures, and facilities; the location and height of all buildings, structures, trees, and overhead wires falling within the airport approach zones and less than five hundred (500) feet distance from the boundary lines of the airport; other pertinent data, such as topography and grading plan, drainage, water, and sewerage, et cetera.



- (2) Cemetery.
- (3) Governmental installation not otherwise permitted.
- (4) A hospital, nursing home, sanitarium or asylum which does not treat mental, drug or alcoholic patients.
- (5) Medical health center or clinic, with parking provided as specified by this ordinance.
- (6) Public utility facilities such as: radio and television transmitter stations and towers; petroleum and natural gas transmission lines, pumping stations and facilities; electric substations and telephone exchanges where not otherwise permitted by this ordinance; railroad lines; classification yards and terminals; and other similar uses of a public utility or public service nature; including structures and appurtenances for their enclosure, maintenance and operation.
- (7) Educational institution, including churches.
- (8) Fairground.
- (9) Nonprofit recreational establishments or uses.
- (10) Private school.
- (11) Golf course.

B. Authorization for Continuance: All contingent uses which existed upon the effective date of this ordinance shall be regarded as conforming uses and may be continued, except that major changes in layout, expansions, or extensions to such uses shall be subject to Board review and approval as required for contingent use.

**Section 13. Special Exception - Specified Zones.**

The special exceptions hereinafter set forth shall be permitted by the Board, only after public hearing, in the zones indicated in Subsection A of this section, where such uses are essential or desirable to the public convenience or welfare or if the refusal of this permit would create an undue hardship on the applicant. No permit for a special exception shall be granted if the Board shall find that such use is in conflict with any plan duly adopted by ordinance, or if the Board determines the proposed use will be detrimental to the surrounding area. In the exercise of its approval, the Board may impose such additional conditions regarding the location, character, and other features of the proposed building, structure or use as may be reasonably required to further the purposes of this ordinance.

A. The Board May Permit:

- (1) Animal hospitals, veterinary clinics, animal boarding places and kennels. In any A or I-1 zone, a veterinary clinic, animal hospital, animal boarding place, or kennel provided that no part of any building, pen, or run shall be within three hundred (300) feet of any adjoining residence.
- (2) Antique shop. In any A zone, an antique shop, provided that any outdoor display or articles for sale shall be at least fifty (50) feet from any street or property line.
- (3) Boarding and/or rooming house. In any A and R-1 zone, the temporary use for a period of not more than three years, subject to renewal of a single-family dwelling for a boarding and/or rooming house upon a finding by the Board that such rooming house will not constitute a nuisance because of sidewalk or street traffic, noise, or type of physical activity, and that such use will not tend to affect adversely the use and development of adjoining properties or the immediate neighborhood.
- (4) Child care home. In any A, R-1, and R-2 zone, a child care home or nursery school upon a finding by the Board that said use will not constitute a nuisance because of traffic, number of children being cared for, noise or type of physical activity.
- (5) Sanitary landfills and incinerators. In any A or I-2 zone, a sanitary landfill and/or incinerator, upon a finding that said use will not constitute a nuisance because of traffic, noise, odors, smoke, or physical activity, provided that the area, and setback requirements as specified by the Boards are complied with, provided that it meets the approval of the County Board of Health and the Missouri Department of Natural Resources.
- (6) Hospital, nursing home, sanitarium, asylum or other institution. In any A and R-2 zone, a hospital, nursing home, sanitarium, asylum or other institution which cares for mental, drug, or alcoholic patients or is a penal or correctional institution, subject to the conditions that:
  - (a) No part of any building in which inmates or patients are housed is, or is proposed to be, located less than three hundred (300) feet from any bounding lot or street line.
  - (b) Adequate off-street parking space is provided.
  - (c) Protective man-proof fencing is provided where necessary.



- (7) Limited office uses in residential zones as a transitional use. In any R-2 zone, a dwelling on any lot or parcel of land immediately abutting along its side lot line or lying directly opposite across a street from any commercial or industrial district, may be used for limited office purposes provided that such use is in accordance with the following requirements:
- (a) Such uses shall be confined to the offices of doctors, dentists, lawyers, accountants, realtors, engineers, and similar professional persons.
  - (b) Such uses shall not change or alter the exterior characteristic of the premises and no name place or other sign exceeding two (2) square feet in area shall be displayed on the premises.
  - (c) Wherever possible, in the opinion of the Board, all entrances, driveways, walks, parking areas, and signs incidental to such use shall be located on the side of the building nearest to the commercial or industrial zone.
- (8) Recreational Establishments and Uses in any F, A, B or I Zone.
- (a) Buildings and structures for clubs, fraternal organizations, lodges, youth organizations, civic organizations, fishing ponds, picnic groves, and private recreational developments all conducted for profit.
  - (b) Transient amusement enterprise, medicine show, or circus, the chief activity of which is carried on for gain or profit.
- (9) Special Uses Allied with Agriculture.
- (a) In any A zone, a trucking operation primarily engaged in commercial transportation of agricultural products other than those raised on the premises, feed mills where grain is processed on a commercial basis, poultry dressing establishments and animal slaughter houses where animals other than those raised on the premises are processed on a wholesale basis, commercial welding shops, livestock sales, auction barns, commercial dairy for the processing, packaging and distribution of dairy products, fertilizer blending and sales operations, and farm equipment sales.
  - (b) In any A, F-2, and R-2 zone, a greenhouse and/or plant nursery provided retail sales are limited to the sale of plants and the commodities used in the direct care of plants.

- (10) Sand, gravel, or clay pits; rock or stone quarries; mining; removal of earth or topsoil. In any zone, the use of vacant land for the removal of natural material or deposits including, but not limited to, sand, gravel, clay, rock or stone, earth or topsoil; all such uses shall be subject to the following:
- (a) All applications for said uses shall be accompanied by a map or plat showing the area proposed to be included in the extraction or removal of material; and a final grading plan which shows the existing ground elevations of the site and the land immediately adjacent thereto, the location and elevation of all bounding streets or roads, and the final elevations of the site at the termination of the operation with respect to the elevations of the immediately adjacent land and bounding streets or roads.
  - (b) Unless the Board specifies otherwise, the areas exposed by said operation shall not have a final cut slope of steeper than three (3) feet horizontal to one (1) foot vertical distance and shall be left suitable for development purposes in accordance with the final grading plan approved by the Board.
  - (c) Unless otherwise permitted by the Board of Adjustment, temporary operating cut slopes steeper than one (1) foot horizontal to one (1) foot vertical shall in no case be brought closer to an exterior property line, right-of-way line of any street, roadway, or alley, as existing or as proposed in the Plan than fifty (50) feet where a sight screen is provided or seventy-five (75) feet in the case where no provision is made for sight screening.
  - (d) Explosives shall be used only between sunup and sundown, except in case of an emergency.
  - (e) All buildings, structures or equipment shall be entirely removed from the property within one (1) year after the expiration of the permit.
  - (f) Dikes or other barriers and drainage structures shall be provided, to prevent silting of natural drainage channels or storm drains in the area surrounding said uses.
  - (g) Where required by the Board, final cut slopes shall be treated to prevent erosion; topsoil shall be replaced on such slopes to support vegetation; ground cover shall be planted within twelve (12) months after a cut slope is excavated to its final position; and such ground cover shall be maintained for a period of time sufficient to provide vegetation of a density that will prevent erosion.



- (h) Where required, suitable plant material shall be placed and maintained to screen slopes from public view. There shall be no open storage of discarded machinery, trash or junk which would present an unsightly appearance.
  - (i) Quarries and sand and gravel pits shall be operated so as to keep dust and noise to a minimum, and access roads shall be maintained as dust-free surfaces from the public street to within one hundred (100) feet of the loading point within the quarry or sand and gravel pit when adjacent properties are used or zoned for residential purposes.
  - (j) Vehicles carrying materials from quarries or sand and gravel pits shall be loaded in such manner as to prevent spilling rock, gravel, sand or other materials of a mineral nature while in transit upon roads and highways.
  - (k) Quarry or sand and gravel pit excavations which may penetrate near or into a usable water-bearing stratum shall be conducted in such a manner that any such stratum so approached or encountered will not be subject to pollution or contamination either during quarrying operations or the excavation of a sand and gravel pit or subsequent to the abandonment of said quarry or sand and gravel pit.
- (11) Sawmill. In any F-2 or A zone, a sawmill, for a period of not more than three (3) years subject to renewal, for the cutting of timber grown in the immediate area, provided that no saw or other machinery shall be less than one hundred (100) feet from any lot or street line and that all power saws and machinery will be locked or secured against tampering when not in use.
- (12) Tourist home. In any A and R-2 zone, a tourist home, provided that such use will meet all other applicable governmental regulations.
- (13) Mobile home park. A mobile home park and its accessory uses may be permitted in A and MHS zones only when the proposed mobile home park site is at least three hundred (300) feet from existing residences. After a public hearing, the decision of the Board of Adjustment shall determine whether or not the proposed site may be used for the purpose intended. The following requirements shall be fulfilled in all mobile home parks located in Lowry City, approved subsequent to the adoption of this ordinance.
- (a) Procedure. An applicant for a mobile home park permit shall apply, therefore, to the Board of Adjustment upon the prescribed forms. Said application shall be filed with the Zoning Administrator and shall be accompanied by a preliminary development plan for the entire tract involved, together with supporting data thereof.

Upon receipt of such application, development plan and data, the administrator shall forward the same to the Planning Commission, the Commission shall review the plan and data for adequacy of the lot size, street design, utilities size and design, and if approval of the plan is given, a hearing shall be scheduled by the applicant, before the Board of Adjustment, asking that the Board grant a special exception for the proposed use.

The Commission shall consider all comments and shall review the proposed development plan and supporting data upon the basis of the requirements of this ordinance. Thereafter, the Commission shall take action as follows:

- 1) If it shall find that such plan meets the requirements of this ordinance, it shall approve the same as the final development plan.
- 2) If it shall find that such plan does not comply with the requirements of this ordinance and is not susceptible of alteration, change or amendment to meet such requirements, the Commission shall disapprove the same.

In the event the developer proposes to develop the tract by sections, the developer shall submit all data and final development plans for the section to be developed. The Commission shall not approve any further development plans for any section or sections of the tract until all improvements serving the previously approved section or sections are completely installed as approved. The first section submitted to the Commission, shall include a minimum of twenty-five percent (25%) of the total proposed development.

- (b) Development Plan. The owner or developer of such tract of land shall have prepared a development plan for the entire tract which shall include the following:

- 1) Proposed name of the mobile home park.
- 2) Location by township, section, or other legal description.
- 3) Name and address of the developer.
- 4) Date, scale, and north point.
- 5) Location, widths, and names of all existing platted streets or other public ways, railroads and utility rights-of-way, parks, and other



public open spaces, existing buildings and structures within and adjacent to the tract.

- 6) Adjoining boundary lines of all adjacent land uses, describing said land uses, showing the name of the developer or owner, or some other means of identification.
  - 7) Layout of proposed streets, their widths, also the widths of alleys, crosswalk-ways, and easements.
  - 8) Layout of proposed lots, their numbers and dimensions.
  - 9) Parcels of land intended for public use.
  - 10) Mobile home limit lines.
  - 11) Contours at intervals of not more than five (5) feet.
  - 12) Location and type of easements.
  - 13) Information as to any agreements which have been entered into with the owners of other property within the neighborhood in which the proposed mobile home park is located, as to general plans for the entire neighborhood.
  - 14) Such other data as the Planning Commission may by rule require. Any such rule shall be adopted by Commission resolution only after a public hearing.
- (c) Development Plan Requirements. In determining the approval or disapproval of a proposed Development Plan and supporting data, the Commission shall be governed by the following:
- 1) The tract to be developed shall contain a minimum of five (5) acres exclusive of all existing or proposed road rights-of-way.
  - 2) Lot Area and Dimensions.
    - a) Minimum lot width shall be thirty-five (35) feet, measured perpendicular to the side lot line.
    - b) The minimum lot area for a mobile home shall be 3,000 square feet, which shall require an on-street parking area for all vehicles in the park and a playground for children, allowing a minimum of two hundred (200) square feet of play area per

mobile home lot. A lot size of 3,300 square feet may be adopted with a choice of on-street parking area or playground and/or a lot size of 3,600 square feet may be adopted with no on-street parking area or playground. In the event on-street parking is not provided, one off-street parking space shall be provided on each lot. One parking space per each four lots shall be provided by the developer in addition to the above requirements.

- 3) The setback line for the mobile home park front yard shall meet the provisions of Section 19C (2) of this ordinance. The park side and rear yard shall be at least thirty (30) feet in width and shall include a dense evergreen screen planting, of at least six (6) feet in height after one full growing season, when adjoining property is zoned or used for residential purposes. When said park is adjacent to an arterial thoroughfare, the park yard fronting on the thoroughfare shall be landscaped and maintained.
- 4) Location of Mobile Home on Lot shall be as follows:
  - a) Minimum front yard from tow hitch to lot line shall be two (2) feet; in the case of a removed hitch, the minimum front yard from trailer to front lot line shall be five (5) feet.
  - b) Minimum side yard shall be eight (8) feet.
  - c) Minimum rear yard shall be twelve (12) feet.
  - d) Minimum distance between mobile homes shall be twenty (20) feet; minimum distance between any additions to or projections of a mobile home and the next adjacent mobile home shall be fifteen (15) feet. In the event the complete mobile home is in excess of fourteen (14) feet in width, the minimum distance between mobile homes shall be fifteen (15) feet. In any event, the aggregate total of side yards shall not be less than twenty-three (23) feet.
- 5) Provision must be made, in every mobile home park, for a street in front of every lot. The street surface shall be of the all-weather type with a traffic surface of not less than twenty (20) feet in width, properly crowned and graded. When off-street parking is not utilized, a parking surface of eight (8) feet in width shall be provided along each side of said traffic surface. When such streets come in contact with any public roads or highway, reinforced concrete sewer pipe with cemented joints or continuous iron or



steel pipe shall be installed to provide drainage. The cost of such pipe shall be defrayed by the owner or operator of the park and the installation shall be approved by the City Engineer or appointed official. All streets within the park must be accessible for traffic at all times and shall be maintained in first-class condition. Streets in any mobile home park may be accepted into the town street system; however, if they do not meet the town specifications, the operator shall provide for their maintenance.

- 6) Sidewalks of a thirty (30) inch minimum width shall be provided by the developer; said sidewalks shall serve each lot and mobile home.
  - 7) Street lighting shall be provided by the developer. The light value on all occupied streets shall be a minimum of one-tenth (1/10) foot candle.
- (d) Water Supply. Water supply shall be from a municipal water service, a public water supply district, or from approved and protected driven wells that meet all test requirements, provided with tight, elevated concrete platforms and which will not be subject to overflow or surface drainage. The source and supply of the water for human consumption must meet all the requirements of the St. Clair County and State Boards of Health. The use of open wells, springs, cisterns, or open storage tanks for human consumption is unlawful and shall constitute a violation of the terms of this ordinance.
- (e) Waste and Garbage Disposal. Mobile home parks must be kept in clean and sanitary condition and provided with suitable covered metal receptacles for garbage, waste, litter, and trash. Receptacles must be emptied once a week and the contents of same must be disposed of immediately by incineration or other approved means, as a regular collection by a garbage disposal service.

Liquid wastes from mobile homes shall be collected by a sewage system which has a trapped outlet available to each lot or unit plot and which shall discharge into an approved sewage disposal system. The use of buckets as a depository for waste is unlawful.

- (f) Sewage Treatment and Sewage Disposal. Primary treatment of all sewage shall be through a sewage disposal process which meets all county and state health requirements. If septic tanks are used, a percolation test will be required meeting the specifications of the county and State Sanitation Code. If a sewage disposal plant or lagoon is used, the system must be approved by the St. Clair County and State Boards of

Health. Every mobile home park shall provide one (1) or more service buildings.

- (g) Operating Condition of Mobile Homes. All mobile homes occupying any lot in Lowry City must be kept in such operating condition that they may be removed or placed in transit within twenty-four (24) hours upon legal service of the City Police or other law enforcement officer.
- (h) Registration Requirements for Owners and Operators. Every person proposing the expansion of an existing or creating a mobile home park shall apply to the Lowry City Planning Commission for an improvement location permit and shall furnish such relevant information, plans and specifications as will enable the aforesaid board to pass on the eligibility of such mobile home park.
- (i) Forms Required for Operators and Tenants.
  - 1) Every owner, agent, lessee, person, firm, or corporation that operates or manages any area, tract, subdivision, or any part thereof for use as a mobile home park, shall file, with the Lowry City Planning Commission at the time of opening the park for occupancy, a Mobile Home Park Registration. The form shall be furnished by the Commission.
  - 2) The owner or operator or agent of the owner or operator, before renting or leasing any unit plot, shall complete the Mobile Home Registration form which shall be furnished by the Commission. An original and five (5) copies of the form will be filled out and distributed with one (1) completed form to each of the following:
    - a) The Mobile Home Park Operator.
    - b) The State Board of Health.
    - c) The Lowry City Planning Commission.
    - d) The School Superintendent of the district in which the park is situated.
    - e) The Lowry City Police.
    - f) The St. Clair County Board of Health.
  - 3) The copies of this form are all to be made out in full and properly signed and distributed as indicated. The failure to furnish these



records as prescribed shall constitute a misdemeanor within the terms of this ordinance.

- (14) Camp Grounds. Camp grounds may be permitted in any B-1, B-3, and I-1 zones. They may also be permitted in the A, and R-2 zones, only when the site is at least three hundred (300) feet from existing adjacent residences. They may be permitted in the F-2 zone providing they receive approval from the Missouri Department of Natural Resources prior to the Board's approval. After a public hearing, the decision of the Board of Adjustment shall determine whether or not the proposed site may be used for the purpose intended.
- (15) Community Unit Projects. The owner or owners of any tract of land may submit to the Board a subdivision plat along with an application for a variance to permit the use and development of the land for mixed dwelling purposes. The Planning Commission shall advertise and hold a public hearing on the subdivision plat. The plat shall be submitted to the Board of Aldermen for consideration.

The considerations for approval and recommendation by the Planning Commission shall be that:

- (a) The property adjacent to the area included in the plat will not be adversely affected.
- (b) The plan is consistent with the intent and purpose of this chapter to promote health, safety, morals, and general welfare of the community.
- (c) The buildings shall be used for single-family dwellings of the usual type, or of the cluster-type development, duplexes, three (3) and four (4) family dwellings, row houses or apartments, condominiums, and usual accessory uses, such as garages, parking areas, storage space, administrative buildings, and community activities including churches.
- (d) The area shall be provided with community or town sewers and a water system providing fire protection.
- (e) The average lot area per family and minimum yard shall be as follows:
  - 1) Single-family dwellings: 7,000 square feet.
  - 2) Cluster development: overall density shall not exceed that of the zone in which the land occurs. The houses in the proposed subdivision shall be grouped in clusters. The minimum lot area shall be two-thirds of the minimum normally required in the zone in which the land is located. The remaining one-third shall be utilized

as open space for recreational purposes, provision for the maintenance of said area shall be provided by the developer.

- 3) Two-family dwellings: 10,000 square feet, or 5,000 square feet per dwelling unit.
  - 4) Row houses and low apartments not to exceed thirty-five (35) feet in height: 10,000 square feet for the first two units and 4,000 square feet for each additional unit.
- (f) Provisions shall be made for sufficient utility easements to service the property.
- (g) Sufficient parking facilities shall be provided as in Section 9-F. In case parking lots are provided, the following shall be required:
- 1) There shall be a setback from the street conforming to the requirements of the zone in which the lot is located.
  - 2) The area around the improvement shall be landscaped.
  - 3) There shall be a solid wall or screen planting at least three and a half (3 1/2) feet in height along the street and any side adjoining residential property provided it is not in violation with the provisions of Section 11.
  - 4) The improvement shall be at least ten (10) feet from any property line and twenty-five (25) feet from any building.

After consideration by the Commission, the plat along with any recommendations shall be returned to the Board of Adjustment. If the Board approves the plat, improvement location permits and certificates of occupancy may be issued.

- B. Considerations For Any Special Exceptions: In considering a petition for any permitted Special Exception, the Board shall give due regard to the following factors as they will apply to the particular situation:

- (1) The location and size of the use; the nature and intensity of the operations involved in or conducted in connection with it; its site layout, including parking space requirements; and its relation to streets giving access to it so that vehicular traffic to and from the use will not create undue hazards to the normal traffic of the vicinity, taking into account among other things vehicular turning movement in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.



- (2) The nature, location, size, and site layout of the use so that it will be harmonious to the district in which it is situated.

C. Authorization for Continuance:

- (1) All special exceptions, except dumps, sanitary landfills and incinerators, which existed upon the effective date of this ordinance and which are located in a district which would permit such use in accordance with the provisions of this section, shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such uses shall be subject to Board review and approval as required for special exception.
- (2) All special exceptions hereafter authorized by the Board in accordance with the provisions of this section, shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such use shall be subject to Board review and approval as required for special exceptions.

**Section 14. Planned Unit Development.**

It is the dual purpose of this section to encourage innovative development of open space communities and offer developers of land a maximum amount of flexibility within a regulatory ordinance of this type. In order to assure the most efficient and desirable development, standards governing density, open space and facility construction are established consistent with those standards currently in existence. Unlike conventional zoning requirements, however, these standards are designed to form a flexible framework within which the community may be planned in accordance with the Plan for Sustainable Development. The Planned Unit Development concept is not limited in scope to merely land developments which will remain under unified control, nor is it directed toward development of a single type of land use. It is intended to encourage the development of land planned and developed as a whole, in a single development operation or programmed series of development operations including all improvements. All development within the planned area shall be completed according to plans and specifications included in the Commission-approved Planned Unit Development Plan. The plan, together with supporting data therefore, shall include the assurance that all facilities, including those intended for recreational uses, will be continued and maintained.

A. Permitted Uses

The Planned Unit Development District shall permit all uses permitted in the Equivalent Zoning District; however, all uses shall be subject to development plan standards as may be adopted herein.

## B. Development Plan Requirements

- (1) Prior to issuance of an Improvement Location Permit for development of any portion thereof, the Commission shall have approved a site development plan in accordance with the Lowry City Plan for Sustainable Development, for the entire tract involved.

- (a) Pre-Application Discussion

The prospective applicant for a planned unit development plan shall submit a sketch plan of the entire tract to be developed, to the Zoning Administrator showing a general representation of the proposals for land use, traffic circulation and open space superimposed, preferably on a survey of the site showing topographic contours at a reasonable contour interval. Following submission of said plan and a reasonable time for review, the developer and technical advisors, if any, shall meet with the Zoning Administrator, to discuss the proposed development with regard to its relationship with the surrounding area, its possible impact upon facilities in the area, its compatibility with surrounding development existing or proposed, and soil types, drainage and other natural features on the site. Following this discussion the Zoning Administrator shall prepare a written report of the results of the preapplication discussion complete with recommendations for additions and alterations to the plan. The Zoning Administrator shall then furnish the developer with copies of said report.

## C. Planning Commission Procedures

The applicant for Planned Unit development site plan approval shall have completed the necessary steps as stated in B(1)(a) prior to the final preparation and submission of the site plan to be considered by the Commission. Said plan shall reflect all changes and additions required by the report of the Zoning Administrator as well as clearly present those areas, if any, which contain lots or parcels intended for individual conveyance of title. Said areas shall be subdivided pursuant to the Subdivision Control Ordinance, and shall be drawn on the site development plan to fulfill the requirements of the preliminary plat provisions of said Ordinance. The site development plan shall be submitted to and acted upon by the Planning Commission pursuant to the following requirements.

- (1) The applicant shall submit the site development plan to the Commission office for review together with prescribed application forms and all supporting data required. The amount of the filing fee for the development plan will be calculated and the applicant will be notified of the total amount of the filing fee and the final data upon which said fee is due.



- (2) Upon receipt of the site development plan, application, supporting data and filing fee, the Commission shall review said plan for its compliance with the terms of this Ordinance and ascertain that the requirements presented by the Zoning Administrator's report of the preapplication conference have been fulfilled. Upon finding that the plan does comply with this and other regulations and that all necessary data have been received, the Commission shall set the plan for public hearing. Notice of said plan review shall be published in two newspapers of general circulation in St. Clair County, Missouri; and shall name a day not less than ten (10) days after such publication at which time the Commission will undertake a final review of said plan and consider comments from persons interested in or affected by the planned unit development.
- (3) In the event the site development plan contains areas which are to be subdivided pursuant to the terms of the Subdivision Control Ordinance, such areas shall be clearly shown on the plan as preliminary plats and shall meet all requirements of said Ordinance pertaining to preliminary plats. Commission review of the preliminary plat or plats shall occur simultaneously with the review of said site development plan and such hearing shall be conducted as to satisfy the hearing requirements for a preliminary plat as set forth by Ordinance.
- (4) Upon hearing comments on the development plan including preliminary plats therein, and supporting data therefore; the Commission shall take action as follows:
  - (a) If it shall find that such plan meets the requirements of this Ordinance, it shall approve the same and so notify the Zoning Administrator.
  - (b) If it shall find that upon said plan being amended altered and changed as specified by the Commission, it will meet the requirements of this Ordinance, it shall so notify the applicant. Thereupon, the applicant shall prepare and file, with the Commission, an amended site development plan and supporting data incorporating such specifications. Upon the filing of a final site development plan, complying with the specifications of the Commission, the Commission shall approve the same and so notify the Zoning Administrator.
  - (c) If it shall find that such plan does not comply with the requirements of this Ordinance, and is not susceptible to alteration, change or amendment to meet such requirements, or if the applicant fails to file an amended site development plan, the Commission shall disapprove the same.
- (5) A preliminary plat reviewed simultaneously with the planned unit site plan shall be acted upon as a separate entity in the site development plan proceedings.

Following the public examination of the preliminary plat, the Commission shall notify the applicant of its approval or disapproval in writing, and if the latter, the reasons therefore.

- (6) Following Commission approval of the planned unit development site plan and supporting data, therefore, the Commission shall mark the original drawing with the statement: "Approved in Final Form By the Lowry City Planning commission this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_." Below which shall appear the signatures of the Commission's Chairman and/or Vice-Chairman, and Secretary. Said signatures shall bear the seal of the Commission.

Following the sealing of the planned unit development site plan, a reproducible copy of the development plan in the same scale as the original shall be kept on file in the Planning Commission office and copies shall be available at a reasonable cost to any person desirous of same. Said copy of the planned unit development site plan shall have plainly marked on any areas for which a preliminary plat was approved the words "PRELIMINARY ONLY" and the boundaries of all such areas shall be clearly delineated.

The applicant shall prepare and record a dedication of right-of-way for all streets in the plan requiring dedication. Said dedication shall be accompanied by a survey or plat of all streets to be dedicated which should, if possible, be drawn to scale on one sheet of paper. Upon dedication of the streets, the survey shall be recorded in the office of the Recorder of the County of St. Clair, State of Missouri.

- (7) Amendments to an approved planned unit development site plan shall be reviewed in the same manner as the site plan itself except that minor changes in building location and recreational facilities may be permitted to be shown on the site plan without said approval if the Zoning Administrator deems such minor changes as not affecting the overall character and nature of the development, and as being within the requirements of this Ordinance.



## **TITLE III**

### **ZONES**

#### **Section 15. Establishment of Zones.**

For the purposes of this ordinance, the incorporated area of the City is hereby divided into fourteen (14) zones and districts designated as follows:

F-2	Flood Plain Zone
A	Agricultural Zone
R-1	One-Family Zone
R-2	Multi-Family Zone
MHS	Mobile Home Subdivision Zone
B-1	Neighborhood Business Zone
B-2	Rural Business Zone
B-3	General Business Zone
B-P1	Planned Neighborhood Business District
B-P2	Planned General Business District
I-1	Light Industrial Zone
I-2	Heavy Industrial Zone
I-PL	Planned Limited Industrial District
I-PH	Planned Heavy Industrial District

The above zones and districts and the boundaries of such zones and districts are hereby established as shown on the map entitled "Lowry City Zoning Map" which accompanies this ordinance and is on file in the office of the City Council and Commission. Said map and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

Lands which may hereafter become incorporated areas of the City shall be included in the A zone until changed by amendment in agreement with Title XIII of this ordinance.

#### **Section 16. Zone and District Boundaries.**

Unless otherwise indicated, the zone boundary lines are land lines, the center lines of streets, parkways, alleys or railroad rights-of-way, or such lines extended. Other lines within blocks are rear or side lot lines, or such lines extended.

Where the physical layout existing on the ground varies from the layout as shown on the zoning map, the Zoning Administrator of the Commission shall interpret said map according to the reasonable intent of this ordinance.

## TITLE IV

### FLOOD ZONE REGULATIONS

#### **Section 17. Flood Zones, Creation of.**

Flood zones are created to protect the public health and to reduce the financial burdens which may be imposed on the community, its governmental units, and its individuals as a result of improper use of lands having excessively high water tables or which are subject to frequent and periodic floods. The boundaries of these zones are based upon prior flood elevations as determined from information on file in the office of Federal Emergency Management Agency (FEMA).

- A. Provisions: The provisions of these zones are intended to further locally the purpose of the National Flood Insurance Program, the federal program established by congress in 1968. The program allows property owners to purchase federally backed flood insurance.
- B. Reclassification: The floodway or flood plain of any river or stream located in Lowry City, Missouri, shall be considered for reclassification from time to time. Said reclassification shall be made by the City Planning Commission in conjunction with the Board of Aldermen of Lowry City, Missouri, and a record of the reclassification shall be kept on file in the offices of the Board of Aldermen and the City Planning Commission of said City. In making said reclassification, said boards shall take into consideration the nature of the situation (past and present experiences or future projections) and current information furnished by FEMA. Final action on any reclassifications shall be made in accordance with the provisions set forth in TITLE XIII of this ordinance.

#### **Section 18. F-2 Flood Plain Zone.**

The following regulations and the regulations contained in TITLE II shall apply in the F-2 Flood Plain Zone.

- A. Alterations: Hereafter, it shall be unlawful to erect, remodel or alter any permanent structure in or on said flood plain unless the ground floor elevation shall be constructed above flood height. The elevation shall be determined from information supplied by FEMA; a copy of said information shall be on file in the records of the City Planning Commission. No permit shall be issued in any flood plain until FEMA or the City Planning Commission, or both, indicate their approval in writing.
- B. Obstruction: Any structures permitted shall be placed on the lot so as to offer the minimum obstruction to the flow of water and shall be firmly anchored to prevent



the structure from floating away and thus threatening to further restrict bridge openings and other restricted sections of the river or stream.

- C. Filling. Filling and regrading of land situated in a flood plain shall be permitted only when said filling and regrading is approved by the City Planning Commission and Board of Adjustment in compliance with the recommendations of FEMA.

D. Permitted Uses As Follows or Uses of a Similar Type:

- (1) Advertising device if Improvement Location Permit is first obtained.
- (2) Boat docks (private and commercial).
- (3) One-family dwelling when in compliance with this Section 18 and when in conformity with the height, lot area, and yard requirements stated in Section 19, page V-2 of this ordinance.
- (4) Forestry.
- (5) General agricultural operations.
- (6) Loading and unloading areas, parking lots, storage of motor vehicles (used and new) for not more than one twenty-four hour period.
- (7) Mineral extraction.
- (8) Public and private park and recreation areas (open type).
- (9) Storage yards for equipment and material in movable containers and not subject to major damage by floods, provided such uses are permitted in an immediately adjoining zone; but this shall not be construed to include acids, caustics, flammable liquids, trash, rags, bottles, scrap metal or any other materials commonly referred to as junk or garbage.
- (10) Any other uses customarily accessory or incidental to the above uses.
- (11) Essential uses.

## TITLE V

### AGRICULTURAL ZONE REGULATIONS

#### Section 19. A Agricultural Zone.

The following regulations and the regulations contained in TITLE II shall apply in the A Agricultural Zone:

##### A. Permitted Uses As Follows or Uses of a Similar Type:

- (1) Any use permitted in the F-2 Flood Plain Zone except Section 18 Use D (9) page IV-2.
- (2) One-family detached dwelling and dwellings for tenants employed on the farm, and two-family dwelling.
- (3) Compact manufactured or modular homes in accordance with Section 8D, page II-15.
- (4) Park, playground or community center, owned and operated by a local community association for subdivisions or neighborhoods.
- (5) Noncommercial institutions.
- (6) Stands for the retail sale of agricultural products or commodities raised on the premises. Off-street parking shall be provided in accordance with TITLE II Section 9F, page II-20.
- (7) Professional office in a one-family dwelling, provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling.
- ✓ (8) Mobile Home when in agreement with Section 8C (3) a, b, c, d, & e, page II-15 of this ordinance.
- (9) Name plate and advertising devices, provided that they shall be erected in accordance with the provisions of TITLE X.
- (10) Riding stable of a private, noncommercial nature on at least one (1) acre of land.



- (11) Swimming pools, provided they are enclosed by an animal-proof fence not less than three (3) feet in height and further provided they are constructed and maintained in agreement with all county and state board of health laws.
- (12) Accessory buildings and uses customarily incidental to any of the above uses including home occupation, provided that the residential character of such dwelling is not changed and that there shall be not more than one assistant employed.

B. Height:

- (1) Maximum Height of Dwelling: Maximum height of a dwelling shall be two and one-half (2 1/2) stories, not to exceed thirty-five (35) feet.
- (2) Exceptions: Exceptions to height regulations are provided for in Section 30, page IX-1.

C. Lot Area and Yards:

- (1) Lot Area. Except as hereinafter provided, no residential structure shall be erected or altered in any A Agricultural Zone unless said structure, when completed, shall be in conformity with the following requirements:

	Minimum Width at Front Building Line	Minimum Net Site Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit No. of Units and Sq. Ft. Per Unit	
If served by individual well and septic tank.	120'	21,780	1	18,180
			2	12,000
✓ If served by public or other approved commun- ity sewer system.	100'	15,000	1	12,000
			2	8,000

Required lot area shall be exclusive of proposed road right-of-way.

- (2) Front Yard. There shall be a front yard between the building line and the highway and street proposed right-of-way lines as shown on the Thoroughfare Plan.

Type of Thoroughfare	Setback Distance
(a) Arterial	75 Feet
(b) Primary (Major)	70 Feet

- |                           |         |
|---------------------------|---------|
| (c) Secondary (Connector) | 40 Feet |
| (d) Local (residential)   | 30 Feet |

- (3) Side Yard. There shall be two side yards for each lot, the minimum width of either and the aggregate width of both shall be as follows:

	Minimum Width of One Side Yard	Aggregate Width of Both Yards
If served by individual septic tank and well.	15 Feet	30 Feet
More than one dwelling unit	Above plus 2 feet per additional unit	Above plus 4 feet per additional unit
If served by public or other approved community water and sewer system	10% of the lot width or 10 feet whichever is less	25% of the lot width or 25 feet whichever is less
More than one dwelling unit	Above plus 2 feet per additional unit	Above plus 4 feet per additional unit

The side street, side yard of any corner lot shall be not less than twenty-five (25) feet.

- (4) Rear Yard. There shall be a rear yard of not less than twenty-five per cent (25%) of the depth of the lot.
- (5) Lot Coverage. Not more than twenty per cent (20%) of the area of a lot may be covered by buildings and structures.
- (6) Exceptions. Exceptions to yard regulations are provided for in Section 31, page IX-1.

- D. Building Size. No building shall be erected for residential purposes having a floor area of less than one thousand forty (1,040) square feet per primary dwelling unit, exclusive of unenclosed porches, terraces, and garages. Additional dwelling units shall have a minimum of six hundred forty (640) square feet per each additional unit.



## TITLE VI

### RESIDENTIAL ZONE REGULATIONS

#### Section 20. R-1 One-Family Zone.

The following regulations and the regulations contained in TITLE II shall apply in the R-1 One-Family Zone:

##### A. Permitted Uses As Follows or Uses of a Similar Type:

- (1) Any use permitted in Section 18 F-2 Flood Plain Zone excepting permitted use D1, D6, and D9, page IV-2.
- (2) One-family detached dwelling.
- (3) Park, playground or community center, owned and operated by a local community association for subdivisions or neighborhoods.
- (4) Swimming pools as specified under the conditions of TITLE V, Section 19A (11), page V-2.
- (5) Accessory buildings and uses customarily incidental to any of the above uses including home occupation, provided that the residential character of such dwelling is not changed and that there shall be not more than one assistant employed.
- X (6) Name Plate or Advertising Devices, provided they shall be in accordance with the provisions of TITLE X.

##### B. Height:

- (1) Maximum Height of Dwellings. Maximum height of dwelling shall be two (2) stories, not to exceed twenty-five (25) feet.
- (2) Exceptions. Exceptions to height regulations are provided for in Section 30, page IX-1.

##### C. Lot Area and Yards:

- (1) Lot Area. Except as hereinafter provided, no residential structure shall be erected or altered in any R-1 one-family zone unless said structure when completed shall be in conformity with the following requirements:

	Minimum Width at Front Building Line	Minimum Net Site Area (Sq. Ft.)	Minimum Lot Area (Sq. Ft.)
If served by individual well and septic tank.	120'	21,780	18,180
If served by public or other approved community sewer system.	75'	12,000	9,750
If served by public or other approved community sewer and water system.	60'	9,600	7,200

- (2) Front Yard. Same as required in A zone, Section 19C (2), page V-2.
- (3) Side Yard. Each lot, except as otherwise specified, shall have two (2) side yards either having a width of not less than ten per cent (10%) of the width of the lot; the aggregate width of both side yards on any lot shall not be less than twenty-five per cent (25%) of the width of the lot.
- (4) Rear Yard. There shall be a rear yard of not less than twenty-five per cent (25%) of the depth of the lot.
- (5) Lot Coverage. Not more than thirty-five per cent (35%) of the area of the lot may be covered by buildings or structures.
- (6) Exceptions. Exceptions to yard regulations are provided for in Section 31, page IX-1.

- D. No building shall be erected for residential purposes having a floor area of less than 1040 square feet, exclusive of unenclosed porches, terraces and garages.

## **Section 21. R-2 Multi-Family Zone.**

The following regulations and the regulations contained in TITLE II shall apply in the R-2 Multi-Family Zone:

- A. Permitted Uses as Follows or Uses of a Similar Type:
  - (1) Any use permitted in R-1, One-Family Zone.
  - (2) Two-family dwellings.
  - (3) Row or multiple dwellings.



- (4) The following special exceptions shall be permitted if their location is first approved by the Board as provided for in Section 12 and Section 40, pages II-22 and XII-1 respectively.
  - (a) Lodging house, tourist home, or tourist cottage.
  - (b) Doctor's office.
  - (c) Nursing or rest home.
- (5) Name plate or advertising devices, provided that they shall be erected in accordance with the provisions of TITLE X.

B. Height:

- (1) Maximum Height. Maximum height of dwellings shall be two stories not to exceed twenty-five (25) feet.
- (2) Exceptions. Exceptions to height regulations are provided for in Section 30, page IX-1.

C. Lot Area and Yards:

- (1) Lot Area for One-Family. Every lot used for one-family dwelling purposes shall have a minimum lot area as prescribed in Section 20C (1) page VI-1.
- (2) Lot Area for Two-Family. Every lot used for two-family dwelling purposes shall have a minimum lot area as prescribed in Section 19C (1) page V-2.
- (3) Lot Area for Multi-Family. Every lot used for multi-family dwelling purposes shall have a minimum lot area as follows:

	Minimum Width at Front Building Line	Minimum Net Site Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)
For the first two (2) units if served by individual well and septic tank	120'	21,780	9,100
		-----Plus-----	
For each additional unit	10'	variable	4,000
For the first two (2) units if served by public or other ap- proved community sewer system	100'	15,000	6,000
		-----Plus-----	
For each additional unit	6'	variable	3,000

- (4) Front Yard. Same as required in A zone, Section 19C (2) page V-2.
- (5) Side Yards. Each lot, except as otherwise specified, shall have two (2) side yards either having a width of not less than six (6) feet; the aggregate width of both side yards on any lot shall be not less than twenty per cent (20%) of the width of the lot.
- (6) Rear Yard. Same as required in R-1 zone, Section 20C (4), page VI-2.
- (7) Lot Coverage. Same as required in R-1 zone, Section 20C (5), page VI-2.
- (8) Exceptions. Exceptions to yard regulations are provided for in Section 31, page IX-1.

D. Building Size. Same as required in A zone, Section 19D, page V-3.

**Section 22. MHS Mobile Home Subdivision Zone.**

The following regulations and regulations contained in TITLE II shall apply in the MHS Mobile Home Subdivision Zone:

A. Permitted Use.

- (1) Mobile Home Subdivision and accessory uses.

B. Provisions.

- (1) All mobile home subdivisions located in Lowry City, Missouri, subsequent to the adoption of this ordinance, shall conform to the requirements of the City Subdivision Control Ordinance.
- (2) The proponents of the Mobile Home Subdivision shall prepare and submit a preliminary plat to the City Planning Commission for its inspection and review upon which plat the Commission shall hold a public hearing. Upon determination by the Planning Commission that the preliminary plat, as prepared and submitted, meets the requirements and regulations of this section, the proponent shall prepare and submit a final plat, which plat shall incorporate any changes or alterations suggested by the Commission. If the final plat is found to comply with the intent, requirements and regulations set forth in this section, the City Planning Commission shall prepare and submit to the Board of Aldermen a request for ordinance amendment, which amendment is to provide for the establishment of a MHS zone in accordance with the final plat submitted. The Board of Aldermen may require modification to the final plat consistent with the intent and meaning of this ordinance. The preliminary and



final plat submitted shall comply with the submission, review, and development of the mobile home subdivision. A copy of the final plat, showing the approval of the Board of Aldermen, shall be filed with the City Planning Commission.

- (3) The minimum area of a mobile home subdivision shall be five (5) acres.
- (4) The wheels shall be removed from each mobile home occupying a lot in the subdivision unless said requirement is in contradiction with any existing health, safety or construction regulations.
- (5) Each mobile home shall be supported under all exterior walls by a permanent foundation completely enclosing the undercarriage.
- (6) Each mobile home occupying a lot in the subdivision shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for and attached to appropriate external systems.
- (7) The developer shall provide a substantial and attractive fence of at least six (6) feet in height or a dense evergreen screen planting of at least six (6) feet in height after one full growing season, when adjoining property is zoned or used for residential purposes. When said park is adjacent to an arterial thoroughfare, the park yard fronting on the thoroughfare shall be landscaped and maintained.

C. Lot Area and Yards.

- (1) Lot Area. No mobile home shall be placed in any MHS Mobile Home Subdivision Zone unless said mobile home when completed shall be in conformity with the following requirements:

	Minimum Width at Front Building Line	Minimum Net Site Area (Sq. Ft.)
If served by individual well and septic tank	120'	21,780
If served by public or other approved community sewer system	45'	4,800

- (2) Front Yard. Same as required in A zone, Section 19C (2), page V-2.
- (3) Side Yards. Each lot shall have two (2) side yards either having a width of not less than ten (10) feet.
- (4) Rear Yard. There shall be a rear yard of not less than 10% of the depth of the lot.

## TITLE VII

### BUSINESS ZONE REGULATIONS

#### Section 23. B-1 Neighborhood Business Zone.

The following regulations and the regulations contained in Title II shall apply in the B-1 Neighborhood Business Zone:

##### A. Permitted Uses:

- (1) Any use permitted in the R-2 multi-family zone which is in conformity with the lot area and yard requirements.
- (2) The following uses or uses of similar type, provided that they are conducted wholly within a building, except for off-street loading of delivery vehicles which are incidental thereto as required in Section 9, page II-17.
  - (a) Bank.
  - (b) Barber shop or beauty parlor.
  - (c) Book or stationery store.
  - (d) Cleaning establishment using cleaning fluid which is nonexplosive and nonflammable.
  - (e) Club, lodge (nonprofit) or fraternal association.
  - (f) Confectionery store.
  - (g) Custom dressmaking or millinery shop.
  - (h) Department, furniture or radio store.
  - (i) Drug store.
  - (j) Florist or gift shop.
  - (k) Greenhouses and nurseries.
  - (l) Grocery, fruit or vegetable store.
  - (m) Hardware or electric appliance store.



- (n) Jewelry store.
  - (o) Medical or dental clinic or laboratory.
  - (p) Meat market or delicatessen.
  - (q) Music store or newsstand.
  - (r) Office, business or professional.
  - (s) Photographer.
  - (t) Repair of appliances and small equipment, provided that any repair shall be conducted and confined wholly within a building.
  - (u) Restaurant, tea room or cafe (excluding drive-ins).
  - (v) Shoe store or shoe repair shop.
  - (w) Sign painting or tire shop, provided all activities shall be conducted wholly within a building.
  - (x) Tailor, clothing or wearing apparel store.
  - (y) Theatre other than "Drive-In".
  - (z) Variety store.
  - (aa) Other retail business and service establishments, not specifically referred to in this ordinance, selling new merchandise exclusively.
- (3) Automobile Service Stations. Automobile service stations shall be permitted in accordance with the Rules and Regulations of the State Fire Marshall and MoDNR Regulating the Use, Handling, Storage and Sale of Flammable Liquids in the State of Missouri., provided that any tire or tube repairing, battery charging and storing of merchandise or supplies are conducted wholly within a building. Plans for the erection or structural alteration of an automobile service station shall be approved by the Commission. The Commission may require such change therein in relation to yards, location of pumps and buildings and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.

- (4) Advertising Devices. Advertising devices shall be permitted provided that they shall be erected in accordance with the provisions of TITLE X.
- (5) Incidental Uses. Uses customarily incidental to any of the above uses and accessory buildings shall be permitted when located on the same lot.
- (6) Public Parking Areas. Public parking areas shall be permitted for the exclusive use of the patrons of the stores, shops or businesses in the immediate business zone when located and developed as required in Section 9, page II-17.

B. Height:

- (1) Maximum Height. Maximum height of structures shall be three (3) stories.
- (2) Exceptions. Exceptions to height regulations are provided for in Section 30, page IX-1.

C. Yards:

- (1) Front Yard. Same as required in A zone, Section 19C (2), page V-2.
- (2) Side Yards. Where the side of a lot in the B zone abuts upon the side of a lot in an R zone, there shall be a side yard of not less than four (4) feet for each story of height; but such side yard shall not be less than six (6) feet in width. In all other cases, a side yard for a business building shall not be required; but if provided, it shall not be less than four (4) feet in width.
- (3) Rear Yard. Where the B zone abuts an R zone, there shall be a rear yard of not less than twenty per cent (20%) of the depth of the lot; but such rear yard need not exceed twenty (20) feet. In all other cases, no rear yard shall be required; but if provided, it shall not be less than four (4) feet in depth.
- (4) Exceptions. Exceptions to yard regulations are provided for in Section 31, page IX-1.

**Section 24. B-2 Rural Business Zone.**

The following regulations and the regulations contained in TITLE II shall apply in the B-2 Rural Business Zone.



painted wood fence not less than six (6) feet in height which is erected and maintained between such uses and any adjoining R zone or residential development.

- (c) Drive-in movie.
  - (d) Driving tees or ranges.
  - (e) Funeral parlor.
  - (f) Laundry or dry cleaning establishment, including auto-laundry.
  - (g) Motel.
  - (h) Printing shop.
  - (i) Stadium.
  - (j) Pet shop.
- (4) Advertising devices shall be permitted provided that they shall be erected in accordance with the provisions of TITLE X.

B. Height:

- (1) Maximum Height. The maximum height of structures shall be the same as required in B-1 zone, Section 23, page VII-1.
- (2) Exceptions. Exceptions to height regulations are provided for in Section 30, page IX-1.

C. Yards:

- (1) Front Yard. Same as required in A zone, Section 19C (2), page V-2.
- (2) Side Yards. Same as required in B-1 zone, Section 23C (2), page VII-3.
- (3) Rear Yard. Same as required in B-1 zone, Section 23C (3), page VII-3.
- (4) Exceptions. Exceptions to yard regulations are provided for in Section 31, page IX-1.

A. Permitted Uses:

- (1) Any use permitted in the B-1 Neighborhood Business Zone provided that B-1 uses shall be subject to the same limitations and controls, as specifically set forth in the B-1 zone, Section 23, page VII-1.
- (2) The following uses or uses of a similar type pertinent to farm commodities, provided where they are within one hundred fifty (150) feet of a lot which is residentially zoned or used, they shall be conducted wholly within the building or within an area screened on all sides by a masonry wall, compact evergreen planting, or uniformly painted wood fence (not less than six (6) feet in height) which shall be maintained between such use and adjoining residential zone or use.
  - (a) Agricultural implements, automobile or trailer sales or repair provided that any display or storage area shall be developed as required in Section 9, page II-17.
  - (b) Building material sales yard, including the sale of lumber (where no millwork is provided), rock, sand and gravel but excluding concrete and asphaltic concrete mixing.
  - (c) Farm equipment storage yard or equipment rental establishment.
  - (d) Feed sales.
  - (e) Wholesale florist, greenhouse.
  - (f) Poultry or rabbit killing incidental to retail sales on the premises.
  - (g) Underground bulk storage and fuel oil, liquefied petroleum gas and gasoline in amounts not to exceed 50,000 gallon capacity.
- (3) The following uses or uses of a similar type, not pertinent to farm commodities provided they meet the requirements indicated in Section 24A, Sub-paragraph 2, page VII-4, shall be permitted.
  - (a) Auction hall, amusement enterprise, including billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill or science, penny arcade, shooting gallery, and the like if the nearest point of the structure is not less than 200 feet from any R zone.
  - (b) Drive-in business - where persons are served in automobiles from a refreshment stand, restaurant, food store and the like, provided the area is screened by a masonry wall, compact evergreen planting or uniformly



wall, compact evergreen screen or uniformly painted board fence, not less than four (4) feet in height.

- (a) Building material sales yard, including the sale of lumber, rock, sand and gravel, but excluding concrete and asphaltic concrete mixing.
- (b) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
- (c) Draying, freighting, or trucking yard or terminal.
- (d) Feed or fuel yard.

B. Height:

- (1) Maximum Height. Maximum height of structures shall not exceed forty-five (45) feet.
- (2) Exceptions. Exceptions to height regulations are provided for in Section 30, page IX-1.

C. Yards:

- (1) Front Yard. Same as A zone, Section 19C (2), page V-2.
- (2) Side Yards. Same as B-1 zone, Section 23C (2), page VII-3.
- (3) Rear Yard. Same as B-1 zone, Section 23C (3), page VII-3.
- (4) Exceptions. Exceptions to area regulations are provided for in Section 31, page IX-1.

D. No Building Permitted on Streets Not Conforming to Major Street Plan:

After the adoption of a major street plan, no building permit shall be issued for and no building shall be erected on any lot within the territorial jurisdiction of the planning commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements of the ordinances of Lowry City.

**Section 26. B-P Planned Business Centers.**

- A. General Conditions: A B-P district may be established upon a tract of land in single ownership or under united control provided that the preliminary development plan

**Section 25.**                    **B-3 General Business Zone.**

The following regulations and the regulations contained in TITLE II shall apply in B-3 General Business Zone.

**A. Permitted Uses.**

- (1) Any use permitted in the B-2 Rural Commercial Zone provided all B-2 uses shall be subject to the same limitations and controls excepting those regarding maximum height, as specially set forth in the B-2 zone, Section 24, page VII-3.
- (2) The following uses or uses of a similar type provided that, where they are within 150 feet of a lot in a more restricted zone they shall be conducted wholly within a building; except for the off-street loading of delivery vehicles which are incidental thereto as required in Section 9, page II-17.
  - (a) Any use permitted in the I-1 zone provided that not more than ten per cent (10%) of the rental floor area of any floor of a building is devoted to such use. In determining the floor area so used, it shall be all the rentable floor area occupied by concerns engaged in such production activities exclusive of that used for offices, display, waiting rooms, or clerical work.
  - (b) Art or antique shop.
  - (c) Carpenter, cabinet, plumbing or sheet metal fabricating shops, but excluding manufacture.
  - (d) Pawnshop.
  - (e) Rescue or temporary revival mission.
  - (f) Secondhand store.
  - (g) Trade or business school or private school operated as commercial enterprise.
  - (h) Upholstering shop.
  - (i) Wholesale merchandise storage.
- (3) The following uses or uses of a similar type provided that, where they are within 150 feet of a lot in a more restricted zone they shall be conducted wholly within a building or within an area enclosed on all sides with a solid



for a planned business center has been prepared and submitted in compliance with the regulations and requirements of this Sections 14 and this Section 26. The tract of land involved shall be wholly or partially within one thousand three hundred twenty (1,320) feet of the B-P symbol location.

This district shall be further divided into B-P1 and B-P2 districts with requirements as listed below:

If it is to be designated as a B-P1 district, the net area of land to be included and so designated shall be at least one and one-half (1 1/2) acres in size. If to be designated as B-P2 district, the net area of land to be included shall be at least five (5) acres. The net area as used herein shall not include any area within designated highways, streets, alleys, or any other public ways or public property.

The area occupied by a building on a tract of land which is to be established as B-P district shall be twenty-five per cent (25%) or less of the net area of the district. The location of any B-P district shall be on property which has an acceptable relationship to major thoroughfares. The Commission must satisfy itself as to the adequacy of the thoroughfares to carry the additional traffic engendered by the development and may request a report and recommendations from the City or State Highway Engineer.

The placement of the proposed development must present the unified and organized management of building and service facilities which shall have a functional relationship to the properties and public ways comprising the planned development and shall not adversely affect the properties and the uses of properties immediately adjacent to the proposed development.

The requirements and regulations herein described pertaining to height, yards, setbacks, and parking and loading may be adjusted or modified by the City Planning Commission before a B-P district is established so that the property in question may be developed in a reasonable manner and, at the same time, will not be detrimental to the public welfare and the interest of the community, but in keeping with the general intent and spirit of the zoning ordinance.

The City Planning Commission shall have the power to make and adopt such rules and regulations necessary and proper to effectuate the purpose of this section.

The Planning Commission may, if it sees fit, require the developer to have made a projected shopping analysis of the surrounding trade area in which it is anticipated that the center may draw for its customers.

The proponents of the planned business center shall prepare and submit a preliminary development plan to the City Planning Commission for its inspection and review, upon which the Planning Commission shall hold a public hearing. Upon

determination by the Commission that the preliminary plan, as prepared and submitted, meets the requirements and regulations of this section, the proponent shall prepare and submit a final development plan, which plan shall incorporate any changes or alterations suggested by the Commission. If the final development plan is found to comply with the intent of the requirements and regulations set forth in this section, the Commission shall prepare and submit to the Board of Aldermen a request for ordinance amendment, which amendment shall provide for the establishment of a B-P district in accordance with the final development plan submitted. The Board of Aldermen may request modification to the final development plan consistent with the intent and meaning of this ordinance. The preliminary and final development plans submitted shall comply with the rules and regulations adopted by the Board of Aldermen for the submission, review, and development of the planned business centers.

A copy of the final development plan showing the approval of the Board of Aldermen shall be filed with the City Planning Commission.

Application may be made directly to the Board of Aldermen for the ordinance amendment of property for a planned business shopping center. But before taking action, the Board of Aldermen shall refer the matter to the City Planning Commission for recommendations. The procedure and requirements for the submission of the plans and the information required shall be the same as though the application had been made directly to the City Planning Commission and which is provided for in this section.

The proponents of the planned business center shall prepare and submit a schedule of construction, which construction shall begin within a period of one (1) year following the approval of the final development plan by the Board of Aldermen. Failure to begin construction as scheduled shall void the plan as approved, unless request for an extension is made by the proponents to the Planning Commission and approved by the commission. No fee shall be charged for this request.

If for any reason the plan is abandoned or if the construction is terminated after the completion of any stage and there is ample evidence that further development is not contemplated, the ordinance amendment establishing such B-P district shall be rescinded by the Board of Aldermen and the zoning of the portion which is undeveloped as a planned business center shall revert to its former classification as established by ordinance. After the final development plan has been approved and the zoning district has been created, and when, in the course of carrying out this plan, adjustments or rearrangement of the buildings, parking areas, entrances, heights, or yards, are being requested by the proponents, and such request conforms to the standards established by the approved final development plan for the area to be covered by buildings, parking space, entrances, heights, or setbacks, and lot area requirements, such adjustments may be approved by the Board of Zoning Appeals



upon application without fee and after receiving the recommendations of the City Planning Commission.

Not more than one development plan shall receive and Improvement Location Permit per B-P symbol. If the need arises plans may be enlarged to accommodate additional units subject to Planning Commission approval.

The plan shall meet the following requirements as to use, height, yard space, off-street parking and loading, and all driveways or shop accessways.

- B. Use Regulations: In any B-P1 or B-P2 district, no building or land shall be used and no building shall be erected, altered, or enlarged, which is arranged, intended or designed, for other than the following uses or uses of a similar type:

In any B-P district, all advertising devices shall comply with the regulations as indicated in TITLE X, Section 34D, page X-3. The plans for any structure shall be submitted as part of the preliminary or final development plan.

- (1) In a B-P1 District: The following regulations and the regulations contained in TITLE II shall apply in the B-P1 Neighborhood Business District...
- (a) Any use permitted in TITLE VII, Section 23, page VII-1, "B-1 Neighborhood Business Zone" A (2b) through (2aa) inclusive and (3).
  - (b) Artists studios.
  - (c) Automobile or trailer sales rooms.
  - (d) Bakery or pastry shops (retail only).
  - (e) Bars and cocktail lounges if they comply with the Liquor Ordinance and laws including package stores.
  - (f) Billiard or pool halls and bowling alleys, if the nearest point of the property is more than two hundred (200) feet from the boundary of a residentially zoned property.
  - (g) Bus stations.
  - (h) Business or commercial schools, not to include trade schools.
  - (i) Children's day nurseries for the convenience of customers, including accessory amusement devices.
  - (j) Clinics, for people only.

- (k) Commercial photography.
- (l) Dancing schools.
- (m) Drive-in restaurants, where persons are served in automobiles, when the nearest point of the property is more than two hundred (200) feet from the boundary of a residentially zoned or developed property and provided all work is done within the building.
- (n) Frozen food lockers for individual or family use.
- (o) Garages (public), provided the nearest point of the property is more than two hundred (200) feet from the boundary of a residentially zoned or developed property.
- (p) Garages (storage) for motor vehicles (no body or fender work).
- (q) Launderettes, washterias, or self-service laundries, including auto laundries.
- (r) Loan and finance companies.
- (s) Office buildings.
- (t) Pet shops or cat and dog hospitals, if entirely within a building.
- (u) Plumbing shops, no tinwork or outside storage permitted.
- (v) Pony rings, provided the animals are stabled outside of the development.
- (w) Public parking lots or stations for passenger cars or taxicabs.
- (x) Public parking stations for commercial delivery cars or vehicles not exceeding three-quarter (3/4) ton.
- (y) Wholesale sales offices and sample rooms.
- (z) Essential uses.
- (aa) Accessory uses customarily incidental to the uses enumerated above, including air-conditioning plants and ice refrigeration plants purely incidental to a main activity permitted on the premises.



(2) In a B-P2 District:

- (a) Any use permitted in B-P1 and Section 24 B-2 Rural Business Zone, page VII-3 and Section 25 B-3 General Business Zone, page VII-6 excepting therefrom any residential uses.
- (b) Battery stations in conformance with State & Federal Regulations.
- (c) Cat and dog hospitals, sound proofed and without outside pens.
- (d) Diaper service.
- (e) Job printing, newspapers, lithographing and publishing.
- (f) Manufacture of articles sold only at retail on the premises.
- (g) Miniature golf courses.
- (h) Parking stations for trucks and buses.
- (i) Plumbing or sheet metal shops.
- (j) Signpainting and sign shops.
- (k) Taxidermy establishments.
- (l) Tourist courts and motels.
- (m) Transfer and storage offices.
- (n) Accessory uses customarily incidental to the above uses.

C. Height, Yard and Area Regulations:

- (1) Height. In a B-P1 district, the height shall not exceed two (2) stories and shall not exceed thirty-five (35) feet.

In a B-P2 district, the height shall not exceed four (4) stories and shall not exceed fifty-five (55) feet.

If a planned business center is to be constructed in the vicinity of an airport, no building or structure shall be erected whose roof, chimney, or topmost structure of portion of a structure shall intrude into an approach zone as indicated in Federal Aviation Administration regulations.

- (2) Yards. In any B-P district, there shall be a setback from any street conforming to the requirements of the zone in which the district is located. Any structure in the B-P district shall be at least twenty (20) feet from any other structure and ten (10) feet from any parking lot.

Along any property line within or adjoining an established commercial district, there shall be a setback from any building or structure of at least ten (10) feet unless provisions for a fire lane are not considered necessary. Along any other property line abutting or adjoining a residential zone or developed area, there shall be a setback of at least twenty (20) feet from any building or parking lot. The planned business center shall be screened from any abutting or adjoining properties zoned or used for residential purposes, by a wall, fence, hedge or other suitable enclosure at least three and one half (3 1/2) feet in height, which shall be erected or placed at least fifteen (15) feet from the property line. The area between the wall, fence, or hedge planting shall be planted with grass and trees, or shrubs. Such trees, shrubs, and grass shall be properly and adequately maintained by the developer or subsequent owner.

The building line along any street shall be consistent with the building line established in the neighboring zone.

- D. Parking and Loading Regulations: In all B-P districts there shall be provided off-street customer parking space in the ratio of at least ten (10) parking spaces for each one thousand (1,000) square feet of gross floor area for each of the first ten thousand (10,000) square feet of floor area. Eight (8) additional parking spaces shall be required for each additional one thousand (1,000) square feet of gross floor area in excess of ten thousand (10,000) square feet.

Off-street parking space for drive-in service establishments shall be provided in addition to the parking space prescribed for all other retail facilities.

Ample off-street parking space for standard loading and unloading shall be provided within the development. Light used to illuminate the parking area shall be so spaced and directed that it will not shine on adjoining streets or residential properties.



## TITLE VIII

### INDUSTRIAL ZONE REGULATIONS

#### Section 27. I-1 Light Industrial Zone.

The following regulations and the regulations contained in TITLE II shall apply to the I-1 Light Industrial Zone.

#### A. Permitted Uses:

- (1) Any use permitted in Section 24, B-2 Rural Business Zone, page VII-3 and I-P district, Section 29C, page VIII-7, provided all the uses therein shall be subject to the same limitations and controls as specifically set forth in the B-2 zone, Section 24, and I-P district, Section 29C, page VIII-7.
- (2) The following uses or uses of a similar type.
  - (a) Animal hospitals or kennels.
  - (b) Automobile assembly, painting, upholstering, rebuilding, reconditioning, truck repair or overhauling, tire retreading or recapping, and battery manufacturing.
  - (c) Blacksmith shops and machine shops.
  - (d) Breweries or liquor distilleries.
  - (e) The manufacture of pottery or figurines or any other similar ceramic products, using only previously pulverized clay kilns fired only by electricity or gas.
  - (f) Chick hatcheries.
  - (g) Draying, freighting, or trucking yard or terminal.
  - (h) Electrical and other components for, and the assembly of, computer equipment.
  - (i) The manufacture, compounding, processing, packaging, or treatment of food products excepting fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.

- (j) Foundries, casting light weight, non-ferrous, metals not causing noxious fumes or odors.
  - (k) Underground storage of fuel oil, liquefied petroleum gas and gasoline in amounts not to exceed 120,000 gallon capacity: Above ground storage of fuel oil, liquefied petroleum gas and gasoline in amounts not to exceed 50,000 gallon capacity.
  - (l) Warehousing.
- (3) The following uses or uses of a similar type, provided they shall be screened from view on the side or sides which is adjacent to a road way or a property which is residentially zoned or developed. Said screening shall consist of either a dense screen planting or a solid wall or a uniformly painted board fence not less than six (6) feet in height.
- (a) Auto wrecking.
  - (b) Bleaching or dyeing.
  - (c) Stone cutting.
  - (d) Storage, sorting, collection, or bailing of rags, paper, metal, or junk.
- (4) Advertising devices shall be permitted provided they shall be erected in accordance with the provisions of TITLE X.

B. Height:

- (1) Maximum Height. The maximum height of structures shall be the same as required in B-3 zone, Section 25, page VII-6, provided that no building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed the height requirements of an adjacent R zone when such building or structure is within one hundred fifty (150) feet of said adjacent R zone.
- (2) Exceptions. Exceptions to height regulations are provided for in Section 30, page IX-1.

C. Yards:

- (1) Front Yard. Same as required in Section 19C (2), page V-2.
- (2) Side Yards. Same as required in Section 23C (2), page VII-3.



- (3) Rear Yard. Same as required in Section 23C (3), page VII-3.
- (4) Exceptions. Exceptions to yard regulations are provided for in Section 31, page IX-1.

**Section 28. I-2 Heavy Industrial Zone.**

The following regulations and the regulations contained in TITLE II shall apply in the I-2 zone.

**A. Permitted Uses:**

- (1) The following uses or uses of similar type, provided where they are within one hundred fifty (150) feet of a residential zone or area or business zone they shall be contained wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board or metal fence which shall not allow any stored material to be viewed from the opposite side of any immediately adjacent street by a line of sight, the origin of which shall be not less than six (6) feet; except for the off-street parking and loading of delivery vehicles which are incidental thereto as required in Section 9, page II-17. Any use allowed in I-1 zone, paragraphs 2, 3 and 4 may be permitted.
  - (a) Acetylene gas manufacture or storage.
  - (b) Agriculture.
  - (c) Alcohol manufacture.
  - (d) Ammonia or bleaching powder manufacturing.
  - (e) Asphalt manufacturing or refining.
  - (f) Boiler works, locomotive or railroad car manufacturing.
  - (g) Brick, tile, terra cotta or cinder block manufacturing.
  - (h) Carbon or lampblack manufacturing.
  - (i) Central station light or power plant.
  - (j) Coal distillation including manufacture or derivation of the by-products.
  - (k) Coke oven.

- (l) Concrete mixing plant.
- (m) Creosote manufacture or treatment.
- (n) Furniture manufacture.
- (o) Garbage disposal.
- (p) Gas manufacture from coal or petroleum or the storage thereof.
- (q) Incinerator, industrially affiliated.
- (r) Iron or steel foundry, steel furnace or rolling mill, except smelting.
- (s) Meat products manufacture.
- (t) Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.
- (u) Planing mill.
- (v) Plastic manufacture.
- (w) Power forge.
- (x) Pyroxylin manufacture.
- (y) Rubber or gutta-percha manufacture or treatment.
- (z) Salvage yard.
- (aa) Soap manufacture.
- (bb) Tanning, curing or storage of raw hides.
- (cc) Tar distillation or tar products manufacture.

B. Height, Yard, and Area Regulations: Same as I-1, Section 27, page VIII-2, paragraphs B and C.



**Section 29. I-P Planned Industrial Districts.**

- A. General Conditions. An I-P District may be established upon a tract of ground in single ownership or under unified control provided a preliminary development plan for the Planned Industrial Area has been prepared and submitted in compliance with the regulations and requirements of this section. The tract of land involved shall be wholly or partially within two thousand six hundred forty (2,640) feet of the I-P symbol location.

The area occupied by buildings on the tract of land which is established as an I-P district shall be thirty-five per cent (35%) or less of the net area of the tract. The balance of the land shall be used for parking, loading, lawns, landscaping, etc.

The location of any I-P district shall be on property which has an acceptable relationship to the major thoroughfares. The Planning Commission must satisfy itself as to the adequacy of the thoroughfares to carry the additional traffic engendered by the development and the Commission may divert truck traffic away from residential neighborhoods.

The plan for the proposed development must present a unified and organized arrangement of buildings and service facilities which have a functional relationship to the properties and public ways comprising the planned development and not adversely affect the properties and the use of properties immediately adjacent to the proposed development.

The requirements and regulations herein described pertaining to height, yard, set-back, parking, and loading, may be adjusted or modified by the City Planning Commission before an I-P district is established so that the property in question may be developed in a reasonable manner and, at the same time, will not be detrimental to the public welfare and interests of the communities and will be in keeping with the general intent and spirit of the zoning ordinance.

The Commission shall have power to make and adopt such rules and regulations necessary and proper to effectuate the purpose of this section. The proponents of the planned industrial center shall prepare and submit a preliminary development plan to the City Planning Commission for its inspection and review upon which plan the Commission shall hold a public hearing. Upon determination by the Planning Commission that the preliminary plan, as prepared and submitted, meets the requirements and regulations of this section, the proponent shall prepare and submit a final development plan, which plan shall incorporate any changes or alterations suggested by the Commission. If the final development plan is found to comply with the intent, requirements and regulations set forth in this section, the Planning Commission shall prepare and submit to the Board of Aldermen a request for ordinance amendment, which amendment is to provide for the establishment of an I-P district in accordance with the final development plan submitted. The Board of

Aldermen may request modification to the final development plan consistent with the intent and meaning of this ordinance. The preliminary and final development plan submitted shall comply with the rules and regulations adopted by the Board of Aldermen or the submission, review, and development of the planned industrial area. A copy of the final development plan, showing the approval of the Board of Aldermen shall be filed with the Planning Commission.

Application may be made directly to the Board of Aldermen for the zoning of a planned industrial area, but before taking action, the Board of Aldermen shall refer the matter to the Planning Commission for recommendations. The procedure and requirements for the submission of plans and the information required shall be the same as though the application had been made directly to the Planning Commission and which is provided for in this section. When the matter has been referred to the Planning Commission by the Board of Aldermen and action has been taken by the Commission, the plan, together with the recommendations of the Commission shall be submitted to the Board of Aldermen.

The proponents of the planned industrial area shall prepare and submit a schedule of construction, which construction shall begin within a period of one (1) year following the approval of the final development plans by the Board of Aldermen. Failure to begin the construction as scheduled shall void the plan as approved, unless a request for an extension of time has been made by the proponents or the Board of Aldermen and approved by said board. No fee shall be charged for this request.

If for any reason the plan is abandoned or if construction is terminated after the completion of any stage and there is ample evidence that further development is not contemplated, the ordinance amendment establishing the I-P district may be rescinded by the Board of Aldermen and the zoning of the portion which is undeveloped as a planned industrial area, shall revert to the former classification as established by ordinance.

After the final development plan has been approved and the zoning district has been created, and when, in the course of carrying out this plan, adjustments for rearrangement of buildings, parking areas, entrances, heights, or yards are requested by the proponents and such requests conform to the standards established by the approved final development plan for the area to be covered by buildings, parking space, entrances, height, setback, and lot area requirements, such adjustments may be approved by the Board of Zoning Appeals upon application without fee and after receiving the recommendations of the Planning Commission.

Not more than one (1) development plan shall receive an improvement location permit per I-P symbol. If the need arises, plans may be enlarged to accommodate additional units subject to Planning Commission approval.



The I-P designation is divided into I-PL and I-PH districts with requirements as listed below.

- (1) I-P Planned Limited Industrial District. If a tract of land is to be designated as an I-PL District, it shall be at least ten (10) acres in area unless in accordance with a comprehensive plan for future development, the area falls into one of the following classifications:
  - (a) A small area which is isolated from residential neighborhoods by railroads, parks, or natural boundaries.
  - (b) A portion of a larger industrial district.
  - (c) Where buffer zones may be desirable, where the established pattern assures the Planning Commission of proper control.
  - (d) Where co-operative agreements of development interests give the Planning Commission assurance of a unified management.
- (2) I-PH Planned Heavy Industrial District. If an area is to be designated as a Planned Heavy Industrial District, it shall be at least thirty (30) acres in area, unless the Planning Commission sees fit to reduce this area because of any reason indicated in this section.

The plan shall meet the following requirements as to use, height, yard space, off-street parking and loading, and all drive-ways and accessways.

- B. Use Regulations: In the I-P district, which is further subdivided into I-PL and I-PH, no building or land shall be used and no building shall be erected, altered, or enlarged which is arranged, intended, or designed for other than the following uses.

In any I-P district, all advertising devices shall comply with the regulations as indicated in TITLE X, Section 34, page X-1. The flat wall device indicated will not be construed to mean billboards attached or mounted upon buildings. All the plans for advertising devices shall be submitted as part of the preliminary and final development plan for the approval of the Planning Commission.

- C. I-PL Planned Limited Industrial District: The following regulations and the regulations in TITLE II shall apply in the I-PL District.

The following uses or uses of a similar type shall be permitted when operations are conducted wholly within a building; except where off-street loading or delivery vehicles which are incidental thereto are required in Section 9, page II-17.



- (1) Any use permitted in Section 27A, page VIII-1, I-1 Light Industrial Zone, provided all the uses therein shall be subject to the same limitations and controls as specifically set forth in the I-1 zone, and provided further that a building containing dwelling units shall not be permitted.
- (2) The compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, drugs, perfumed toilet soap, pharmaceuticals, and toiletries.
- (3) The compounding, assembly, and treatment of articles where merchandise is from the following prepared materials:

Bones, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, grass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shells, textiles, tobacco, wood (excluding planing mill), yarn, and paint (not employing a boiling process).

- (4) The manufacture or repair of electric or neon signs, billboards, light sheet metal production, heating or ventilating ducts or equipment, cornices or edges and the like.
- (5) The manufacture of musical instruments, clocks, watches, toys, novelties, and rubber or metal stamps.
- (6) Assembly of electrical appliances, electronic instruments and devices, radio and phonograph and including the manufacture of small parts only, such as coils, condensers, transformers, crystals and crystal holders.
- (7) Laboratory, experimental photography, motion picture film, or testing.
- (8) Wholesale warehouses and storage buildings.

D. I-PH Planned Heavy Industrial District: The following regulations and the regulations in TITLE II shall apply in the I-PH District.

The following uses or uses of a similar type provided where they are within one hundred fifty (150) feet of residential or business zone, they shall be contained wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board or metal fence not less than six (6) feet in height; except for the off-street parking and loading of delivery vehicles which are incidental thereto as required in Section 9, page II-17.

- (1) Any use permitted in Section 28, page VIII-3, and Section 29C, page VIII-7.

(2) Height, Yard, and Area Regulations:

- (a) Height. In an I-PL District the height shall not exceed three (3) stories and shall not exceed thirty-five (35) feet.

In an I-PH District the height shall not exceed three (3) stories and shall not exceed forty-five (45) feet except for grain elevators which may be higher.

If a Planned Industrial Area is to be constructed in the vicinity of an airport, no building or structure shall be erected whose roof, chimney, or uppermost structure or portion of structure shall intrude into an approach zone as indicated in FAA regulations.

- (b) Yards. In any I-P district there shall be a setback line from any street conforming to the requirements set forth in TITLE V, Section 19C (2), page V-2. There shall also be a setback of at least twenty (20) feet from any building and fifteen (15) feet from any parking lot. Along any property line within or adjoining an established commercial zone or area there shall be a setback for any building or structure of at least twenty (20) feet unless provisions for a fire lane are not considered necessary.

Along any property line abutting or adjoining a residential zone or development, there shall be a setback of at least twenty (20) feet for any building or parking lot. The planned industrial area shall be permanently screened from such abutting or adjoining properties, zoned or used for residential purposes, by a wall, hedge, fence, or other suitable enclosure at least five (5) feet in height which shall be erected or placed at least fifteen (15) feet from the property line. The area between such wall, hedge, or fence shall be landscaped. Such landscaping shall be properly and adequately maintained by the developer.

The building line along any street shall be consistent with the building line established in the neighboring buildings.

The Planning Commission may recommend a reduction in the above required setback where the situation will reasonably warrant such reduction.

- (3) Parking and Loading Regulations. In all I-P districts there shall be provided off-street customer and employee parking space for any manufacturing, processing, wholesaling, or any other industrial use or establishment including warehouse and storage building. There shall be provided one (1) parking space for each two hundred (200) square feet of gross floor area thereof. In case an industrial establishment can foresee the number of employees that will

be required, a ratio of two (2) employees per parking space may be substituted for the above quotation.

The off-street parking space required above shall be provided in addition to any space used for commercial parking lot, taxicab stand, truck and bus parking, or loading space for commercial delivery cars or trucks. Where such facilities are provided they shall comply with provisions of Section 9E, page II-19. Ample off-street parking space for standing, loading, and unloading shall be provided within the development in compliance with Section 9, page II-17. The driveways and parking area shall be illuminated. Lights used to illuminate the parking area shall be so placed that they will not shine on adjoining streets or properties.



## TITLE IX

### EXCEPTIONS AND MODIFICATIONS

#### Section 30. Height.

- A. Three (3) Story Buildings in Two (2) Story Zones: In the zones limiting height to two (2) stories not to exceed twenty-five (25) feet, any permitted structure may be increased in height to three (3) stories not to exceed forty-five (45) feet, provided the required side yards are increased an additional one (1) foot for each three (3) feet such structure exceeds twenty-five (25) feet.
- B. Through Lots (one hundred fifty (150) feet or less in depth): On through lots one hundred fifty (150) feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.
- C. Through Lots (more than one hundred fifty (150) feet in depth): On through lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.
- \*D. Structures Permitted Above Height Limits: Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, television aerials, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, silos, gas containers, material hoppers, or similar structures may be erected above the height limits herein prescribed; but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential, business or industrial use.

#### Section 31. Area and Yards.

- A. Yard Regulations Modified: Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape, location or topography, such regulations may be modified or determined by the Board of Zoning Appeals provided for in Section 43, page XII-2.
- B. Front Yard (between projecting buildings): Where a lot is situated between two (2) lots, each of which has a main building which projects beyond the ordinance established front yard line and was so maintained when this ordinance became effective, the front yard requirement of such lot may be the average of the front yards of said existing buildings, provided, however, the front yard of such lot shall be not less than ten (10) feet.

- C. Front Yard (adjoining projecting building): Where a lot adjoins only one (1) lot having a main building which projects beyond the ordinance established front yard line and has been so maintained since this ordinance became effective, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line, provided, however, the front yard of such lot shall be no less than ten (10) feet.
- D. Side Yards Waived: For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: semi-detached dwellings, row dwellings, and group dwellings.
- E. Front and Side Yards Waived: The front and side yards may be waived for dwellings, hotels, and lodging houses erected above the ground floor of a building when said ground floor is designed and used exclusively for business and/or industrial purposes.
- F. Rear Yard Accessory Building: An accessory building, not exceeding twenty (20) feet in height may occupy not more than thirty per cent (30%) of the area of a required rear yard, providing it is no less than five (5) feet from any side or rear lot line.
- G. Through Lot May be Considered as Two (2) Lots: Where a through lot has a depth of two hundred (200) feet or more, and an area of 20,000 square feet or more, said lot may be assumed to be two (2) lots with the rear line of each approximately equidistant from the front lot lines, provided all area requirements are complied with.
- H. Projection into Yards:
- (1) Porte Cochere. A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one (1) story in height and twenty (20) feet in length, and is entirely open on at least the front and rear sides, except for the necessary supporting columns and customary architectural features provided, however, said porte cochere does not extend to within six (6) feet of a side lot line.
  - (2) Cornice, Sill or Chimney. A cornice, eave bolt course, sill, canopy or other similar architectural feature (not including bay window or other vertical projection) may extend or project into a required front, side or rear yard not more than two (2) feet, provided the width of such side yard is not reduced to less than three (3) feet.
  - (3) Fire Escape. A fire escape may extend or project into any required front, side or rear yard not more than four (4) feet.

- (4) Open Stairway and Balcony. An open, unenclosed stairway or balcony, not covered by a roof or canopy, may extend or project into a required rear yard, and such balcony may extend into a required front yard not more than thirty (30) inches.
- (5) Open Porch. An open, unenclosed porch, platform or land place not covered by a roof or canopy, which does not extend above the level of the first floor of the building, may extend or project into any required side yard not more than four (4) feet and into any required front or rear yard not more than eight (8) feet.
- (6) Fence or Wall. A fence, lattice-work screen or wall in connection with residential use, not more than six (6) feet in height, but not to extend into the required front yard, or a hedge or thick growth of shrubs, maintained so as not to exceed four (4) feet in height may be located in any required front or side yard except for corner setbacks as required in Section 10, page II-21. Excepting foundation plantings.
- (7) Landscape Feature. A landscape feature, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard, provided it does not violate the provisions of Section 10, page II-21.



**TITLE X**  
**ADVERTISING DEVICES**

**Section 32. Improvement Location Permit.**

After the enactment of this ordinance, it shall be deemed unlawful to erect, place, attach or structurally alter any advertising device in Lowry City, Missouri, State of Missouri, unless and until an Improvement Location Permit has been issued. Upon the issuance of said permit, the advertising company or its agent may erect, place, attach or structurally alter said advertising device only if the device shall be in conformity with all sections of this TITLE X.

**Section 33. Exceptions to Section 31.**

A name plate or sign not exceeding one (1) square foot, house or address notations, a device pertaining to the sale of the property on which it is located and not exceeding twelve (12) square feet, a device pertaining to a home occupation or sale of farm produce providing it does not exceed twelve (12) square feet and that it is limited to the advertising of items crafted or grown on the premises and that it is located not more than five hundred (500) feet from the actual premises on which the product is being sold, providing that said device shall be in conformity with all other provisions.

**Section 34. Area and Location.**

Yard restrictions set out in other sections of this ordinance do not apply to advertising devices except where direct reference is made to said devices; the restrictions as set forth in this TITLE X shall apply in all other cases. The size and location of all advertising devices shall comply with the provisions of this TITLE X.

- A. Churches, Schools and Institutions: All churches, public or parochial, primary, or secondary schools, and all institutions shall be limited to one free-standing, advertising device not to exceed thirty-two (32) square feet. In the event the church, school or institution faces more than one street, one advertising device per street may be permitted on the building's site. All such devices shall be located not less than fifteen (15) feet behind the front or side lot line, except where affixed to the wall of the building and not extending over the sidewalk.
- B. A, R-1 and R-2 Zones: The following regulations pertain to advertising devices permitted in the A, R-1, and R-2 zones; for additional regulations in the A zone, see Section 34F.

- (1) Name Plate or Sign. One per dwelling unit, not exceeding one (1) square foot in area.
- (2) Home Occupation. Unlighted, not to exceed two (2) square feet in area. The required front setback shall be not less than fifteen (15) feet from the front or side property lines.
- (3) Temporary, Residential. One per lot or use, not to exceed twelve (12) square feet in area, pertaining to sale or rental of property on which it is located; or giving names of contractors, engineers and/or architects during a construction period. The required front setback shall be not less than fifteen (15) feet from the front and/or side property lines.
- (4) Temporary. One sign, not to exceed one hundred twenty-eight (128) square feet in area and no single dimension to exceed sixteen (16) feet, advertising the sale of lots within the subdivision and located within the subdivision and located thereon, providing that not more than one (1) such sign be located at each major approach to the subdivision. The setback from the front or side lot line shall be equal to one-half (1/2) the required front building setback as specified for the zone in which it is situated. Said sign shall be removed by the developer or his agent, upon the completion or the sale of 90% of the lots in the subdivision. Architectural, contractor, and engineering construction signs for industrial, commercial, and public and semi-public buildings are included herein.
- (5) Permanent. One identification device not exceeding twenty (20) square feet in area for multiple dwellings, provided that such device shall be located not less than fifteen (15) feet from the front and/or side property lines, except where it is affixed to the wall of the building and does not extend over the sidewalk.
- (6) All advertising devices, except as mentioned in subsections A and B of this Section 34 and official signs of government agencies, are prohibited in the R-1 and R-2 zones.

C. B1, B2, B3, I-1 and I-2 Zones: In any B1, B2, B3, I-1 and I-2 zone, an advertising device may be permitted provided that when same is located within seventy-five (75) feet of an R zone or residentially used area boundary line it shall be affixed to or be a part of a building, and not to extend over any street line nor project above the roof line and shall pertain only to a use conducted within the building. The size shall be limited to three (3) square feet of area to each lineal front foot of the building displaying such device.

- (1) No free-standing device shall have an advertising area exceeding three hundred twenty (320) square feet in area.



- (2) No flashing advertising device shall be located within three hundred (300) feet of any residentially zoned or developed area.
- (3) Yard restrictions shall be as required in the zone in which the device is located.

D. In Any B-P, Planned Shopping Center District:

- (1) One (1) advertising device not to exceed six hundred (600) square feet in area on each thoroughfare on which the shopping center has established entrance drives. Such device shall give the name of the center and may be used to give the names of individual stores but shall not be used to advertise any products or merchandise within the center.
- (2) No free-standing advertising device shall be permitted within the shopping center, except as permitted in subsection D(1) of this Section 34.
- (3) Advertising devices attached to the buildings, not projecting above the roof line, shall be permitted. Such devices shall give the name of the store or use and shall not be used to advertise merchandise sold on the property. The size shall be limited to three (3) square feet of area to each lineal front foot of the building displaying such device.
- (4) Yard restrictions shall be as required in TITLE VII, Section 25C.
- (5) Small hanging name plates not to exceed four (4) square feet in area shall be permitted within the pedestrian mall or over walkways at a minimum height of seven and one-half (7 1/2) feet above the walkway, attached to the store or use, giving the name of the store or use at no time being used for advertising products or merchandise sold on the property. All such name plates shall be of uniform design throughout the shopping center.
- (6) Any advertising devices attached to or painted on the display windows of the building shall be exempted.
- (7) The nature of all advertising devices within the shopping center shall be included in the final development plan and shall be subject to the approval or disapproval of the Commission.

E. In Any I-P, Planned Industrial District:

- (1) An advertising device at each major entrance to the planned industrial park, not to exceed six hundred (600) square feet in area, stating the name of the park if applicable, and listing the names of the various industrial uses located within the park.



- (2) Temporary devices advertising the sale of lots and directional signs at major intersections within the park which aid in the location of establishments, truck loading docks and visitors parking facilities. Such devices shall not exceed twenty (20) square feet in area and shall be situated so as not to cause a traffic hazard and they shall be of uniform design throughout the planned industrial area.
- (3) Yard restrictions shall be as required in TITLE VIII, Section 28.
- (4) Flat wall devices attached to the building or use stating the name of the operation shall not be placed so as to exceed ten (10) feet in height above the roof line of the building. Not more than twenty-five per cent (25%) of the area of such device shall be devoted to product advertising and then only for advertising of products produced on the premises.
- (5) Any advertising devices attached to or painted on the display windows of the building shall be exempted.
- (6) The nature of all advertising devices within the planned industrial district shall be included in the final development plan and subject to the approval or disapproval of the Commission.

F. In Any A or F2 Zones:

- (1) Advertising devices pertaining to a home occupation or sale of farm produce not to exceed twelve (12) square feet and limited to advertising items crafted or grown on the premises and located not more than five hundred (500) feet from the actual premises on which the product is being sold.
- (2) Free-standing, nonaccessory advertising device, that is, any device advertising a business, use, activity, product or merchandise not sold, handled or occurring on the property on which the device is located shall be subject to the following:
  - (a) Such advertising device shall be in conformity with the front yard requirements as specified in TITLE V, Section 19C (2).
  - (b) Said device shall be a minimum of three hundred (300) feet from a line projected perpendicular across the highway from a dwelling, church, school, or public institution.
  - (c) Said device shall be a minimum of four hundred (400) feet from any dwelling or land platted, divided, or zoned for residential use, school, church, park, or place of public assembly.

- (d) Said device shall be a minimum of one hundred (100) feet from a side property line, when such property line is a division line of property ownership.
- (e) Said device shall be a minimum of two hundred (200) feet from a railroad or a cross road intersection, a "T" road or highway entrance, a bridge or a stretch of highway that is specified as being hazardous by the state, county, or town, a turn in the highway or an entering lane or road, and the curve of a curved highway.

G. General Provisions for all Advertising Devices:

- (1) All devices, either of a temporary or permanent nature, shall be constructed or maintained in a presentable manner for the life of the device.
- (2) Any nonconforming device that is or becomes in a rundown or objectionable condition shall be removed from the premises by the owner of said device. Said condition shall exist when the device is determined to be in excess of thirty percent (30%) destroyed by acts of God or man. Said determination shall be made by the Board of Aldermen and the Commission.
- (3) Any nonconforming advertising device not attached to a building, lawfully existing upon the effective date of this ordinance shall be discontinued on or before ten (10) years after the effective date of this ordinance unless a discontinuance date has been established by a prior zoning ordinance in which case such prior date of discontinuance shall apply, unless in the meantime it is determined or made conforming with this Section 34.
- (4) Advertising devices may contain not more than one sign per facing, nor more than two sides per said device.
- X (5) All new devices (except those referred to in Subsection G (9) of this Section 34) in excess of twenty (20) square feet and not an integral part of another structure shall require an improvement location permit.
- (6) Any device that is deemed a traffic hazard for reason of obstructing the view of an approaching road or intersection, railroad, school playground or park, pedestrian crosswalk or any other situation that may endanger health and welfare of any pedestrian or occupant of any vehicle shall be prohibited.
- (7) Said device shall be a minimum of one thousand three hundred twenty (1,320) feet from another advertising device located on the same side of two-lane state, federal, or county highway. Where located in a commercial zone, there shall be a separation requirement of six hundred (600) feet. Where located in an

industrial zone there shall be a separation requirement of three hundred (300) feet.

- (8) For the purposes of sub-paragraph (7) first above, a series of 1 to 6 signs, each having an area of no greater than six (6) square feet and spaced at least one hundred (100) feet apart, which are designed to be read in sequence to convey a single message, shall be considered as one advertising device.
- (9) The following signs shall be excluded from the provisions of this ordinance:
  - (a) All signs necessary for convenience and safety established by the Board of Aldermen or the federal, state, and/or county highway departments.
  - (b) A notice of change of zoning as established by the Commission.
  - (c) Only those devices of a temporary nature, advertising or giving directions to an official, special event; all such devices shall be removed within forty-eight (48) hours after they become no longer applicable. The sponsor shall be responsible for their removal.

*Yard  
the  
Garage  
Sale  
signs*



## TITLE XI

### ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance in the manner and form and with the powers provided in the laws of the State of Missouri and in the ordinances of Lowry City.

#### **Section 35. Improvement Location Permit.**

No building or structure, except buildings incidental to agricultural operations shall be erected, reconstructed, enlarged or moved until an improvement location permit shall have been applied for in writing and issued by the Zoning Administrator. A fee of ~~ten~~ <sup>fifteen</sup> dollars (\$15.00) shall be paid when making application for an improvement location permit. Said permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving. Before a permit is issued for the erection, moving, alteration, enlargement or occupancy of any building or structure or use of premises, the plans and intended use shall indicate conformity in all respects to the provisions of this ordinance.

- A. Site Plan. Every application for an improvement location permit submitted to the Zoning Administrator shall be accompanied by a site plan, drawn to scale, showing the lot and the building site and the location of existing buildings on the lot, accurate dimensions of the lot, yards and building or buildings, together with locations, size and use of any land and all buildings not only on the lot but within fifty (50) feet from the boundaries thereof, unless separated therefrom by a street, together with such other information as may be necessary to the enforcement of this ordinance.
- B. Interpretation of Ordinance. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare. The lot or yard areas required by this ordinance for a particular building shall not be diminished (other than by the Board of Adjustment), and shall not be included as part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time this ordinance became effective shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas of any building hereafter erected.
- C. Completion of Existing Buildings. Nothing in this ordinance shall require any change in the plans, construction or intended use of a building, the construction of which have been diligently prosecuted at least two (2) months preceding the date of this ordinance, and such entire building shall be completed within two (2) years from the date this ordinance became effective. Nothing herein shall prevent the

reconstruction of a wall or other structural part of a building declared unsafe by the State Fire Marshal of the State of Missouri.

No improvement location permit for erection of any building shall be issued before application has been made for a certificate of occupancy.

**Section 36. Certificate of Occupancy.**

A certificate of occupancy to be issued by the Zoning Administrator shall be required for any of the following, except buildings incidental to agricultural operations.

- A. Occupancy and use of a building or structure hereafter erected or enlarged.
- B. Change in use of an existing building or structure.
- C. Occupancy and use of vacant land except for agricultural operations.
- D. Change in the use of land to a use of a different classification except for agricultural operations.
- E. Any change in the use of a nonconforming use.

No such occupancy, use or change of use, shall take place until a certificate of occupancy therefore shall have been issued.

Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the improvement location permit for such building. No fee shall be charged for an original certificate applied for, coincident with the application for an improvement location permit; for all other certificates or for copies of any original certificate there shall be a charge of one dollar (\$1.00) each. Said certificate shall be acted upon within eight (8) days after a request for the same has been made to the Zoning Administrator after the erection or enlargement of such building or part thereof has been completed in conformity with the provisions of this ordinance.

Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the Zoning Administrator for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate may be renewed, but it shall not be construed in any way to alter the respective right, duties or obligations of the owner or the city relating to the use or occupancy of the land or building, or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.



Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Administrator.

If the proposed use is in conformity with the provisions of this ordinance, the certificate of occupancy, therefore, shall be issued within eight (8) days after the application for the same has been made.

Each certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of this ordinance.

A record of all certificates of occupancy shall be kept on file in the office of the Clerk and a copy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.

#### **Section 37. Permit Issuance.**

All departments, officials, and public employees of the City which are vested with the duty or authority to issue permits shall conform to the provisions of this ordinance and shall issue no permit for any use, building or purpose if the same would be in conflict with the provisions of this ordinance.

A permit shall be issued upon satisfactory proof of compliance with the regulations of this ordinance.

Any permit issued in conflict with the provisions of this ordinance shall be null and void.

#### **Section 38. Penalties.**

Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00), for each offense, such fine to inure to the City. Each day of the existence of any violation shall be deemed a separate offense.

The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.



**Section 39. Enforcement.**

The erection, construction, enlargement, conversion, moving, or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to the provisions of this ordinance is hereby declared to be a violation of this ordinance and unlawful. The City Attorney shall, immediately upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of this ordinance.

## TITLE XII

### BOARD OF ADJUSTMENT

#### **Section 40. Organization.**

There is hereby created within and for the City of Lowry City a board of adjustment with the powers and duties as hereinafter set forth. Established in accord with Chapter 89, RSMo 1986, General Assembly, State of Missouri as amended.

#### **Section 41. Membership.**

The Board of Adjustment shall be composed of five (5) members, freeholders, citizens of the City of Lowry City, each appointed by the mayor with the approval of the Board of Aldermen for a term of five (5) years; provided, however, that the terms of the existing board of adjustment, appointed to staggered terms in accordance with the provisions of Chapter 89 RSMo, shall continue. Three (3) alternative members may also be appointed to serve in the absence of or the disqualification of the regular members.

The city clerk shall be considered a non-voting ex officio member of the board of adjustment and shall serve as secretary of the board.

Members of the Board of Aldermen, city planning commission, the zoning administrator, city attorney, city engineer or other municipal officials shall not be appointed to the board of adjustment.

Board of adjustment members, once appointed, can thereafter be removed only for cause, upon written charges, and after a public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose office becomes vacant.

The board shall elect a chairman and an acting chairman from its membership, who shall serve for a term of office of one (1) year.

#### **Section 42. Rules of Procedure; Meetings.**

The board of adjustment shall adopt rules of procedure in accordance with the provisions of this article and the state statutes governing their operation.

Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board of adjustment may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its

examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment and shall be public record. All testimony, objections thereto and rulings thereon, shall be taken down by the secretary or a recorder employed by the board of adjustment for that purpose.

**Section 43. Powers.**

The board of adjustment shall have the following powers:

- (1) *Powers relative to interpretations:* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the interpretation and enforcement of this article.
- (2) *Powers relative to special exceptions:* To hear and decide, upon appeal, applications for a special exception to the terms of this article under the following circumstances and conditions:
  - a. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
  - b. To interpret the provisions of this article where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this article.
  - c. To grant exceptions to the offstreet parking requirements when it is determined that the size or shape of the lot to be built on is such that offstreet parking provisions could not be complied with and that the proposed use will not create undue traffic congestion in the adjacent streets.
  - d. To grant exceptions to restoration of damaged building requirements when the nonconforming building or structure was a residential use that was nonconforming due to density or setback requirements and it is determined that the restoration of said use will not create undue congestion in the adjacent streets or be detrimental to adjacent properties.
  - e. To grant exceptions to the minimum dwelling size requirements, where occupancy is limited to elderly or handicapped.
- (3) *Powers relative to variances:* Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of this article, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of this article would result in peculiar and exceptional practical difficulties to or exceptional undue hardship upon the owner of such property, the board of adjustment is hereby empowered to authorize upon an appeal in specific cases a variance from the terms of this article, as will not be contrary to the public interest, so that the spirit of the article will be observed and substantial justice will be done. The board of adjustment may establish such requirements relative to such property



as would carry out the purpose and intent of this article. It is specifically provided, however, that the board of adjustment is not authorized to grant a use variance other than as specified in this ordinance.

In exercising the above-mentioned powers the board of adjustment may, in conformance with the provisions of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decisions, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, upon a specific finding that:

- a. The granting of the variance will not be contrary to the public interest;
- b. Literal enforcement of the article will result in unnecessary hardship;
- c. By granting a variance contrary to the provisions of this article, the spirit of the article will be observed; and
- d. By granting the variance, substantial justice will be done.

In terms of this provision the board of adjustment shall have all the powers of the office from whom the appeal is taken. In considering all appeals from rulings made under this article, the board of adjustment shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals and general welfare of the people of the City of Lowry City. It is further provided, that in exercising its power to grant special exceptions and variances the board of adjustment may impose any reasonable condition which shall be necessary to protect surrounding property values and to promote the health, safety, morals, and general welfare.

The concurring vote of four (4) members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant or any matter upon which the board of adjustment is required to pass or to effect any variation in this article.

Every ruling made upon any appeal to the board of adjustment shall be accompanied by a written finding of fact based on the testimony received at the hearing afforded by the board of adjustment and shall specify the reason for granting or denying the appeal.

#### **Section 44. Appeals.**

Appeals to the board of adjustment may be taken by any person aggrieved or any officer, department, board or bureau of the City of Lowry City affected by any decision of the Zoning Administrator in the interpretation and enforcement of this article.

Appeals to the board of adjustment shall be taken within thirty (30) days from the date of the decision by filing with the Zoning Administrator from whom the appeal is taken and with the city clerk a notice of appeal specifying the grounds thereof, and by paying a filing

fee of fifteen dollars (\$15.00) at the office of the city clerk at the time the notice is filed. No portion of the filing fee shall be refunded and any expenditures in excess of the fifteen dollars (\$15.00) incurred by the board of adjustment incidental to the processing of the appeal shall be billed to the applicant or petitioner.

Notice of such hearing shall be published in one (1) issue of a newspaper of general circulation covering the City of Lowry City, such notice to be published at least fifteen (15) days prior to date of said hearing before the board of adjustments. In addition to such public notice and at least fifteen (15) days prior to the hearing, the applicant shall be responsible for mailing notices of appeal being requested to all the owners of lands located within one hundred eighty-five (185) feet of the property upon which the appeal request is being made. Such mailed notice shall be given by certified mail, return receipt requested, and shall be in the form of a letter explaining the proposed appeal, thus providing an opportunity to all interested parties to be heard.

The Zoning Administrator from whom the appeal is taken shall forthwith transmit to the board of adjustment certified copies of all the papers constituting the record of said matter together with a copy of the ruling or order from which the appeal is taken.

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to lives 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 court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

The board of adjustment shall not rehear an appeal once decided unless it is shown by the appellant that all pertinent facts of the case were not brought before the board of adjustment at the public hearing, and that for some reason he was prevented from presenting such facts; or that the facts of the case have materially changed since the public hearing.

#### **Section 45. Appeal to Circuit Court.**

Any person or persons, jointly or separately aggrieved by any decision of the board of adjustment, or any officer, department, board or bureau of the city may present to the circuit court of the county in which the property affected is located, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30)



days after the filing of the decision in the office of the board of adjustment. Upon the presentation of such petition the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, but 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 course shown, grant a restraining order. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his finding of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly, or partly, or may modify the decision brought up for review. Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.



## **TITLE XIII**

### **AMENDMENTS TO ORDINANCE AND MAP**

The regulations, restrictions and boundaries provided for in this ordinance may from time to time be amended or repealed.

#### **Section 46. Procedure.**

This ordinance may from time to time be amended as provided in Chapter 89, RSMo 1986, as amended.

#### **Section 47. Filing Fees.**

Any petition of the Board for a special exception or variance and any petition to the Board of Aldermen for an amendment to this ordinance except when initiated by the Commission, shall be accompanied by a filing fee of fifteen dollars (\$15.00) which shall be deposited with the City Clerk and no part of which shall be returnable to the petitioner. The petitioner shall also be responsible for the cost of the public notice.

## TITLE XIV

### VALIDITY AND ADOPTION

**Section 48. Severance Clause.**

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance.

**Section 49. Effective Date.**

This ordinance shall take effect upon its passage (approval by Lowry City, State of Missouri).

PASSED and ENACTED by the Board of Alderman of Lowry City, Missouri, on the

13<sup>th</sup> day of November, 19 99.

The Board of Aldermen of  
Lowry City, Missouri

<u>Patricia Stewart</u>	<u>East Ward Alderman</u>
<u>Von Schmidt</u>	<u>West Ward Alderman</u>
<u>Steve Elsey</u>	<u>West Ward Alderman</u>
<u>Nada Lyon</u>	<u>East Ward Alderman</u>

Attest:

Jackie Cutler  
Clerk of the Board of Aldermen  
of Lowry City, Missouri