

TITLE IV. LAND USE

CHAPTER 400: PLANNING AND ZONING COMMISSION

SECTION 400.010: DEFINITIONS

For the purpose of this Chapter the following terms mean or include:

BOARD: The chief legislative body of the City of Gerald.

STREETS: Any public ways.

SUBDIVISION: The division of a parcel of land into two (2) or more lots, or other divisions of land; it includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. (Ord. No. 296 §1, 7-14-88)

SECTION 400.020: APPOINTMENT OF PLANNING COMMISSION BY BOARD OF ALDERMEN

The Board of Aldermen of the City of Gerald shall adopt, amend and carry out a City Plan, and appoint a Planning Commission with the powers and duties herein set forth. (Ord. No. 296 §2, 7-14-88)

SECTION 400.030: COMPOSITION AND ORGANIZATION

The Planning Commission of the City of Gerald shall consist of eight (8) members, including a member of the Board of Aldermen selected by the Board annually at its first (1st) organizational meeting, and seven (7) citizens appointed by the Mayor and approved by the Board. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for three (3) years, except that the terms of the citizen members first (1st) appointed shall be for varying periods, so that the succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board may remove any citizen member for cause stated in writing and after public hearing. (Ord. No. 296 §3, 7-14-88; Ord. No. 465 §1, 2-10-00; Ord. No. 559 §1, 10-14-04)

SECTION 400.040: CHAIRMAN AND SECRETARY—MEETINGS—RECORDS

The Commission shall elect a Chairman and Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year, with eligibility for re-election. The Commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records. The Commission shall appoint the employees and staff necessary for its work, and may contract with City Planners and other professional persons for the services that it requires. The expenditures of the Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board. (Ord. No. 296 §4, 7-14-88)

SECTION 400.050: CITY PLAN

The Commission shall make and adopt a City Plan for the physical development of the City of Gerald. The City Plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and uses of land, and may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing; the general character, extent and layout of the replanning of blighted districts and slum areas. The Commission shall also prepare a Zoning Plan for the regulation of the height, area, bulk, location and use of private, non-profit and public structures and premises, and of population density. (Ord. No. 296 §5, 7-14-88)

SECTION 400.060: PREPARATION OF CITY PLAN

In the preparation of the City Plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the City. The Plan shall be made with the purpose of guiding and accomplishing a coordinated development of the City which will, in accordance with existing and future needs, best promote the general welfare as well as efficiency and economy in the process of development. (Ord. No. 296 §6, 7-14-88)

SECTION 400.070: ADOPTION OF CITY PLAN-PROCEDURE

The Commission may adopt the Plan as a whole by a single resolution, or, as the work of making the whole City Plan progresses, may from time to time adopt a part or parts thereof, any part to correspond generally with one or more of the functional subdivisions of the subject matter of the Plan. Before the adoption, amendment or extension of the Plan or portion thereof, the Commission shall hold at least one (1) public hearing thereon. Fifteen (15) days notice of the time and place of such hearing shall be published in at least one (1) newspaper having general circulation within the City of Gerald. The hearing may be adjourned from time to time. The adoption of the Plan requires a majority vote of the full membership of the Planning Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the Plan and the action taken shall be recorded on the adopted Plan or part thereof by the identifying signature of the Secretary of the Commission, and filed in the office of the Commission, identified properly by file number, and a copy of the Plan or part thereof shall be certified to the Board and the Municipal Clerk, and a copy shall be available in the office of the Franklin County Recorder of Deeds and shall be available at the Municipal Clerk's office for public inspection during normal office hours. (Ord. No. 296 §7, 7-14-88)

SECTION 400.080: OFFICIALS TO PROVIDE COMMISSION NECESSARY INFORMATION

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

general, the Commission shall have the power necessary to enable it to perform its functions and promote municipal planning. (Ord. No. 296 §8, 7-14-88)

SECTION 400.090: APPROVAL OR DISAPPROVAL BY COMMISSION—BOARD TO VOTE

Whenever the Commission adopts the Plan of the City of Gerald or any part thereof, no street or other public facilities, or no public utility, whether publicly or privately owned, and, the location, extent and character thereof having been included in the recommendations and proposals of the plan or portions thereof, shall be constructed or authorized in the City until the location, extent and character thereof has been submitted to and approved by the Planning Commission. In case of disapproval, the Commission shall communicate its reasons to the Board, and the Board, by vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership, may overrule the disapproval and, upon the overruling, the Board or the appropriate Board or officer may proceed, except that if the public facility or utility is one the authorization or financing of which does not fall within the province of the Board, then the submission to the Planning Commission shall be by the Board having jurisdiction, and the Planning Commission's disapproval may be overruled by that Board by a vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval.

(Ord. No. 296 §9, 7-14-88)

SECTION 400.100: PERFORM FUNCTIONS OF ZONING COMMISSION

The Commission shall have and perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have and perform all of the functions of a Planning Commission as outlined in said Chapter. (Ord. No. 296 §10, 7-14-88)

SECTION 400.110: MAJOR STREET PLAN

After the Planning Commission of the City of Gerald adopts a City Plan which includes at least a Major Street Plan, or progresses in its City planning to the making and adopting of a Major Street Plan, and files a certified copy of the Major Street Plan in the office of the Recorder of Deeds of Franklin County, then no plat of a subdivision of land lying within the City shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the Commission to the Board of Aldermen, and the Board, has approved the plat as provided by law.

(Ord. No. 296 §11, 7-14-88)

SECTION 400.120: HEARING BEFORE ADOPTION OF PLAN

Before adoption of any subdivision regulations, or any amendment thereof by the Board of Aldermen, a duly advertised public hearing thereon shall be held by the Board.

(Ord. No. 296 §12, 7-14-88)

SECTION 400.130: APPROVAL OR DISAPPROVAL OF SUBDIVISION PLAT BY COMMISSION

Within sixty (60) days after submission of a subdivision plat to the Commission, the Commission shall approve or disapprove the plat; otherwise the plat is deemed approved by the Commission, except that the Commission, with the consent of the applicant for the approval, may extend the sixty

(60) day period. The ground of disapproval of any plat by the Commission shall be made a matter of record. (Ord. No. 296 §13, 7-14-88)

SECTION 400.140: PUBLIC USE DEDICATION

The approval of a plat by the Commission does not constitute or effect an acceptance by the City or public of the dedication to public use of any street or other ground shown upon the plat. (Ord. No. 296 §14, 7-14-88)

SECTION 400.150: SALE OR TRANSFER OF LAND BEFORE APPROVAL

No owner or agent of the owner of any land located within the planning jurisdiction of the City of Gerald, knowingly or with intent to defraud, may transfer, sell, agree to sell or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board or Planning Commission, and recorded in the office of the Franklin County Recorder. Any person violating the provisions of this Section shall forfeit and pay to the City a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. Said penalty shall be set by the Board of Aldermen. The City of Gerald may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action. (Ord. No. 296 §15, 7-14-88)

SECTION 400.160: PREREQUISITE FOR STREET-LOCATION AND CONSTRUCTION

Upon adoption of a Major Street Plan and subdivision regulations, the City of Gerald shall not accept, layout, open, improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers, connections or other utilities in any street within the City unless the street has received the legal status of a public street prior to the adoption of a City Plan; or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board or the Planning Commission, or on a street plan made by and adopted by the Commission. The Board may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the Commission for its approval, and approved by the Commission or, if disapproved by the Commission, is passed by the affirmative vote of not less than two-thirds ($\frac{2}{3}$) of the entire membership of the Board of Aldermen. (Ord. No. 296 §16, 7-14-88)

SECTION 400.170: BUILDING PERMIT ISSUED ONLY IF STREET IS IN COMPLIANCE

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 Commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements above-described. (Ord. No. 296 §17, 7-14-88)

SECTION 400.180: BOARD OF ALDERMEN AUTHORITY TO ESTABLISH AND REGULATE SETBACK LINES

Whenever a plan for major streets has been adopted, the Board of Aldermen upon recommendation of the Planning Commission, is authorized and empowered to establish, regulate and limit and amend, by ordinance, building or setback lines on major streets, and to prohibit any new building being located within building setback lines. When a plan for proposed major streets or other public improvements has been adopted, the Board may prohibit any new building being located within the proposed site or right-of-way when the centerline of the proposed street or the limits of the proposed sites have been carefully determined and are accurately delineated on maps approved by the Planning Commission and adopted by the Board. (Ord. No. 296 §18, 7-14-88)

SECTION 400.190: VIOLATION AND PENALTY

Any person violating the provisions of the this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by confinement in the County Jail for not more than ninety (90) days, or by both such confinement and fine. (Ord. No. 296 §19, 7-14-88)

CHAPTER 405: ZONING CODE

ARTICLE I. GENERAL PROVISIONS

SECTION 405.010: PURPOSE, AUTHORITY, JURISDICTION

- A. *Title.* This Chapter shall be known, referred to and cited as the "*Zoning Code*" of Gerald, Missouri.
- B. *Purpose.* The zoning regulations set forth herein are enacted to implement the land use portion of the Comprehensive Development Plan for the City of Gerald and to promote the health, safety, morals and general welfare of the citizens of the City. These regulations are intended to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision for transportation, water, sewage, schools, parks, and other requirements.
- C. *Authority.* The provisions set forth in these regulations have been prepared in accordance with the authority granted by the General Assembly of the State of Missouri as provided by Municipal Planning Act of 1963, Sections 89.300 to 89.480, RSMo.
- D. *Jurisdiction.* The jurisdiction of these regulations shall include all land in the Corporate Limits. These regulations shall also apply to any land added to the corporate area after such land shall have been legally annexed. (Ord. No. 338 Art. I, 11-14-91)

SECTION 405.020: DEFINITIONS

- A. For the purpose of these regulations words used in the present tense shall include the future tenses; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "*shall*" is mandatory and not directory.
- B. For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter.

ACCESSORY BUILDING OR USE: A subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the main building or land. An "*accessory use*" is one which is incidental to the main use of the premises.

ALLEY: A public way which affords only a secondary means of access to property abutting thereon, or which is less than twenty (20) feet wide.

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

APARTMENT HOUSE: See "*Dwelling, Multiple*".

BASEMENT: A story having part but not more than one-half ($\frac{1}{2}$) of its height above grade.

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

BOARDING HOUSE: A building other than a hotel where, for compensation by arrangement, lodging and meals are provided for three (3) or more persons, but not exceeding twelve (12) persons.

BUILDING: Any structure designed or built, affixed to the land, for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

BUILDING LINE: A line established parallel to a street right-of-way line or other property line and prohibiting the erection of any portion of a structure, except as otherwise provided for in this Chapter, between such line and right-of-way or property line.

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

CELLAR: A story having more than one-half (½) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

CLINIC, MEDICAL: An establishment where patients, who are not lodged overnight, are submitted for examination and treatment by a group of physicians or dentists practicing medicine together.

DISTRICT: A section or sections of the City of Gerald for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

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

DWELLING, MULTIPLE: A building designed for or occupied exclusively by more than two (2) families.

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

DWELLING, TWO-FAMILY: A building designed for or occupied exclusively by two (2) families.

FAMILY: An individual or two (2) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging houses or hotel as herein defined.

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

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

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

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

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

GRADE:

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

GROUP HOME FOR FOSTER CARE: Any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption; subject to occupancy limitations for the particular dwelling.

GROUP HOME FOR MENTALLY OR PHYSICALLY HANDICAPPED: Any home in which eight (8) or fewer mentally physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home; subject to occupancy limitations for the particular dwelling.

HOME OCCUPATION: Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within a main building by a member of a family residing on the premises, in connection with which there is no advertising other than one (1) identification sign per property, of not more than six (6) square feet in area, with one dimension not being over thirty-six (36) inches, and no other display or storage of materials or exterior identification of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which no person outside of the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. A "home occupation" shall not include the conducting of a tea room or restaurant, rest home, clinic, tourist home, real estate office, or cabinet, metal or auto repair shop, or motor vehicle sales.

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

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

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

LOADING SPACE: A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve by forty (12 x 40) feet and a vertical clearance of at least sixteen (16) feet.

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

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Chapter, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by the Zoning Code and having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER: A platted parcel of land having frontage on two (2) intersecting streets where the angle of intersection does not exceed one hundred thirty-five degrees (135°).

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

LOT WIDTH: The dimension of a lot, measured between side lot lines on the building line.

MOBILE HOME: A single-family dwelling unit that has the following characteristics:

- .1. Designed for long-term occupancy containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- .2. Designed to be transported after fabrication on its own wheels, flat bed, or other trailers or detachable wheels.
- .3. Arrives at site where it is to be occupied as a dwelling unit complete with major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

MOBILE HOME PARK DISTRICT: A Mobile Home Park District is any parcel of land consisting of three (3) or more acres upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. A "mobile home space" means the area within a Mobile Home District designed for the accommodation of one (1) mobile home.

MODULAR HOUSING: A dwelling unit made of two (2) or more units, built in a factory and erected on a continuous concrete perimeter foundation. It must meet building codes and is considered real property.

MOTOR COURT OR MOTEL: A building or group of buildings used primarily for the temporary residence of motorists or travelers, for compensation.

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

NON-CONFORMING USE: A land use or structure which existed lawfully on the date that this Zoning Code or any amendment thereto became effective and which does not conform to the regulations of the district in which it is located.

NURSING HOME: A home for the aged, or infirm in which three (3) or more persons not of the immediate family are received, kept and provided with food, or shelter and care, for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

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

PARKING LOT: An open surfaced area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles may be equipped, repaired, rented or sold.

PARKING SPACE: A surfaced area, enclosed in the main building, or in an accessory building, or unenclosed having an area of not less than two hundred (200) square feet, exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

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

PLANNED UNIT DEVELOPMENT: A residential, commercial, or industrial cluster development in accordance with a plan in which certain variations to the street letter of the law are allowed, and in which open spaces for landscaping and recreation are encouraged. Planned Unit Developments include, but are not limited, to condominiums and cooperatives.

PLANNING COMMISSION: The official planning and zoning body of the City of Gerald.

PUBLIC SEWAGE SYSTEM: A system serving two (2) or more dwelling units and approved by the Missouri Clean Water Commission.

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

ROOMING HOUSE: See "Lodging House".

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

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

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

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

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

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

trailer, as defined in this Section, will be considered a structure.

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

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

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

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

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

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

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

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

ZONING MAP: The Official Zoning Map of Gerald; such map being located in the office of the City Clerk. (Ord. No. 338 Art. II, 11-14-91; Ord. No. 353 §1, 8-25-92; Ord. No. 362, 2-11-93; Ord. No. 383, 6-9-94; Ord. No. 386 §3, 9-8-94; Ord. No. 476 §1, 8-10-00)

ARTICLE II. INTERPRETATION

SECTION 405.030: MAP

The boundaries of the zoning districts are shown upon the Zoning Map which is a part of this Chapter. The Zoning Map shall be located in the office of the City Clerk of Gerald, Missouri. The Zoning Map and all notations, references, and other information shown thereon are a part of this

Chapter and have the same force and effect as if the Zoning Map and all the notations, references and other information thereon were all set forth or described herein.

(Ord. No. 338 Art. III §A, 11-14-91; Ord. No. 547 §§1–2, 5-13-04)

SECTION 405.040: INTERPRETATION

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

- .1. The zoning district boundaries shall be streets or alleys unless otherwise shown. Where the districts designated on the Zoning Map approximately follow by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of the district.
- .2. Where the districts designated on the Zoning Map are bounded approximately by lot lines; said lot lines shall be construed to be the boundary of the zoning districts unless the boundaries are otherwise indicated on the Zoning Map.
- .3. In unsubdivided property, the zoning district boundary lines on the Zoning Map shall be determined by the use of the scale appearing on the Zoning Map.
- .4. A boundary indicated as following a railroad line shall be construed as being midway between the main tracks. (Ord. No. 338 Art. III §B, 11-14-91)

SECTION 405.050: ANNEXED TERRITORY

All territory which may hereafter be annexed to the City of Gerald, Missouri, shall be classified as an "A-1" General Agricultural Residential District. Within a period not to exceed ninety (90) days following the date of annexation, the City of Gerald shall appropriately reclassify such territory into one (1) or more of the districts described in Sections 405.090 through 405.150 of this Chapter. (Ord. No. 338 Art. III §C, 11-14-91)

SECTION 405.060: GENERAL PROVISIONS

Except as hereinafter specifically provided:

- .1. No land shall be used except for a purpose permitted in the zoning district in which it is located.
- .2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building be used, except for a use permitted in the zoning district in which such building is located.
- .3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the zoning district in which such building is located.

4. No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the zoning district in which such building is located.

- .5. The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Chapter for each and every building existing at the time of passage of this Chapter (November 11, 1991) or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space required for any other building, nor shall any lot area be reduced below the requirements of this Chapter for the zoning district in which such lot is located.
- .6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on a lot except as specifically provided hereinafter.
- .7. All inhabited or uninhabited mobile homes or trailers hereinafter located or relocated within the City of Gerald shall be placed in a Mobile Home District as described in Section 405.150 of this Chapter. All existing inhabited or uninhabited mobile homes not located in a Mobile Home District shall continue as a non-conforming use as described in Sections 405.270 through 405.300 of this Chapter. (Ord. No. 338 Art III §D, 11-14-91; Ord. No. 386 §1, 9-8-94)

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS

SECTION 405.070: ZONING DISTRICTS

For the purposes of this Chapter the City of Gerald, Missouri, is divided into the following districts:

- .1. "A-1" General Agricultural District.
- .2. "R-1" Single-Family District.
- .3. "R-2" Two-Family/Multi-Family District.
- .4. "B-1" Commercial District.
- .5. "C-1" City-Owned.
- .6. "C-2" Public/Non-Profit District.
- .7. "I-1" Light Industrial District.
- .8. "I-2" Heavy Industrial District.
- .9. "M-1" Mobile Home District. (Ord. No. 338 Art. IV §A, 11-14-91)

SECTION 405.080: GENERAL DESCRIPTION

The basic intent and purpose of each district is generally described as follows:

1. *"A-1" General Agricultural District.* Primarily undeveloped land usually found on the periphery of the City. Such lands are usually restricted to agriculture and limited residential use, and constitute the prime areas for urban growth and expansion.

- .2. *"R-1" Single-Family District.* Residential district with related recreational, religious, and educational facilities being provided.
- .3. *"R-2" Two-Family/Multi-Family District.* Residential districts with slightly higher population.
- .4. *"B-1" Commercial District.* Automobile and pedestrian oriented commercial districts providing a wide variety of business services and retail outlets. Such districts usually generate a lot of traffic and require strict parking, paving width, and building setback provisions.
- .5. *"C-1" City-Owned.* Property that is directly owned by the City of Gerald.
- .6. *"C-2" Public/Non-Profit.* Property or land that is owned by any non-profit organization.
- .7. *"I-1" Light Industrial District.* An Industrial District intended primarily for light manufacturing, assembling, fabrication or warehousing, wholesale and service uses. This area may require access to rail and street transportation. Buildings should be architecturally attractive and surrounded by landscaped yards.
- .8. *"I-2" Heavy Industrial District.* An Industrial District intended to provide for a class of uses other than those specified in the "I-1" Light Industrial category. This is an area of intense use and should be separated from residential and commercial use wherever possible.
- .9. *"M-1" Mobile Home District.* An area intended for the orderly planned development of mobile homes and related facilities. The requirements for open space and facilities are similar to those provided for in the "R-2" Two-Family/Multi-Family District.
(Ord. No. 338 Art. IV §B, 11-14-91)

ARTICLE IV. USE REGULATIONS BY ZONING DISTRICT

SECTION 405.090: ZONING DISTRICT "A-1", GENERAL AGRICULTURAL–USE REGULATIONS

All buildings and land within an "A-1" General Agricultural Zoning District shall be limited to the following uses:

- .1. One-family and two-family dwellings.
- .2. All agricultural pursuits including buildings associated thereto and excluding intensive feeding operations and agribusiness.
- .3. Transportation, pipeline, utility easements and right-of-ways.
- .4. Temporary roadside stands for the sale of farm products grown on the premises; provided however, that up to one-third ($\frac{1}{3}$) of the display area for produce may be used for the sale of products not grown on the premises. Such a temporary stand shall be required to set back from

the edge of the roadway pavement at least twenty-five (25) feet to permit adequate ingress, egress, and parking.

- .5. Accessory buildings which are subordinate in use to the main dwelling.
- .6. Advertising signs.
- .7. Airports or airfields.

- .8. Cemeteries.
- .9. Churches.
- .10. Golf courses and country clubs.
- .11. Home occupations.
- .12. Hospitals.
- .13. Kennels.
- .14. Public buildings, facilities and utilities.
- .15. Public parks and playgrounds.
- .16. Public stables or riding academies. (Ord. No. 338 Art. V §A, 11-14-91)

SECTION 405.100: ZONING DISTRICT "R-1", SINGLE-FAMILY

- A. *Use Regulations.* All buildings and land within an "R-1" Single-Family Zoning District shall be limited to the following uses:
 - A.1. Single-family dwellings and group homes for foster care and group homes for mentally or physically handicapped. In the case of any residential home for mentally or physically handicapped persons, the exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Further, the density of such individual homes in any specific single-family dwelling neighborhood shall not be more than one (1) per square mile.
 - A.2. Accessory building customary, incidental and subordinate to the use of the main building. Accessory buildings would include but not necessarily be limited to garages, carports, swimming pools, pergolas, patios and fireplaces.
 - A.3. Churches and church signs.
 - A.4. Home occupations.
 - A.5. Public parks and playgrounds.
 - A.6. Public buildings, facilities and utilities.
- B. *Water Supply And Sewage System.* Each lot within an "R-1" Single-Family Zoning District shall be served by a public water supply and a public sewer system as approved by the Board of Aldermen of the City of Gerald and at lot owner's expense.
- C. *Parking Regulations.* Off-street parking space shall be provided in accordance with the requirements set forth in Sections 405.310 through 405.350 of this Chapter.

- D. *Dimensional Requirements.* Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Section 405.160 of this Chapter.
(Ord. No. 338 Art. V §B, 11-14-91)

SECTION 405.110: ZONING DISTRICT "R-2", TWO-FAMILY/MULTI-FAMILY

- A. *Use Regulations.* All buildings and land within an "R-2" Two-Family/Multi-Family Zoning District shall be limited to the following uses:
 - A.1. All uses permitted within an "R-1" Single-Family District.
 - A.2. Two-family/multi-family residential dwellings.
 - A.3. Rooming and boarding houses, but not hotels and motels.
 - A.4. Parking lots.
- B. *Water Supply And Sewage System.* Each lot within an "R-2" Two-Family/Multi-Family Zoning District shall be served by a public water supply and a public sewer system as approved by the Board of Aldermen of the City of Gerald and at lot owner's expense.
- C. *Parking Regulations.* Off-street parking space shall be provided in accordance with the requirements set forth in Sections 405.310 through 405.350 of this Chapter.
- D. *Dimensional Requirements.* Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Section 405.160 of this Chapter.
- E. *Design Standards.* At least two hundred (200) square feet of recreation space for each two-family/multi-family dwelling shall be reserved within said area as common recreation space. Such areas, along with driveways and walkways, shall be adequately lighted and maintained for safety. (Ord. No. 338 Art. V §C, 11-14-91)

SECTION 405.120: ZONING DISTRICT "B-1", COMMERCIAL DISTRICT

- A. *Use Regulations.* All buildings and land within an "B-1" Commercial Zoning District shall be limited to the following uses:
 - A.1. Ambulance service offices or garages.
 - A.2. Amusement enterprises.
 - A.3. Automobile sales.
 - A.4. Banks and savings and loan companies.
 - A.5. Barber shops and beauty shops.
 - A.6. Boat sales.
 - A.7. Bus terminals.

A.8. Cabinet shops.

A.9. Car wash establishments.

- A.10. Clubs, lodges and meetings places for other organizations.
- A.11. Dance halls.
- A.12. Dental laboratories.
- A.13. Department stores.
- A.14. Drive-in restaurants or theaters.
- A.15. Drug stores.
- A.16. Farm implements—sales and service.
- A.17. Feed and seed stores.
- A.18. Fuel outlets.
- A.19. Funeral homes and mortuaries.
- A.20. Furniture repair and upholstery shops.
- A.21. Golf courses—miniature and practice range.
- A.22. Grocery store and supermarkets.
- A.23. Heating, air-conditioning and plumbing shops.
- A.24. Hospitals.
- A.25. Ice plants.
- A.26. Interior decorating and furniture sales.
- A.27. Laboratories.
- A.28. Laundry and dry-cleaning establishments employing not more than five (5) persons.
- A.29. Liquor stores.
- A.30. Lumber yards and paint stores.
- A.31. Mobile home sales.
- A.32. Motels and hotels.
- A.33. Music, radio or television shops.
- A.34. Nurseries and garden supplies.

A.35. Nursing homes and homes for the aged.

- A.36. Offices and clinics.
- A.37. Printing, publishing and related trades.
- A.38. Restaurants.
- A.39. Retail and wholesale shops.
- A.40. Service stations or gas stations including repair garages.
- A.41. Storage buildings.

Any other use which is determined by the Planning Commission to be of the same general character as the above-mentioned.

- B. *Coverage.* Main and accessory buildings shall not cover more than seventy-five percent (75%) of the site.
- C. *Water Supply And Sewage System.* Each lot within a "B-1" Commercial Zoning District shall be served by a public water supply and a public sewer system as approved by the Board of Aldermen of the City of Gerald and at lot owner's expense.
- D. *Parking Regulations.* Off-street parking space shall be provided in accordance with the requirements set forth in Sections 405.310 through 405.350 of this Chapter.
- E. *Dimensional Requirements.* Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Section 405.160 of this Chapter.
(Ord. No. 338 Art. V §D, 11-14-91)

SECTION 405.130: ZONING DISTRICT "I-1", LIGHT INDUSTRIAL

- A. *Use Regulations.* All buildings and land within an "I-1" Light Industrial Zoning District shall be limited to the following uses:
 - A.1. Accessory buildings, customary, incidental and subordinate to the use of the main building.
 - A.2. Bakeries.
 - A.3. Book binderies.
 - A.4. Bottling works.
 - A.5. Building material sales and lumber yards.
 - A.6. Electrical equipment assembly and manufacture.
 - A.7. Instrument and meter manufacturing.

A.8. Jewelry and watch manufacturing.

A.9. Laboratories.

- A.10. Laundry and cleaning establishments.
- A.11. Leather goods fabrication.
- A.12. Optical goods manufacturing.
- A.13. Paper products manufacturing.
- A.14. Sporting goods manufacturing.
- A.15. Trailer or mobile home manufacturing.
- A.16. Truck yards or terminals.

Any other use which is determined by the Planning Commission to be of the same general character as the above-mentioned uses but not including any use which is first permitted in the "I-2" Heavy Industrial District.

- B. *Coverage.* Main and accessory buildings shall not cover more than seventy-five percent (75%) of the site.
- C. *Water Supply And Sewage System.* Each lot within an "I-1" Light Industrial Zoning District shall be served by a public water supply and a public sewer system as approved by the Board of Aldermen of the City of Gerald and at lot owner's expense.
- D. *Parking Regulations.* Off-street parking space shall be provided in accordance with the requirements set forth in Sections 405.310 through 405.350 of this Chapter.
- E. *Dimensional Requirements.* Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Section 405.160 of this Chapter.
(Ord. No. 338 Art. V §E, 11-14-91)

SECTION 405.140: ZONING DISTRICT "I-2", HEAVY INDUSTRIAL

- A. *Use Regulations.* All buildings and land within an "I-2" Heavy Industrial Zoning District shall be limited to the following uses:
 - A.1. All uses permitted within an "I-1" Light Industrial District.
 - A.2. Asphalt mixing plants.
 - A.3. Food products processing and parking.
 - A.4. Railway freight yards.
 - A.5. Ready-mix concrete plants.

A.6. Salvage and/or junk yards.

A.7. Sawmills.

- A.8. Storage of petroleum products for distribution in areas beyond the City.
- B. *Coverage.* Main and accessory buildings shall not cover more than eighty percent (80%) of the site.
- C. *Parking Regulations.* Off-street parking space shall be provided in accordance with the requirements set forth in Sections 405.310 through 405.350 of this Chapter.
- D. *Dimensional Requirements.* Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Section 405.160 of this Chapter.
- E. *Water Supply And Sewage System.* Each lot within an "I-2" Zoning District shall be served by a public water supply and a public sewer system as approved by the Board of Aldermen of the City of Gerald and at lot owner's expense. (Ord. No. 338 Art. V §F, 11-14-91)

SECTION 405.150: ZONING DISTRICT "M-1", MOBILE HOME DISTRICT

- A. *Use Regulations.* All buildings and land within an "M-1" Mobile Home Zoning District shall be limited to the following uses:
 - A.1. Mobile homes.
 - A.2. Accessory buildings customarily incidental and subordinate to the use of mobile homes. Buildings housing such facilities as laundromats, nurseries, etc., and only when such facilities are intended for the use of persons residing within the zoning district.
- B. *Design Standards.* The procedure for rezoning of land to a District "M-1", Mobile Home District shall be the same procedure as described in Sections 405.420 and 405.430 of this Chapter. Prior to the rezoning of land to a District "M-1", Mobile Home District, the Planning Commission and the Board of Aldermen must find that a mobile home park plan has been prepared which meets the following design standards:
 - B.1. A Mobile Home District shall be no less than three (3) acres in total area.
 - B.2. Each mobile home in a Mobile Home Park District shall occupy a designated space having at least three thousand five hundred (3,500) square feet of lot area.
 - B.3. Each mobile home space shall have a width of at least forty (40) feet, exclusive of parking spaces.
 - B.4. Each mobile home space shall abut a street within the park. Said street shall be graded and surfaced with not less than four (4) inches of crushed stone or other suitable material on a well compacted sub-base to at least forty (40) feet to back of curb, exclusive of required parking spaces. If at such time the private owner turns street over to the City of Gerald, said street shall be curbed and guttered, before the City of Gerald accepts the street.
 - B.5. Two (2) off-street parking spaces with not less than four (4) inches of crushed stone or other suitable material on a well compacted sub-base shall be provided for each mobile home space.

Required parking spaces may be included within the three thousand five hundred (3,500) square feet required for each mobile home space.

- B.6. At least two hundred (200) square feet of recreation space for each mobile home space shall be reserved within each mobile home park as common recreation space for the residents of the park. Such areas along with driveways and walkways, shall be adequately lighted and maintained for safety.
- B.7. No mobile homes or other structure within a mobile home park shall be closer to each other than twenty (20) feet, except that storage structures for the exclusive use of the mobile home may be closer to the using mobile home than twenty (20) feet.
- B.8. No mobile home shall be located closer than twenty (20) feet to the exterior boundary of the park or to a bounding street right-of-way, or ten (10) feet from edge of street. Buildings used for laundry or recreation purposes shall be located no closer than forty (40) feet to the exterior boundary or the right-of-way of a bounding street.
- B.9. The Mobile Home Park District and all occupied units located in it must be connected to the municipal water and sewerage systems.
- B.10. All mobile homes within a mobile home park must have anchors and/or tie downs and must be completely enclosed with skirting.
- B.11. Plans clearly indicating the developers intention to comply with the provisions of this Section shall be submitted to and approved by the Planning Commission. Such plans must be drawn to a scale of not less than one (1) inch equals fifty (50) feet. Such plans must show the area for the proposed Mobile Home Park District; the ownership and use of neighboring practices; all proposed entrances, exits, driveways, walkways, and off- street parking spaces; the location of mobile home spaces, recreation areas and service buildings; and the proposed plan for water supply and sewage disposal. The Planning Commission shall have the authority to impose such reasonable conditions and safeguards on the proposed development as it deems necessary for the protection of adjoining properties and the public interest.
- B.12. A densely planted buffer strip, consisting of trees, shrubs, and other plantings at least five (5) feet in height, shall be provided along all rear and side property lines of the park, when it adjoins a residential area. A five (5) foot solid fence may be substituted.
- B.13. Any expansion of mobile home parks in existence on the effective date of this Chapter, November 14, 1991, shall comply with the provisions of this Section.
- C. *Compliance.* No mobile home shall be placed in a new mobile home park until the streets and other physical improvements shown on the mobile home park plan have been installed. The owner of the mobile home park may submit a Phase Development and Use Plan for approval to the Board of Adjustment. The owner of the mobile home park may complete the construction of one (1) section of the mobile home park and place mobile homes in this completed section provided that the construction is in accordance with the design standards and the approved phase development plan. (Ord. No. 338 Art. V §G, 11-14-91)

ARTICLE V. ZONING DISTRICT DIMENSIONAL REQUIREMENTS

SECTION 405.160: MINIMUM DIMENSIONAL REQUIREMENTS

A. The minimum required lot areas, lot width and yard dimensions in each district shall be in

accordance with the following tabulation:

Minimum dimensional requirements of each zoning district.

A.1. "A-1" General Agriculture District.

A.1.a. Minimum depth of front yard in feet	35 feet
A.1.b. Minimum width of side yard in feet	20 feet
A.1.c. Minimum depth of rear yard in feet	35 feet
A.1.d. Minimum lot area per family	1 acre
A.1.e. Minimum lot width in feet	150 feet
A.1.f. Minimum lot size	1 acre

A.2. "R-1" Single-Family District.

A.2.a. Minimum depth of front yard in feet	25 feet
A.2.b. Minimum width of side yard in feet	10 feet from foundation or 8 feet from eave
A.2.c. Minimum depth of rear yard in feet	20 feet
A.2.d. Minimum lot area per family in square feet	7,500 square feet
A.2.e. Minimum lot width in feet	50 feet
A.2.f. Minimum lot size in square feet	7,500 square feet

A.3. "R-2" Two-Family/Multi-Family District.

A.3.a. Minimum depth of front yard in feet	25 feet
A.3.b. Minimum width of side yard in feet	20 feet (1)
A.3.c. Minimum depth of rear yard in feet	25 feet
A.3.d. Minimum lot area per family in square feet	2,500 square feet
A.3.e. Minimum lot width in feet	60 feet (2)
A.3.f. Minimum lot size in square feet	10,000 square feet

A.4. "B-1" Commercial District.

A.4.a. Minimum depth of front yard in feet

None

A.4.b. Minimum width of side yard in feet

None (3)

A.4.c. Minimum depth of rear yard in feet	30 feet (3)
A.4.d. Minimum lot area per family in square feet	N/A
A.4.e. Minimum lot width in feet	None
A.4.f. Minimum lot size in square feet	None

A.5. *"I-1" Light Industrial District.*

A.5.a. Minimum depth of front yard in feet	35 feet
A.5.b. Minimum width of side yard in feet	20 feet (3)
A.5.c. Minimum depth of rear yard in feet	35 feet (3)
A.5.d. Minimum lot area per family in square feet	N/A
A.5.e. Minimum lot width in feet	100 feet
A.5.f. Minimum lot size	1 acre

A.6. *"I-2" Heavy Industrial District.*

A.6.a. Minimum depth of front yard in feet	35 feet
A.6.b. Minimum width of side yard in feet	20 feet (3)
A.6.c. Minimum depth of rear yard in feet	35 feet (3)
A.6.d. Minimum lot area per family in square feet	N/A
A.6.e. Minimum lot width in feet	100 feet
A.6.f. Minimum lot size	1 acre

A.7. *"M-1" Mobile Home District.* The minimum dimensional requirements for the "M-1" Mobile Home District shall be in accordance with the design standards set forth in Section 405.150(B) of this Chapter.

B. Numbers in parentheses in Subsection (A) hereof refer to the following additions or modifications to the aforementioned dimensional requirements.

B.1. Lots located within an "R-2" Two-Family/Multi-Family District shall have minimum side yards of twenty (20) feet each where the dwellings located thereon do not exceed two (2) stories. An additional three (3) feet per side yard will be required with each additional story.

B.2. Lots located within an "R-2" Two-Family/Multi-Family District shall have a minimum width of sixty (60) feet, however, the width shall be increased by ten (10) feet for each additional dwelling exceeding three (3).

- B.3. Whenever any new commercial or industrial building or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque fence, wall or rear line of a hedge not less than five (5) feet and not more than six (6) feet high shall be constructed and maintained in good condition.
- B.4. Corner lots within "R-1" Single-Family and "R-2" Two-Family/Multi-Family Districts shall have a minimum of twenty-five (25) feet front yard and twenty-five (25) feet side yard from both streets on all new construction. A variance may be requested if setback minimums cannot be met.
- B.5. Lots within "B-1" Commercial Districts shall have a minimum setback from rear property line of zero (0) feet when abutting an alley, street, utility easement or railroad right-of-way. When said alley, street, utility easement or railroad right-of-way also abuts a Residential District ("R-1" Single-Family or "R-2" Two-Family/Multi-Family), the rear setback including the alley, street, utility easement or railroad right-of-way must be a minimum of thirty (30) feet from the residential district. (Ord. No. 338 Art. VI §A, 11-14-91; Ord. No. 432 §§1–2, 5-14-98; Ord. No. 553, 8-26-04)

ARTICLE VI. MISCELLANEOUS PROVISIONS

SECTION 405.170: FENCES

In "R-1" and "R-2" Zoning Districts, fences not in excess of six (6) feet in height may be built on the boundaries of that portion of any lot which comprises the "yard" of such lot as defined by this Chapter. (Ord. No. 338 Art. VII §A, 11-14-91; Ord. No. 353 §2, 8-25-92)

SECTION 405.180: BUILDING COMPLEXES

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, commercial or industrial buildings in an appropriate zoning district. The development plan for a school campus, cluster housing, shopping center or industrial park shall be approved by the Planning Commission before the building permits are issued. (Ord. No. 338 Art. VII §B, 11-14-91)

SECTION 405.190: LOT OF RECORD

Where a lot of record at the time of the effective date of this Chapter, November 14, 1991, has less area or width than herein required in the district in which it is located, the owner of such lot does not own any other parcel adjacent thereto, said lot may nevertheless be used for a single-family dwelling provided that residential uses are a permitted use in the district.
(Ord. No. 338 Art. VII §C, 11-14-91)

SECTION 405.200: ACCESSORY BUILDINGS

No accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building on a lot

is completed and used. Any accessory building two hundred twenty-five (225) square feet or smaller, and single story, must be placed a minimum of six (6) feet from the side yard and three (3) feet from the rear line of the property. Any accessory building over two hundred twenty-five (225) square feet, or any square feet of building of two (2) or more stories must be placed a minimum of six (6) feet from the side yard and six (6) feet from the rear line of the property.
(Ord. No. 338 Art. VII §D, 11-14-91; Ord. No. 353 §2, 8-25-92)

SECTION 405.210: CORNER VISION

On a corner in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection. (Ord. No. 338 Art. VII §E, 11-14-91)

SECTION 405.220: VEHICLE STORAGE

Automobile vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any zoned property other than in completely enclosed buildings.
(Ord. No. 338 Art. VII §F, 11-14-91; Ord. No. 353 §2, 8-25-92)

SECTION 405.230: SIGNS

The types of signs permitted in each district shall be as follows:

.1. Districts "R-1" and "R-2".

.1.a. Church signs.

.1.b. Home occupation signs in accordance with Section 405.020(B) of this Chapter.

.1.c. One (1) sign not exceeding thirty-six (36) square feet referring to the construction, rent or sale of a building or subdivision lot which sign shall refer to the property on which the sign is located and shall be removed as soon as the premises are sold, rented or construction is completed.

.2. District "B-1".

.2.a. Any signs permitted in the "R-1" and "R-2" Districts.

.2.b. Signs naming the business or businesses being conducted and advertising the goods and services offered; said signs shall be located on the same lot as the business named or advertised.

.3. District "A-1", "I-1", "I-2".

.3.a. Any sign permitted in the "B-1" District.

.3.b. Billboards.

- .4. *Illuminated signs.* Illuminated signs are permitted only in the "B-1", "I-1" and "I-2" Districts provided however, that lights illuminating the signs shall not be so installed as to project into residential districts.
- .5. *Temporary signs—non-profit.* Temporary signs will be allowed to be erected fifteen (15) days prior to an event and must be removed no later than seven (7) days after event is over. The City Clerk must be advised that a sign will be erected prior to doing so. There will be no permits or fees required. This will be permitted in all zoned districts.
- .6. *Garage/yard sale signs.* Garage/yard sale signs will be allowed to be erected three (3) days prior to the event and must be removed no more than two (2) days after the event is over. The signs must contain the street address, day and month on the sign face. If dates are not complied

with the resident located at the address on the sign will be subject to citation and fine. Signs will be removed if all required information is not stated on sign when erected. This will be permitted in all zoned districts. (Ord. No. 338 Art. VII §6, 11-14-91; Ord. No. 387 §§5–6, 9-22-94)

SECTION 405.240: LOT FRONTAGE

Any lot in any district shall have the minimum lot frontage abutting a public street as provided in the district in which it is located. The only exception to this requirement may be in a Planned Unit Development. In addition, any building placed on any lot or parcel shall be placed so as to face its principal frontage upon a street, or upon an officially approved place. (Ord. No. 353 §2, 8-25-92)

SECTION 405.250: SWIMMING POOLS

All pools must be six (6) feet from side yard and three (3) feet from rear line of property. Residents must notify City of Gerald of intention so that utility easements may be checked. (Ord. No. 353 §2, 8-25-92)

SECTION 405.260: RETAINING WALLS

No permit is needed for construction of a retaining wall, but owner must notify City of Gerald of intention, so that utility easements may be checked. (Ord. No. 353 §2, 8-25-92)

SECTION 405.265: SEXUALLY ORIENTED BUSINESSES

- A. *Purpose.* It is the purpose of this Section to regulate sexually oriented businesses and related activities to promote the health, safety and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually orientated business within the City. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor the effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene materials. The general welfare, health, morals and safety of the citizens of this City will be promoted by the enactment of this Chapter.
- B. *Definitions.* For the purposes of this Section, the following terms shall be deemed to have the meaning indicated below:

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or

characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

ADULT BOOKSTORE OR ADULT VIDEO STORE: A commercial establishment that, as one (1) of its principal business purposes, offers for sale or rental, for any form of consideration, any one (1) or more of the following:

- B.1. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, DVDs, CDs, or other visual representations that depict or describe the "specified sexual activities" or "specified anatomical areas", or
- B.2. Instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult video store so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas". A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

ADULT CABARET: A commercial establishment which offers for sale liquor by the drink and allows display of "specified sexual activities" or "specified anatomical areas".

ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, DVDs, CDs or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT THEATER: A theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nudity.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS:

1. The human male genitals in a discernible turgid state, even if fully and opaquely covered; or

2. Less than completely and opaquely covered human genitals and pubic region.

SPECIFIED SEXUAL ACTIVITIES: Includes any of the following:

1. The fondling or other erotic touching of human genitals or pubic region, whether covered or uncovered;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS: The increase in floor area occupied by the business by more than twenty-five percent (25%) as the floor area exists on the effective date of this Section.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS: Includes any of the following:

1. The sale, lease or sublease of the business;
2. The transfer of securities that form a controlling interest in the business, whether by sale, exchange or similar means; or
3. The establishment of a trust, gift or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law, upon the death of the person possessing the ownership or control.

C. *Location Restrictions.* Sexually oriented businesses may be located, with a conditional use permit in accordance with Title IV of the Zoning Ordinance of the City of Gerald, in any commercial or industrial districts provided that:

1. The sexually oriented business may not be operated within:
 - B.2.a. Five hundred (500) feet of a church, synagogue or regular place of religious worship;
 - B.2.b. Five hundred (500) feet of a public or private elementary or secondary school or any institution of higher learning;
 - B.2.c. Five hundred (500) feet of any public or private preschool facility or any property owned by a public or private preschool facility;
 - B.2.d. Five hundred (500) feet of a public or private park;
 - B.2.e. Five hundred (500) feet of a licensed day care center;
 - B.2.f. Five hundred (500) feet of a licensed health care facility;

B.2.g. Five hundred (500) feet of any public or private library;

B.2.h. Five hundred (500) feet of any governmental buildings or any government owned property; or

- B.2.i. Five hundred (500) feet of an entertainment business that is oriented primarily towards children or family entertainment.
 - 2. No substantial enlargement of said business or transfer of ownership or control takes place.
 - 3. For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of the entities described in Subsection (C)(1)(a)–(i), both inclusive, as hereinabove set forth.
- D. *Non-Conforming Uses.* All questions concerning whether or not the operation of a sexually oriented business has vested rights as a non-conforming use shall be determined in accordance with the provisions of Chapter 405, Article VII of the Zoning Code of the City of Gerald. The operation of any non-conforming use shall be governed by the provisions of said Chapter 405, Article VII. (Ord. No. 598 §2, 8-24-06)

ARTICLE VII. NON-CONFORMITIES

SECTION 405.270: GENERAL PROVISIONS AFFECTING NON-CONFORMITIES

- A. Nothing contained in this Article shall require any change in the plans, construction, or designated use of a building for which the building footings are in place at the time of the passage of this Chapter, November 14, 1991.
- B. It is the intent of this Chapter to permit these non-conformities to continue until they are removed (except as otherwise herein provided), but not to encourage their survival. Such non-conformities are declared by this Chapter to be incompatible with the permitted structures and uses of land and structures in the district involved. It is further the intent of this Chapter that such non-conformities shall not be enlarged upon, expanded, or extended except as provided for herein, nor to be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- C. A non-conforming use of land, premises, or structure shall not be enlarged upon, expanded or extended after the effective date of this Chapter.
- D. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- E. A non-conforming use or a non-conforming building or structure which is non-conforming only because of failure to provide required off-street parking spaces or loading berths shall have all the rights of a conforming use or structure. (Ord. No. 338 Art. VIII §A, 11-14-91)

SECTION 405.280: NON-CONFORMING USES OF LAND

Where, on the effective date of adoption or amendment of this Chapter, a lawful use of land exists that is no longer permissible under the regulations and standards of this Chapter as adopted, or

amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- .1. No such non-conforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Chapter.
- .2. No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this Chapter.
- .3. If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) consecutive days, any subsequent use of such land shall conform to the regulations and standards set by this Chapter for the district in which such land is located.
- .4. A non-conforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located. (Ord. No. 338 Art. VIII §B, 11-14-91)

SECTION 405.290: NON-CONFORMING STRUCTURES

Where, on the effective date of adoption or amendment of this Chapter, a lawful structure exists that could not be built under the regulations and standards of this Chapter as adopted or amended, by reasons of restrictions on lot area, lot coverage, floor area ration, heights, yards, spacing between buildings, or other characteristics of the structure or its location on the lot, such structure may continue so long as it remains lawful subject to the following provisions:

- .1. No such structure may be enlarged or altered in a way which increases its non-conformity. On a non-conformity structure work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not to exceed ten percent (10%) of the then current replacement value of the structure, provided that the volume of such building or the size of such structure as it existed at the effective date of adoption, or amendment of this Chapter shall not be increased.
- .2. In case of owner occupied structures should such structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost at the time of destruction, it shall be reconstructed only so long as it meets the dimensional requirements outlined in Section 405.160 of this Chapter.
- .3. Should any such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located after it is moved.

- .4. Original owner of a mobile home on private property, may upgrade with a new mobile home, if they occupy said dwelling, subject to the recommendation of the Planning and Zoning Commission and approval of the Board of Aldermen. (Ord. No. 338 Art. VIII §C, 11-14-91; Ord. No. 404 §1, 7-13-95)

SECTION 405.300: NON-CONFORMING USES OF STRUCTURES

Where, on the effective date of adoption, or amendment, of this Chapter, a lawful use of a structure, on a premises, exists that is no longer permissible under the regulations and standards of this Chapter as adopted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing building or structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or altered except in changing the use of such building or structure to a use permitted in the district in which it is located. On a structure devoted to a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not to exceed ten percent (10%) of the current replacement value of the structure, provided that the volume of such building or the size of such structure as it existed at the effective date of adoption, or amendment, of this Chapter shall not be increased.
2. Any non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption, or amendment, of this Chapter, but no such use shall be extended to occupy land outside of such building or structure.
3. If no structural alterations are made, any non-conforming use of a building or structure, or of any premises, may be changed to another non-conforming use upon approval by the Board of Aldermen provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In recommending such change for the approval of the Board of Aldermen, the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this Chapter.
4. Any building or structure, or any premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations and standards of the district in which such building, structure, or premises is located, and the non-conforming use shall not be resumed.
5. When a non-conforming use of a building or structure or of a premises, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the building or structure, or the premises, may not thereafter be used except in conformance with the regulations and standards of the district in which it is located.
6. Where non-conforming use status applies to the use of a building, removal or destruction of the building or structure, shall eliminate the non-conforming use status. Any use of a new building

or structure must be a use permitted in the district in which it is located. "*Destruction*" for this purpose is defined as a damage to an extent of more than sixty percent (60%) of the replacement cost at the time of destruction. (Ord. No. 338 Art. VIII §D, 11-14-91)

ARTICLE VIII. OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 405.310: GENERAL PROVISIONS

In all districts except "B-1" Commercial District in connection with every use, sufficient off-street parking spaces shall be provided to accomplish the principles set forth in this Chapter and to meet the parking demands generated by residents, employees, company officials, company vehicles, and customers. Required parking spaces shall be located on the lot on which the principal use is located except as provided in this Section:

1. Each application for a Building Permit, Zoning Permit, or variance shall include plans for at least the minimum number of parking spaces as herein required. Plans shall include information as to location and dimensions of off-street parking spaces and the means of access to the spaces. The Administrative Official shall not approve any application until he/she determines that the requirements of this Section are met in the plans.
2. Each parking space shall contain not less than two hundred (200) square feet in area exclusive of access and circulation aisles. Areas normally used for drive-in customer service such as drive-in windows and gas pump service areas shall not be counted as required parking spaces.
3. If the off-street parking space required by this Chapter cannot reasonably be provided on the lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the principal building or use. The principal use shall be permitted to continue only as long as its parking requirements are met.
(Ord. No. 338 Art. IX §A, 11-14-91)

SECTION 405.320: OFF-STREET PARKING CRITERIA

The minimum number of required spaces shall be determined by the following criteria: (In addition, a developer shall evaluate his/her own needs to determine if they are greater than the minimum specified in this Chapter.)

1. *Uses permitted in an "A-1", "R-1", or "R-2" Zoning District:*
 - 1.a. *Single-family dwellings.* Two (2) parking spaces per dwelling unit.
 - 1.b. *Two-family/multi-family dwellings.* Two (2) parking spaces per dwelling unit.
 - 1.c. *Churches.* One (1) parking space for each four (4) seats in the principal place of assembly.
 - 1.d. *Home occupations.* Three (3) parking spaces in addition to residential requirements.
 - 1.e. *Public buildings.*

- .1.e.(1) *Schools*. One (1) space for each staff member and employee. In case of secondary schools, one (1) additional parking space for each eight (8) students in grades 9–12 shall be provided.
- .1.e.(2) *Community centers, libraries, galleries and museums*. Ten (10) parking spaces for each three hundred (300) square feet of floor space.

- .1.e.(3) *Stadiums*. One (1) parking space for each three (3) consecutive spectator seats.
- .1.f. *Hospitals*. One (1) parking space for each employee and one (1) additional parking space for each four (4) patient beds.
- .1.g. *Golf courses*. Forty (40) parking spaces.
- .2. *Uses permitted in a "B-1", "C-1", or "C-2" Zoning District*.
 - .2.a. *Single-family dwellings*. Two (2) parking spaces per dwelling unit.
 - .2.b. *Two-family/multi-family dwellings*. Two (2) parking spaces per dwelling unit.
 - .2.c. *Public buildings*. Same as Subsection (1,e) above.
 - .2.d. *Rooming houses and boarding houses*. Two (2) parking spaces and one (1) additional space for each roomer or boarder.
 - .2.e. *Retail business and service establishment*. One (1) space for each company vehicle and one (1) space for each two hundred (200) square feet of gross floor area.
 - .2.f. *Service stations*. Two (2) parking spaces for each gas pump and three (3) spaces for each grease rack.
 - .2.g. *Restaurant, cafe, night club or similar establishment*. One (1) parking space for every two (2) employees and one (1) additional space for each one hundred (100) square feet of gross floor area.
 - .2.h. *Office building, banks and similar institutions*. One (1) parking space for each two hundred (200) square feet of gross floor area.
 - .2.i. *Auto sales and garages*. One (1) parking space for each employee and four (4) spaces for each maintenance stall.
 - .2.j. *Pool halls, bowling alleys and similar recreational facilities*. One (1) parking space for each two hundred (200) square feet of gross floor area.
 - .2.k. *Funeral homes*. One (1) parking space for each two hundred (200) square feet of gross floor area.
 - .2.l. *Motels and hotels*. One (1) space for each employee and one (1) parking space for each rental unit.
 - .2.m. *Theater*. One (1) space for every two (2) seats.
- .3. *Uses permitted in an "I-1" or "I-2" Zoning District*.
 - .3.a. *Manufacturing industries*. One (1) parking space for each employee on the largest shift and one (1) space for each company vehicle.

- .3.b. *Wholesale, retail and commercial storage.* One (1) parking space for each employee and one (1) space for each company vehicle stored at the site.
(Ord. No. 338 Art. IX §B, 11-14-91)

SECTION 405.330: APPLICATIONS OF REQUIREMENTS

- A. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- B. The parking space requirement for use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Planning Commission.
- C. Whenever a building or use constructed or established after the effective date of this Chapter, November 14, 1991, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever, a building or use existing prior to the effective date of this Chapter is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- D. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. (Ord. No. 338 Art. IX §C, 11-14-91)

SECTION 405.340: JOINT USE OF PARKING SPACE

All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed four hundred (400) feet from any non-residential building served.

- .1. Up to fifty percent (50%) of the parking spaces required for theaters, public buildings, bowling alleys, dance halls, night clubs or cafes, and up to one hundred percent (100%) of the parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed above, provided however, that written agreement thereto is properly executed and filed as specified below.
- .2. In any case where the required spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, shall be approved as to form by the City Attorney, and shall be filed with the application for a building permit.

3. Off-street parking space may be located within the required front yard of any "B", "C", or "I" Zoning District, but no off-street parking shall be permitted in the required front yard of any "R" Zoning District, except upon a driveway providing access to a garage, carport or parking area for a dwelling. (Ord. No. 338 Art. IX §D, 11-14-91)

SECTION 405.350: OFF-STREET LOADING SPACE

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the site premises, off-street loading space, addition to off-street parking requirements under this Chapter in accordance with the following requirements:

- .1. Within any "B-1", "C-1", or "C-2" Zoning District, one (1) loading space for each ten thousand (10,000) square feet of gross floor area.
- .2. Within any "I-1" or "I-2" Zoning District, one (1) loading space for each fifteen thousand (15,000) square feet of gross floor area.
- .3. For the purpose of this Section, an off-street loading space (exclusive of adequate access drives and maneuvering space) shall have minimum dimensions of twelve (12) feet by sixty-five (65) feet and an overhead clearance of sixteen (16) feet in height above the alley or street grade. (Ord. No. 338 Art. IX §E, 11-14-91)

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

SECTION 405.360: ADMINISTRATIVE OFFICER

There is hereby created the position of Administrative Officer. The Administrative Officer shall be any person recommended as such by the Planning and Zoning Board, and approved by the Board of Aldermen. (Ord. No. 338 Art. X §A, 11-14-91)

SECTION 405.370: POWERS AND DUTIES

The powers and duties of the Administrative Officer shall be as follows:

- .1. Issue all Zoning Permits and make and maintain records thereof.
- .2. Issue all Certificates of Occupancy and make and maintain records thereof.
- .3. Conduct inspections of buildings, structures, and the use of land to determine compliance with the terms of this Chapter.
- .4. Require that all construction or work of any type be stopped when such work is not in compliance with this Chapter.
- .5. Revoke any permit which was unlawfully issued or any permit wherein defective work has been performed, and when such work has not been corrected within ninety (90) days of notification.

- .6. Maintain permanent and current records of this Chapter, including, but not limited to, all maps, amendments, variances, appeals, and applications.
- .7. Provide and maintain a public information bureau relative to all matters arising out of this Chapter.

- .8. Forward to the Planning Commission all applications for amendments to this Chapter.
- .9. Forward to the Board of Adjustment, applications for appeals, variances, or other matters on which the Board of Adjustment is required by this Chapter to act upon.
- .10. Issue permits regulating the erection and uses of tents for periods not to exceed ten (10) days for specific purposes such as: temporary carnivals, churches, charities, or charitable uses, and revival meetings, such uses not being detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided however, that said tents or operations are in conformance with all other ordinances of the City of Gerald.
- .11. Initiate, direct, and review, from time to time, a study of the provisions of this Chapter, and to make such reports available to the Planning Commission not less than once a year.
(Ord. No. 338 Art. X §B, 11-14-91)

SECTION 405.380: ZONING PERMIT REQUIRED

- A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore.
- B. No Zoning Permit for exterior alteration or construction of any building or structure shall be issued unless plans and specifications show that the building or structure, and its proposed use, will be in compliance with provisions of the Zoning Code.
- C. A temporary Zoning Permit may be issued by the Administrative Official for a period not exceeding six (6) months during alteration or construction for partial occupancy of a building, pending its completion, or for bazaars, carnivals, and revivals, provided that such temporary permit shall require such conditions and safeguards as will protect the safety of the occupants and the public.
- D. The failure to obtain the necessary Zoning Permit shall be punishable under Section 405.410 of this Chapter.
- E. Zoning Permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and specifications. Any use, arrangement, or construction which is at variance with that authorized by this Chapter shall be deemed a violation of this Chapter and shall be punishable as provided by Section 405.410 of this Chapter. (Ord. No. 338 Art. X §C, 11-14-91)

SECTION 405.390: ZONING PERMIT APPLICATION

- A. Applications for Zoning Permits shall be accompanied by a duplicate set of plans drawn to scale with the following information indicated in order to determine compliance with this Chapter:
 - A.1. The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
 - A.2. The location of the said lot with respect to adjacent rights-of-way;

A.3. The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;

- A.4. The nature of the proposed use of the building or land including extent and location of the use on the said lot;
- A.5. The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space; and
- A.6. Any other information which the Administrative Official may deem necessary for consideration in enforcing the provisions of this Chapter.
- B. If the Zoning Permit is denied on the basis of this Chapter, the applicant may appeal the action of the Administrative Official to the Board of Adjustment.
- C. No Building Permit for alteration, repair, or construction of any building or structure shall be issued unless the plans and specifications show that the building or structure, and its proposed use, will be in compliance with provisions of the Zoning Code and a Zoning Permit has been issued. No permit shall be valid for a period of greater than one (1) year from the date of issuance unless the subject of the permit has been substantially completed. (Ord. No. 338 Art. X §D, 11-14-91)

SECTION 405.400: BUILDING PERMIT FEES

- A. In the administration of the provisions of this Chapter, the Building Official shall collect fees, at the time of the filing of a petition or an application, for the various procedures as stated in this Section.
- B. The fee for a Building Permit for buildings and structures of all use groups and types of construction as classified and defined in this Chapter or the Building Code shall be according to the following general rate schedule.
- C. *Cost Of Permit.* The fee for a Building Permit shall be based on the total square footage of living area of the dwelling to be constructed, plus twenty-five dollars (\$25.00) administration fee, and reinspection fee for each trip shall be ten dollars (\$10.00).

C.1. *Buildings—residential and industrial.*

Square Feet	Building Permit Fee
0–800	\$ 25.00
801–1600	50.00
1601–2400	75.00
2401–3200	100.00
3201–10,000	125.00
10,001–20,000	150.00
20,001–50,000	175.00
50,001–75,000	200.00
75,001 and over.....	\$ 225.00

- C.2. *Garages, accessory buildings, and alterations.* Five dollar (\$5.00) administration fee and five dollar (\$5.00) reinspection fee.

<i>Square Feet</i>	<i>Building Permit Fee</i>
0-49	No fee
50-100	\$ 5.00
101-300	15.00
301-600	20.00
601-over	25.00

C.3. The application fee for a Planned Residential Development shall be one hundred dollars (\$100.00), for the review of the plat.

C.4. The application fee for a Planned Mobile Home Park shall be one hundred dollars (\$100.00), for the review of the plat. (Ord. No. 338 Art. X §E, 11-14-91; Ord. No. 353 §3, 8-25-92)

SECTION 405.410: PENALTIES FOR VIOLATION

- A. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.
- B. The owner or tenant of any building, structure, mobile home, premises, or part thereof, any architect, builder, contractor, agent or other persons who commits, participates in, assists in, or maintains such violations may be found guilty of a separate offense and be subject to the penalties herein provided.
- C. Nothing herein contained shall prevent the City from taking such other lawful action as it deems necessary to prevent or remedy any violation. (Ord. No. 338 Art. X §F, 11-14-91; Ord. No. 386 §2, 9-8-94)

ARTICLE X. AMENDMENTS AND CHANGES

SECTION 405.420: GENERAL PROVISIONS

The Board of Aldermen may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Chapter, amend district boundary lines, provided that in all mandatory orders adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to

development to be the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such mandatory order. (Ord. No. 338 Art. XI §A, 11-14-91)

SECTION 405.430: PROCEDURE

This Chapter shall be amended in the following manner:

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

.6.e. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

- .7. The Board of Aldermen shall not act upon a proposed amendment to the ordinance until it shall have received a written report and recommendation from the Planning Commission on the proposed amendment.
- .8. The Board of Aldermen shall approve or deny the proposed amendment. If an application for such an amendment is not acted upon by the Board of Aldermen within a ninety (90) day period following its initial submission, it shall be deemed to have been approved.
- .9. In case a protest against a revision or amendment is presented, duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed, such revision or amendment shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all of the members of the Board of Aldermen.
(Ord. No. 338 Art. XI §B, 11-14-91)

ARTICLE XI. BOARD OF ADJUSTMENT

SECTION 405.440: APPEALS TO THE BOARD OF ADJUSTMENT

Appeals from action taken by the Administrative Officer shall be taken in the following manner:

- .1. *Appointment—term—vacancies—organization.* A Board of Adjustment is hereby established. The Board of Adjustment shall consist of five (5) members, who shall be residents of the municipality. The membership of the first (1st) Board appointed shall serve respectively, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Thereafter members shall be appointed for terms of five (5) years each. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall elect its own Chairman who shall serve for one (1) year. The Board shall adopt rules in accordance with the provisions of this Chapter. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.
- .2. *Powers.*
 - .2.a. The Board of Adjustment shall have the following powers:

.2.a.(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these Sections or of any ordinance adopted pursuant thereto;

- .2.a.(2) To hear and decide all matters referred to it or upon which it is required to pass under such ordinance;
- .2.a.(3) In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.
- .2.b. In exercising the above-mentioned powers such Board may, in conformity with the provisions of this Chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.
- .3. All appeals shall be taken within sixty (60) days of the date of the action which is appealed.
- .4. Appeals from the enforcement and interpretation of this Chapter, signed by the appellant, shall be addressed to the Board of Adjustment and presented to the Administrative Officer. A fee of one hundred dollars (\$100.00) shall be paid to the City of Gerald for each appeal to cover the costs of advertising and administrative costs. The appeal shall contain or be accompanied by such legal descriptions, maps, plan, and other information so as to completely describe the decisions or interpretation being appealed and the reasons for such appeal.
- .5. The Administrative Officer shall transmit to the Board of Adjustment the appeal and all papers constituting the record upon which the action appealed was taken. The Chairman of the Board of Adjustment shall schedule a hearing to be held within sixty (60) days from the filing of the appeal. Public notice of the hearing shall be published in a newspaper of general circulation in the town at least once each week for two (2) successive weeks prior to the hearing. The Administrative Officer shall post notice on the property involved for a period of one (1) week prior to the hearing.
- .6. An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Officer certifies to the Board of Adjustment that by reason of facts in the record, a stay would, in his/her opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a court order.
(Ord. No. 338 Art. XII §A, 11-14-91)

SECTION 405.450: VARIANCE APPLICATIONS

Applications for variances to this Chapter shall be processed in the following manner:

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

- .2. A fee of ten dollars (\$10.00) shall be paid to the City of Gerald for each application to cover the costs of advertising and administrative costs. The application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.
- .3. The Administrative Officer shall review the application and determine that sufficient data is contained to adequately describe the situation to the Board of Adjustment. If the data is not adequate, the Administrative Officer shall return the application to the applicant for additional information. Completed applications shall be forwarded to the Board of Adjustment.
(Ord. No. 338 Art. XII §B, 11-14-91)

SECTION 405.460: ACTIONS OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall approve or deny appeals and variances in the following manner:

- .1. The Chairman of the Board of Adjustment shall schedule a public hearing to be held within sixty (60) days after an application is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the City at least once each week for two (2) successive weeks prior to the hearing. The Administrative Officer shall post notice on the property involved for a period of one (1) week prior to the hearing.
- .2. The Board of Adjustment shall approve or deny the application for a variance following the public hearing. Before any variance is granted, the Board of Adjustment must find that all of the following criteria are met:
 - .2.a. Special circumstances exist which are peculiar to the applicant's land, structure or building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity.
 - .2.b. Strict application of the provisions of this Chapter would deprive the applicant of reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by owners of their neighboring land, structures, or buildings in the same district.
 - .2.c. The special circumstances are not the result of action of the applicant taken subsequent to the adoption of this Chapter.
 - .2.d. Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Chapter.
- .3. The following rules will be considered by the Board of Adjustment when approving or denying a variance:
 - .3.a. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning.

- .3.b. The Board of Adjustment does not possess the power to grant a variance permitting a zoned use of land or building that is not permitted as a principal use or structure.
- .3.c. In granting a variance, the Board of Adjustment may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Chapter.

Violation of any of these conditions or safeguards shall be deemed a violation of this Chapter.

- .3.d. Unless otherwise specified at the time the variance is granted, the variance applies to the subject property and not to the individual who applied. Consequently, the variance is transferable to any future owner of subject property, but cannot be transferred by the applicant to a different site.
- .3.e. A variance shall continue for an indefinite period of time unless otherwise specified at the time the variance is granted, except that when a variance has not been used within one (1) year after the date it is granted, the variance shall be cancelled by the Administrative Officer and written notices shall be given to the property owner.
(Ord. No. 338 Art. XII §C, 11-14-91)

CHAPTER 410: LAND SUBDIVISION REGULATIONS

SECTION 410.010: TITLE AND PURPOSE

- A. *Citation.* This Chapter shall be known, referred to and cited as "*The Land Subdivision Ordinance of Gerald, Missouri.*"
- B. This Chapter is to provide for the coordination of streets within the subdivision with other existing or planned streets or with other features of the comprehensive plan of Gerald, Missouri; for minimum requirements of the preliminary and final plats; for minimum standards of physical improvements in new subdivisions; for adequate open spaces, for traffic, recreation, light and air, and for distribution of population and traffic for the health, safety and general welfare of the community. (Ord. No. 399 Art. I, 7-13-95)

SECTION 410.020: DEFINITIONS

- A. *General Statement.* Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "*building*" shall include the word "*structure*"; the word "*shall*" is mandatory; the word "*may*" is permissive.
- B. *Definitions.* For the purpose of these regulations, the terms used herein are defined as follows:

ALLEY: A public way which affords only a secondary means of access to property abutting thereon, or which is less than twenty (20) feet wide.

AREA, GROSS: The entire area within the boundary lines of the proposed subdivision, including the area to be dedicated for street and alley right-of-way and public use.

AREA, NET: The entire area within the boundary lines of the proposed subdivision, less the area to be dedicated for street and alley right-of-way and public use.

BARRIER (NATURAL OR ARTIFICIAL): Any street, highway, river, pond, canal, railroad, levee, embankment or screening by a fence or hedge.

BENCH MARK: A definite point of known elevation and location of more or less permanent character.

BUILDING LINE: A line on a plat between which line and the street right-of-way no portion of the building may be erected, excluding landings, open balconies and roof overhangs.

CUL-DE-SAC: A short, minor local street, having only one (1) end open for vehicular traffic and the other permanently terminated by a turnaround for vehicles.

DEAD-END STREET: A street having only one (1) end open for vehicular traffic.

DESIGN: The arrangement of land for easements, lots and right-of-way; including materials, improvement, alignment, grade, and width of these elements.

DEVELOPMENT: That person, firm or corporation by whom a tract will be divided and improved pursuant to the requirements of this Chapter.

EASEMENT: A grant by a property owner to the public, a corporation, or a person of the use of land for specific purpose.

ENGINEER: A professional engineer registered in the State of Missouri.

HILLSIDE AREA: An area with an average slope of twenty percent (20%) or more, and a cross slope from twenty percent (20%) to forty percent (40%).

HILLSIDE STREET: A street in which the cross slope of the existing ground exceeds fifteen percent (15%) and the centerline slope exceeds fifteen percent (15%).

IMPROVEMENT PLANS: The engineering plans showing types of materials and construction detail for the improvements, excluding dwelling units, to be installed during development of the subdivision or mobile home park, prepared by a professional engineer.

IMPROVEMENTS: Streets, sidewalks, pedestrian ways, curbs, guttering, water mains, gas mains, electric utilities, storm sewers, sanitary sewers, sewage treatment facilities, monuments, landscaping, street lights, and other similar items.

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

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Chapter, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by the Zoning Code, and having its principal frontage upon a street or upon an officially approved place.

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

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

LOT, FRONTAGE: For the purpose of this regulation is the boundary line between a lot and the street right-of-way on which the lot fronts.

MOBILE HOME PARK DISTRICT: Any parcel of land consisting of three (3) or more acres upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a change is made for such accommodation. A "mobile home space" means the area within a Mobile Home District designed for the accommodation of one (1) mobile home.

PAVEMENT/PAVED: An all-weather, dust free, hard surface of asphalt, concrete or the like for travel or parking.

PEDESTRIAN WAY: An easement or right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, roadways, and properties.

PERSON: Any individual, firm, association, partnership or corporation.

PLANNED DEVELOPMENT: Any tract or division of land which qualifies as either a major or minor subdivision and requires the construction of streets or improvements per Table A, set out in Section 510.020 (B).

ROAD, COUNTY: A term denoting a tract of land which is used primarily for the purpose of vehicular movement and includes all of the facilities and improvement within the right-of-way. This tract of land must be or have been a legally established public road as prescribed by law.

ROADBED: The graded portion of a street, upon which the base course, surface course, shoulders and median are constructed.

ROADWAY: The portion of a street or road, including shoulder, intended for vehicular usage. (See "Street")

SETBACK LINE: The line parallel to the front, side, or rear lot line establishing the minimum space to be provided as the front, side, or rear yard.

SLOPE AND/OR GRADE: The rate of deviation of the ground surface from the horizontal surface, as expressed in percentages.

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

STREET, COLLECTOR: A street which carries or is proposed to carry intermediate volumes of traffic from roads or highways to minor streets, and which may or may not be continuous and serves minor population centers not feasibly served by the arterial routes.

STREET, MAJOR: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route, with intersections at grade, and which may have direct access to abutting properties, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

STREET, MARGINAL ACCESS OR SERVICE ROAD: A minor street parallel and adjacent to major streets, roads or highways, providing access to abutting properties.

STREET, MINOR: A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes and the street is either a dead-end, or if continuous, short and serves areas of low population.

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

SUBDIVIDER: Any person, firm, partnership, association, corporation, estate, or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision or mobile home park as herein defined. The term "subdivider" shall include any agent of any subdivider.

SUBDIVISION: The division of land into two (2) or smaller lots, tracts or parcels for the purpose of building development or transfer of ownership and/or the dedication or establishment of a public street or roadway. The term "subdivision" shall include resubdivision and, when appropriate to the context, shall relate to the process of subdivision or the land subdivided. Subdivision shall be further

further classified as follows:

1. *Minor subdivision.* Any subdivision not containing more than three (3) lots and not involving any new street, roadway or major infrastructure improvement. A subdivision which meets the foregoing requirements shall only require approval by the Board of Aldermen.
2. *Major subdivision.* Any subdivision not classified as a minor subdivision. A major subdivision shall require approval by the Planning and Zoning Commission and the Board of Aldermen.

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

TRAVELED WAY: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

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

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

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

YARD, SIDE: A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereof.
(Ord. No. 399 Art. II, 7-13-95; Ord. No. 505 §1, 2-20-02)

SECTION 410.030: JURISDICTION AND PROCEDURE

- A. *Jurisdiction.* It shall be unlawful for any person being the owner, agent or person having control of any land within the City of Gerald, Missouri, to subdivide or lay out such land in lots unless by a plat, in accordance with the regulations contained herein. No lots shall be sold nor any plat recorded until such plat has been approved as herein provided.
- B. *Procedure.* The subdivider shall submit preliminary plans in accordance with the specifications of Section 410.050 hereof. A preliminary plan shall first be submitted to the Planning Commission for approval. After the preliminary plans are approved by the Planning Commission in accordance with this Chapter, such preliminary plans shall be submitted to the Board of Aldermen for its approval or disapproval.

Following approval of the preliminary plan, the subdivider shall:

B.1. Install the minimum improvements as approved, or

- B.2. Furnish a bond to cover the cost of the improvements, or
- B.3. Provide for an assessment guaranteeing such installations, in accordance with Section 410.060 hereof. Upon approval of improvement installations or arrangement thereof, the final plat shall be submitted to the Planning Commission and Board of Aldermen in accordance with the provisions of Section 410.070 hereof. (Ord. No. 399 Art. III, 7-13-95)

SECTION 410.040: SUBDIVISION DESIGN STANDARDS

- A. A subdivision may be developed in separate tracts or sections, which shall be successively numbered and identified under the name of the subdivision as section or tract one (1), two (2), three (3), etc. In such instance, the owner shall cause to be prepared by a registered surveyor or a registered engineer a general sketch plat of the entire subdivision, showing the approximate location of all arterial streets and/or highways, collector streets and the public utilities and any private sewage disposal systems contemplated and reasonably required to serve the entire subdivision.
- B. When a general plan of the subdivision is required, the owner shall cause fifteen (15) prints thereof to be filed with the City at the same time the preliminary plat of the first (1st) section or tract is filed. The designated City Official shall distribute the copies of the general plat in the manner and at the time provided in Subsection (A) of Section 410.050.
- C. *Relation To Adjoining Streets.* The arrangement of right-of-ways in a subdivision shall provide for the continuation of the existing streets or right-of-ways in adjoining areas, unless the Board of Aldermen deems such continuation undesirable for reasons of topography or design. Where streets, subdivision streets or right-of-ways are continuous or extensions of existing street or right-of-way, the width thereof shall be at the same or greater width than the existing street or right-of-way, except that in no case shall the street or right-of-way in the subdivision be of less width than hereinafter provided in Table A, set out in Section 510.020 (B).
- D. *Design Standards For Lots.* Refer to Chapter 405, Section 405.160(A), "R-1" and "R-2" only.
- E. *Character Of Development.* The Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may agree with the subdivider as to certain minimum restrictions to be placed upon the property.

Deed restrictions or covenants should be included to provide for the creation of a property owner's association or Board of Trustees for the proper protection and maintenance of the development in the future; provided however, that such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereon of the terms of the restrictions or covenants.

Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area and which are common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreement, made a part of the deed restrictions acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities.

- F. *Parks, School Sites, Etc.* Where an area being subdivided includes lands proposed to be used for parks or schools, under the duly adopted comprehensive plan of the City and environs, the subdivider shall not plat such lands as a part of the subdivision plat; and shall confer with the

appropriate public agency regarding the time, method and amount of payment for the agency to acquire the land. If no agreement has been reached upon the acquisition of the area within two (2) years from the date of the submission of the preliminary plan, the subdivider may then plat the balance of the area.

- G. *Easements Along Streams.* Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course. (Ord. No. 399 Art. IV, 7-13-95; Ord. No. 505 §2, 2-20-02)

SECTION 410.041: GENERAL SKETCH PLAT

- A. *Contents.* Data furnished in a sketch plat for a subdivision shall be as follows:
- A.1. Tract boundaries sufficient to identify and locate proposed subdivision.
 - A.2. North point.
 - A.3. The name of the proposed subdivision, the owner and all adjoining property owners as disclosed by the most recent tax records.
 - A.4. All existing streets and roads, streams and structures within the proposed subdivision and within two hundred (200) feet therefrom.
 - A.5. Significant topographical or physical features as may be necessary or required by the Planning and Zoning Commission.
 - A.6. Proposed general street and utility layout.
 - A.7. Proposed general lot layout.
- B. *Submission Procedure.* Each developer shall submit to the designated City Official two (2) copies of a sketch plat as described in Subsection (A) of this Section for the proposed subdivision. Such sketch plat will be considered as submitted for informal discussion between the Planning and Zoning Commission and the developer. As far as may be practical on the basis of the sketch plat, the subdivider will informally be advised of the extent to which the proposed subdivision conforms to the requirements of this Chapter. When the sketch plat being submitted is classified as a minor subdivision, the owner may bypass the preliminary plan procedure and submit a final plat as outlined in Section 410.070. (Ord. No. 505 §3, 2-20-02)

SECTION 410.050: PRELIMINARY PLAN

- A. Whenever any person desires to subdivide land, he/she shall submit three (3) copies of the preliminary plans conforming to the requirements of Section 410.040 to the Planning Commission along with a filing fee of fifty dollars (\$50.00) to cover the costs of review of plans before submission

submission of improvement plans or the final plat.

B. The preliminary plan shall show:

- B.1. The location of present property lines, streets, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions of land within two hundred (200) feet of the tract.
 - B.2. Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat.
 - B.3. The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land.
 - B.4. The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract.
 - B.5. The proposed location and width of streets, alleys, lots, buildings, and setback lines and easements.
 - B.6. North point, scale and date.
 - B.7. Grades and profiles of streets and plans regarding the grades of proposed streets, and the width and type of pavement, location, size, and type of sanitary sewer or other sewage disposal facilities; water mains and other utilities, facilities for storm water drainage; curb and gutter; and other proposed improvements such as sidewalks, planting and parks, and any grading of individual lots.
 - B.8. A copy of the proposed subdivision restrictions shall also be submitted with the preliminary plans.
 - B.9. Name of registered land surveyor and/or registered professional engineer.
- C. After the preliminary plan has been approved by the Planning Commission, it shall be submitted to the Board of Aldermen for its approval or disapproval. Approval of the preliminary plan by the Board of Aldermen does not constitute an acceptance or approval of the subdivision plat. One (1) copy of the approved plan, signed by the Mayor, shall be retained in the office of the City Clerk. One (1) signed copy will be given to the subdivider. (Ord. No. 399 Art. V, 7-13-95)

SECTION 410.060: MINIMUM IMPROVEMENTS REQUIRED

- A. Receipt of the signed copy of the preliminary plan is authorized for the subdivider to proceed with the preparation of the improvement plans and specifications for the following minimum improvements and with the preparation of the final plat. Prior to the construction of any improvements required or the submission of a bond in lieu thereof, or to the provision for any assessment for such construction, the subdivider shall furnish the Street and Water Commissioner and/or City Engineer all plans, information and data necessary to determine the character of said improvements along with a filing fee of fifty dollars (\$50.00) to cover the costs of review of plans. These plans shall be examined by the Street and Water Commissioner and/or City Engineer and will be approved, if in accordance with the requirements of this Chapter. Following this approval, construction can be started or the amount

construction can be started or the amount of a bond determined, or an assessment provided for.

- B. No final or official plat of any subdivision shall be approved unless:
- B.1. The subdivider agrees with the Board of Aldermen upon an assessment whereby the City is put in assured position to install the improvements listed below at the cost to the owners of property within the subdivision, or
 - B.2. The improvements listed below have been installed prior to such approval, or
 - B.3. The subdivider files with the Board of Aldermen a surety bond, cashier's check, or a certified check upon a solvent bank located in the State of Missouri conditioned to secure the construction of the improvements listed below in a satisfactory manner and within a period specified by the Board of Aldermen, such period not to exceed two (2) years. No such bond or check shall be accepted unless it can be enforceable by or payable to the City in a sum at least equal to the cost of construction of the improvements as estimated by the Street and Water Commissioner and/or City Engineer and in form with surety and conditions approved by the City Attorney.
 - B.4. The owner of a tract may prepare and secure approval of a preliminary subdivision plan of an entire area and may install the above improvements only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plat is approved for recording; provided however, that trunk sewers and any sewage treatment plants shall be designed and built in such a manner that they can easily be expanded or extended to serve the entire area.
 - B.5. *Minimum improvements required.*
 - B.5.a. *Permanent markers.* Iron/steel pins or pipes not less than one-half ($\frac{1}{2}$) inch in diameter and not less than twenty-four (24) inches in length shall be set as follows:
 - B.5.a.(1) At all lot corners not marked by monuments.
 - B.5.a.(2) At all points where street lines intersect the exterior boundaries of the subdivision.
 - B.5.a.(3) At all street corners.
 - B.5.a.(4) At all intersections of curves and tangents along street lines.

Where installation of iron/steel pins or pipes is not feasible or is impractical, some other permanent means of marking shall be used; e.g. embedded or scribed marks in concrete streets, curbs, or sidewalks.
 - B.5.b. *Streets.* See Chapter 510.
 - B.5.c. *Curb and gutter.* See Chapter 510.
 - B.5.d. *Storm water drainage.* See Chapter 510.

B.5.e. *Water lines.* The developer shall install water lines and fire hydrants to be a type approved by the City of a sufficient size to provide proper water pressure and volume for fire protection based upon the supply of water required by future expansion and development of the subdivision.

Where a public water supply is reasonably accessible, the subdivider shall connect to such water main and provide a water connection for each lot of a type and size approved by the City.

Where a public water supply is not reasonably accessible, the subdivider shall place on file with the Board of Aldermen a petition for future installation of the necessary mains and if required, post a bond to guarantee the installation of said main and appurtenance when it is available.

B.6. *Sanitary sewers.* The developer shall provide each lot with a State approved system for the disposal of sewage.

All sewer lines shall be of sufficient size to provide adequate sewage disposal, taking into consideration all future expansion of said subdivision.

Where an approved and adequate public or private sanitary sewer system is reasonably accessible, the developer shall connect with such sanitary sewer and provide adequate sewer lines to each lot subject to the approval of the Sewer District having jurisdiction.

If no approved and adequate sewer system is reasonably accessible, the subdivider shall petition the Board of Aldermen for future installation of sanitary sewer system and if required, post a bond to guarantee the installation of said sewer system when available.

If a privately owned and operated sewage treatment facility serving the entire plat area is proposed, it shall be approved by the State agencies having jurisdiction and shall be designed and operated to produce zero (0) effluent.

B.7. *Street lighting.* Street lighting shall be provided by the subdivider to give adequate light. All lights shall be mercury vapor or its equivalent of at least six thousand eight hundred (6,800) lumens with spacing of not greater than three hundred (300) feet between light standards. When plat is approved the City will accept maintenance.

B.8. *Street name signs.* See Chapter 510.

B.9. *Inspection.* All improvements shall be inspected by the Street and Water Commission from time to time during the various construction phases. Any deviations from plans must be approved, in writing, by the Board of Aldermen.

B.10. *Maintenance.* The subdivider shall not be relieved of his/her obligation to maintain said minimum improvements until the same are accepted by the Board of Aldermen in writing.

B.11. *Plans and specifications.* All plans and specifications for minimum improvements shall be prepared by and under the seal of a registered engineer. (Ord. No. 399 Art. VI, 7-13-95)

SECTION 410.070: FINAL PLAT

- A. The final plat on tracing cloth or reproducible mylar, and five (5) prints thereof, together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat, shall be submitted to the Board of Aldermen. The final plat is to be drawn at a scale of not more than one hundred (100) feet to the inch from an accurate survey and on one (1) or more sheets whose maximum dimensions are thirty-six (36) inches by twenty-four (24) inches. If more than two (2)

sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one (1) sheet and the areas shown on other sheets.

B. The final plat shall show:

- B.1. The boundary lines of the area being subdivided with accurate distances and bearings.
- B.2. The lines of all proposed streets and alleys with their widths and names.
- B.3. The accurate outline of any portions of the property intended to be dedicated or granted for public use.
- B.4. The line of departure of one (1) street from another.
- B.5. The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names.
- B.6. All lot lines together with an identification system for all lots and blocks.
- B.7. The location of all building lines and easements provided for public use, services or utilities.
- B.8. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and any other areas for public or private use. Linear dimensions are to be given to the nearest one one-hundredth (1/100) of a foot.
- B.9. The radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- B.10. The location, type and size of all survey monuments and bench marks together with their descriptions.
- B.11. The name of the subdivision, a small sketch showing its general location, and the scale of the plat, points of the compass, and name of owner or owners or subdividers.
- B.12. The certification of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown.
- B.13. Subdivision restrictions and trusteeship and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impractical and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- B.14. Acknowledgement of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks, or other open spaces thereon and the granting of easements required.
- B.15. Certificates of approval for endorsement by the Board of Aldermen.

B.16. Two (2) copies of "*as built*" plans for all constructed improvements shall be submitted to the City and County along with the submission of the final plat, or after the improvements have been accepted by the City. Both copies must be signed by the Mayor. The City's copy shall be retained in the office of the City Clerk. (Ord. No. 399 Art. VII, 7-13-95)

SECTION 410.080: VARIATIONS AND EXCEPTIONS

Whenever the application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, the Board of Aldermen, after report by the Planning Commission, may vary or modify such requirements so that at the same time the public welfare and interests of the City are protected and the general intent and spirit of these regulations preserved. (Ord. No. 399 Art. VIII, 7-13-95)

SECTION 410.090: VIOLATION AND PENALTY

Whoever, being the owner or agent of the owner of any land located within the City of Gerald, knowingly or with intent to defraud, transfers or sells by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the Board of Aldermen, shall forfeit and pay the penalty of not more than one hundred dollars (\$100.00) for each lot so transferred or sold, or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction from such penalties. A contract of sale requiring conformity with this Chapter may be entered into. (Ord. No. 399 Art. IX, 7-13-95)

SECTION 410.100: CHANGES AND AMENDMENTS

Any regulations or provisions of this Chapter may be changed and amended from time to time by the Board of Aldermen, provided however, that such changes or amendments shall not become effective until after a study and report by the Planning Commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation at least fifteen (15) days prior to such hearing. (Ord. No. 399 Art. X, 7-13-95)

CHAPTER 415: HOUSING REHABILITATION

SECTION 415.010: PURPOSE

The purpose of the rehabilitation program is to correct code violations, overcrowded or unsanitary conditions, to improve the housing and living environment for persons of low to moderate income levels living in the City of Gerald, Missouri. (Ord. No. 414 §1, 8-8-96)

SECTION 415.020: GENERAL OBJECTIVES

- A. The program is devised to conserve the City's present housing stock.
- B. Low to moderate income families, as hereinafter defined in Section 415.040, will receive rehabilitation work.
- C. A quarterly review of the program shall be conducted to determine if changes or refinements are needed.
- D. City Codes will be followed in all work performed and in the installation of all materials.
- E. All work will be done by qualified and licensed contractors.
- F. Grants are limited to one (1) per property.
- G. The program will encompass the target area as outlined in the Community Development Application, as noted herein in Section 415.040(E).
- H. The Housing Inspector (H-I) shall be responsible for the making of all decisions as to the method used in rehabilitating the property with the right of appeal by the owner to the governing body of the City.
- I. Competitive bids shall be let on each project and the lowest responsible selected, subject to approval of the Housing Inspector (and the governing body of the City). Minority contractors may receive negotiated bids, if approved by the Housing Inspector (and the governing body of the City).
- J. Inspections of the work shall be made to insure that it fulfills the terms of the grant and contract agreement before payment is submitted.
- K. City Council members, public works employees, the Mayor, City employees and City officials shall not be eligible for grant assistance, contract or subcontract for any work, or have any personal interest, direct or indirect, in any contract under this project. (Ord. No. 414 §2, 8-8-96)

SECTION 415.030: PROCESS

- A. This is a voluntary program. All interested persons must make application before any action can be taken.
- B. Applicants who qualify will be taken on a first-come, first-served basis. An emergency situation will receive priority. All decisions pertaining to emergencies will be made by the Housing Inspector and administrator of the project, whose decision must be approved by the governing body of the City before becoming effective.

- C. A complete house inspection will be made by the program Housing Inspector. A deficiency list will be prepared and submitted to the property owner. A work write-up will be prepared, as well as a cost estimate. All decisions concerning repairs to be made to the structure will be made by the Housing Inspector and administrator with the right of appeal by the owner to the governing body of the City.
- D. All items on the work write-up, as well as other pertinent information, will be discussed with the owner and contractor before a contract is signed. (Ord. No. 414 §3, 8-8-96)

SECTION 415.040: QUALIFICATIONS

- A. Income limits for applicants:

<i>Number Of Persons/Household</i>	<i>Total Amount Gross H/H Income</i>
1	\$25,000.00
2	28,550.00
3	32,100.00
4	35,700.00
5	38,550.00
6	41,400.00
7	44,250.00
8+	47,100.00

- B. The property to be rehabilitated must have been owned by the applicant prior to July 7, 1996. Property will be eligible only if the owner signs an agreement to repay the full grant amount if the property rehabilitated is sold within three (3) years of contract completion or, if rental property, the rent received by the owner is increased in violation of the rent-freeze executed for this property.
- C. An owner-applicant must not have net assets in excess of two hundred fifty thousand dollars (\$250,000.00), excluding equity on property. A renter-applicant must not have net assets in excess of one hundred fifty thousand dollars (\$150,000.00).
- D. The owner must have a recorded deed of ownership. A contract for deed properly executed shall not constitute ownership, but shall be considered a rental. The buyer and the seller will be required to make joint application and jointly execute the contract for rehabilitation work. The same applies to renter-applicant, both renter and owner shall be required to jointly apply and execute the contract.
- E. Only properties within the target area will be eligible for grant assistance, except in circumstances which involve minority or handicap needs, as set out in the City's grant application. (Ord. No. 414 §4, 8-8-96)

SECTION 415.050: GRANT AMOUNT

The amount of any approved grant will be the total cost of the rehabilitation, not to exceed the sum of two hundred eighty thousand dollars (\$280,000.00). (Ord. No. 414 §5, 8-8-96)

SECTION 415.060: REPAYMENT

Recipients do not repay grants, unless a violation of Section 415.040 Qualifications, of this Chapter occurs. (Ord. No. 414 §6, 8-8-96)