

Chapter 400

PLANNING AND ZONING COMMISSION

Section 400.010. Composition — Terms — Vacancy — Removal.

There is hereby established within and for the City a Planning and Zoning Commission which shall consist of not more than fifteen (15) nor fewer than seven (7) members, including the Mayor, if the Mayor chooses to be a member; a member of the Board of Aldermen selected by the Board of Aldermen, if the Board of Aldermen chooses to have a member serve on the Commission; and not more than fifteen (15) nor fewer than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

Section 400.020. Compensation.

All citizen members of the Planning and Zoning Commission shall serve without compensation.

Section 400.030. Officers.

The Planning and Zoning Commission shall elect a Chairman from among the citizen members. The term of the Chairman shall be for one (1) year with eligibility for reelection.

Section 400.040. Meetings — Rules — Records.

The Planning and Zoning Commission shall hold regular meetings and special meetings as it provides by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records.

Section 400.050. Expenditures.

The expenditures of the Planning and Zoning Commission, exclusive of grants and gifts, shall be within amounts appropriated for the purposes of the Board of Aldermen.

Section 400.060. Duty Of Public Officials To Furnish.

All public officials shall upon request furnish to the Planning and Zoning Commission, within a reasonable time, all available information it requires for its works.

Section 400.070. General Powers.

In general, the Planning and Zoning Commission shall have the power necessary to enable it to perform its functions and promote City planning. The Planning and Zoning Commission shall have the power to 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 Board as outlined in such Chapter.

Chapter 405

ZONING REGULATIONS

ARTICLE I

General Provisions

Section 405.010. Purpose And Title. [Ord. No. 190 § 105.010, 7-6-2005]

- A. This Chapter is enacted for the purpose set forth and provided for in Section 89.020, RSMo.; that is, among other things, to promote health, safety, morals, or the general welfare of the community.
- B. These regulations are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations have been made with a view to conserving the values of buildings and encouraging the most appropriate use of land.

Section 405.020. Definitions. [Ord. No. 190 § 105.020, 7-6-2005]

For the purpose of this Chapter, certain terms and words are hereby defined. 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" and the word "shall" is mandatory and not directory.

ALLEY — A public thoroughfare which affords only a secondary means of access to property abutting thereon.

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 — A dwelling used or designed as a residence for three (3) or more families living independently of each other, including apartments or group housing.

AUTOMOTIVE SALES — The sale of new or the sale of new and used vehicles, motor homes, recreational vehicles, horse trailers and motorcycles.

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

BED-AND-BREAKFAST RESIDENCE — A private, owner-occupied residence with not more

than five (5) guest rooms.

BILLBOARD — Any structure or part thereof on which is lettered, pictured or displayed matter or lighting, the chief purpose of which is for advertising or publicity.

BLOCK — An area of land bound by streets, railroad rights-of-way, shorelines of streams or other waterways, or other lines of demarcation, or combination thereof.

BOARD — The Board of Adjustment of the City of Center, Missouri.

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

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

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

CELLAR — A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurements.

CITY — The City of Center, Missouri.

CLINIC, MEDICAL — An establishment where patients who are not lodged overnight are admitted for examination and treatment by a single physician or dentist or group of physicians or dentists practicing medicine.

CLUB — Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

COMMISSION — The City Planning and Zoning Commission of Center, Missouri.

DAYCARE CENTER — A facility other than the provider's permanent residence, or a facility separate from the provider's living quarters, where care is provided for more than four (4) children for any part of the twenty-four-hour day.

DAYCARE HOME — A family home, occupied as a permanent residence by the daycare provider, in which family-like care is given to more than four (4) children and no more than ten (10) children not related to the day care provider, for any part of the twenty-four-hour day, for compensation or otherwise, except those operated by a school system or in connection with a business establishment as a convenience for its customers.

DISTRICT — A section of the City 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.

DOUBLE-WIDE MOBILE HOME — An obsolete term used prior to June 15, 1976.

DRIVE-IN OR DRIVE-THROUGH — An establishment that provides any sale or service to a

customer while they remain in a vehicle, including but not limited to drive-in or drive-through restaurants, banks, retail stores, package liquor stores or cleaners.

DWELLING — Any building or portion thereof which is designated for or used exclusively for residential purposes.

DWELLING, MULTIPLE-FAMILY — A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartments.

DWELLING, TWO-FAMILY — A building designed for or occupied exclusively for two (2) families living independently of each other; the term does not include a mobile home.

EASEMENT — A grant by the owner of the use of land to a person or persons, or the general public for a specified purpose.

ENTERTAINMENT PLACES — Establishments such as, but not limited to, archery, billiard parlor, bowling alley, dancing, racquet ball, roller skating rink, tennis facility, theater, video games, and weight lifting.

FAMILY — One (1) or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boardinghouse or lodging house, hotel, club, or similar dwelling for group use. A family should be deemed to include domestic servants employed by said family.

FENCE — A freestanding structure that shall be constructed of vinyl, chain link or pressure-treated wood and posts. Materials such as woven wire, chicken wire, blocks, barbed wire, plywood, scrap lumber, metal fence posts, etc., are not suitable materials for a fence. The finished side of the fence shall face adjoining property.

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

GARAGE, PRIVATE — A building used only for the housing of motor vehicles, without their equipage for operation, repair, hire, or sale.

GARAGE, PUBLIC — Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

GRADE

1. Determining Grade.

- a. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- b. 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.
- c. 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.

2. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the Commission.

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 or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home; subject to occupancy limitations for the particular dwelling.

HOME OCCUPATION — An accessory use conducted in a single-family dwelling which is:

1. Clearly incidental and secondary to the use of the dwelling, and does not change the character of the dwelling; and
2. Of which there is no indication from the exterior that the dwelling is being utilized in whole or in part for any purpose other than a dwelling; and further that:
 - a. The home occupation is conducted wholly within the dwelling and/or as an accessory building;
 - b. There is no outside storage or display of materials in connection with the home occupation;
 - c. The home occupation is conducted by a member of the family residing on the premises;
 - d. No signs other than a one-square-foot nameplate normally permitted for a residence;
 - e. No commodity is sold on the premises other than that prepared on the premises;
 - f. The sale of commodities on the premises will not create more than six (6) trips a day to and from the dwelling by all customers of the home occupation;
 - g. The delivery of any materials for the home occupation will not exceed two (2) trips per day by any vehicle not owned by a member.
3. "Home occupation" shall include the use of a premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment but not for the general practice of his/her profession. "Home occupation" shall exclude the use of the premises for the use of barber shops, beauty shops, massage parlors, a doctor's office for the treatment of patients, or any use that exceeds the foregoing conditions. Any home occupation that becomes a business shall be relocated and removed from the residence.

HOSPITAL — An institution for the medical care of the sick and injured on a confined basis.

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 are made through an inside office or lobby supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse, a lodging house or an apartment, which are herein separately defined.

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

KENNEL — Any lot or premises on which more than four (4) dogs, at least three (3) months of age, are kept.

LOADING SPACE — A space within the main building or on the same lot providing for the standing, loading or unloading of trucks.

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

LOT — A platted parcel of land to be separately owned, developed or otherwise used as a unit.

LOT OF RECORD — A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of the County, or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds prior to the adoption of these regulations.

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, STANDARD — A standard size lot within the City of Center is one hundred (100) feet by one hundred twenty (120) feet.

MANUFACTURED HOME — A factory-built housing unit built to meet or exceed the Housing and Urban Development code that came into effect June 15, 1976, or is certified to meet or exceed the State and local building codes.

MANUFACTURED HOME, NEW — A factory-built housing unit built to meet or exceed the Housing and Urban Development code that came into effect June 15, 1976, or is certified to meet or exceed the State and local building codes, that has been manufactured within five (5) years prior to the date of placement, is non-titled and on a dealer's lot. Must be permanently affixed to a permanent foundation.

MANUFACTURING — Fabrication from raw materials into a product suitable for use by hand or machinery.

MOBILE HOME COURT or **MOBILE HOME PARK** — Any lot or parcel containing two (2) or more acres used for two (2) or more mobile homes, trailers, or camp card or other portable or mobile shelters used for living purposes.

MOBILE HOME or **TRAILER** — A one-family dwelling unit of vehicular portable design built on a chassis and designed to be moved from one (1) site to another and to be used without a permanent foundation.

NON-CONFORMING USE — Any building or land lawfully occupied by a use at the time of passage of these regulations, July 6, 2005, which does not conform with the use regulations of the district within which it is located.

NURSERY SCHOOL — A school designed to provide daytime care or instruction for two (2) or more children from two (2) to five (5) years of age, inclusive.

NURSING HOME — A home for the aged, chronically ill or incurable persons 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 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 or unenclosed, sufficient in size to store one (1) automobile [not less than ten (10) feet wide and twenty (20) feet long] connected to a public street or alley by a surfaced driveway and permanently reserved for the parking or storage of one (1) motor vehicle.

PERMANENT FOUNDATION — An underlying base masonry supporting structure around the perimeter of the building consisting of monolithic concrete. A service opening of not less than two (2) feet by two (2) feet with a proper closure shall be provided, preferably in the area of the water and sewer connections.

PERMANENTLY AFFIXED — When in accordance with the owner's intent, the wheels, skids, rollers, or other transporting devices have been removed, and when placed upon a lot, upon a foundation, possessing a footing three (3) feet underground with foundation and anchor bolts. Anchor bolts secured at six-foot intervals.

PERMITTED USE — A use which may be lawfully established in a particular district, provided it conforms with all requirements, regulations and performance standards of the district.

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.

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

PRIVACY FENCE — A solid, freestanding structure fence of at least six (6) feet in height which shall be constructed of vinyl or treated wood panels and posts. The finished side of the fence shall face adjoining property. Materials such as woven wire, chicken wire, blocks, barbed wire, plywood, scrap lumber, metal fence posts, etc., are not suitable materials for a privacy fence.

PUBLIC UTILITY — Any person duly authorized to furnish, and furnishing, under municipal regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, water,

sewerage or sewage disposal.

SCHOOL, PRIVATE — Any school other than a public school, including schools owned and operated by a business establishment, a foundation or an institution, as well as private or parochial elementary, junior or senior high schools, or private and parochial colleges and universities.

SCHOOL, PUBLIC — Any school operated by a public school district or by a City, County, State or Federal Government Agency.

SPECIAL USE — A use allowed in a zoning district after a permit is granted by the Board of Adjustment.

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, 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.

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

STRUCTURE — Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.

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 of one (1) or more families, and intended primarily for automobile transients.

TRACT — One or more connected lots having the same owner.

TRAVEL TRAILER — A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use, and when factory equipped for the road, being of any length, provided its gross weight does not exceed four thousand five hundred (4,500) pounds, or being of any weight, provided its overall length does not exceed twenty-eight (28) feet.

USE — The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent should not be deemed to include any non-conforming use.

VARIANCE — A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Chapter, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance; nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

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

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

YARD, REAR — A space extending across the width of the lot and situated between rear lot lines and the rear line of the main building projected to side lines of lot.

YARD, SIDE — A yard between the main building and the side lot line and extending from the front lot line to the rear lot line.

ZONING DISTRICT MAP — A map entitled "Zoning District Map" dated May 18, 2005, and any amendments thereto.

ARTICLE II District Regulations — In General

Section 405.030. Designation Of Districts. [Ord. No. 190 § 105.030, 7-6-2005]

The area of the City of Center, Missouri, is hereby divided into districts classified as set forth in this Chapter. The districts established by this Section are as follows:

"R-1" District: Single- and Two-Family Residential

"R-2" District: Multiple-Family Residential

"R-3" District: Mobile Home District

"C-1" District: Commercial

Section 405.040. Establishment Of Districts. [Ord. No. 190 § 105.040, 7-6-2005]

- A. The aforesaid districts and certain combinations thereof are hereby established insofar as the designations, locations and boundaries thereof are set forth and indicated on the Zoning Map.
- B. No land should be used and no building or structure should be erected, constructed, enlarged, altered, moved or used in any district as shown on the Zoning Map except in accordance with these regulations.

Section 405.050. Rules Where Map Designation Uncertain. [Ord. No. 190 § 105.050, 7-6-2005]

- A. Where uncertainty exists with respect to the boundaries of the various Zoning Districts as shown on the Zoning District Map, the following rules shall apply:
1. The district boundaries are either streets or alleys, highways, rights-of-way, railroad rights-of-way, waterways, lot lines, property lines, quarter-section lines, half-section lines, or full-section lines, unless otherwise shown. Where the designation on the Zoning District Map indicates the various districts are approximately bounded by street or alley lines, the street or alley shall be construed to be the boundary of the district.
 2. Where the zoning district boundaries are not otherwise indicated and where the property is divided into blocks and lots, the district boundaries shall be lot lines. Where the designation on the Zoning District Map indicates the various districts are approximately bounded by lot lines, the lot lines shall be the boundary of such district unless boundaries are otherwise indicated on the map.
 3. In subdivided property, the zoning district boundary line of the Zoning District Map may be determined by use of the scale contained on the map.
 4. Whenever any street, alley, highway, or other public right-of-way is officially vacated, the zoning district abutting each side of such street, alley, highway, or public right-of-way shall extend to the center of such vacation and all area included in the vacation shall then be subject to all regulations of the extended districts.

Section 405.060. Compliance With Regulations. [Ord. No. 190 § 105.060, 7-6-2005]

- A. No building or structure shall be constructed, located, converted or altered nor shall any building or land be used except for the purposes permitted in the district in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged, or altered except in conformity with the area regulations and minimum yard requirements of these regulations for the district in which such building is located.
- B. Except as specified elsewhere in these regulations, no building or structure or group of related buildings or structures shall be erected, reconstructed, or enlarged, and no use shall be established unless located on or comprising a lot or lots of acceptable standard.
- C. No part of a yard or other open space required in connection with any building or structure for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space similarly required for another building or structure.
- D. All territory which may hereafter be annexed to the City of Center shall be classed as an "R-1" Single- and Two-Family District until otherwise changed by ordinance as provided in Section 405.080 and be so designated on the Zoning Map.

Section 405.070. Non-Conforming Use. [Ord. No. 190 § 105.070, 7-6-2005]

- A. After the effective date of these regulations, July 6, 2005, land or structures or the uses of land or structures that would be prohibited under the regulations for the district in which they are located shall be considered as non-conforming. It is the intent of these regulations

to permit these non-conforming uses to continue, provided they conform to the following provisions:

1. No existing structure devoted to a use not permitted by these regulations in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located or by special permit.
2. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use of a similar or higher classification, provided that the Board of Adjustment, 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 permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provision of these regulations.
3. No non-conforming use which has been damaged by more than sixty percent (60%) of its fair market value shall be rebuilt or repaired unless the Board of Adjustment, in order to prevent severe hardship or for some other lawful reasons, grants permission for this use.
4. In the event that a non-conforming use of any building or premises is discontinued, or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the use permitted in the district in which it is located.
5. Mobile homes. The regulations set forth below provide the conditions under which the non-conforming use of a mobile home may be continued:
 5. If the mobile home was located on its property on the date of the adoption of this Chapter, July 6, 2005, the mobile home may be maintained or repaired in the same manner as if a mobile home were a permitted use in the "R-3" Mobile Home District, except if the mobile home is replaced, it must be replaced by a new manufactured home that is not more than five (5) years old. The new manufactured home must be permanently affixed to a permanent foundation. The owner of the lot upon which the manufactured home is to be placed shall make application and obtain a building permit from the City of Center. There shall be no more than one (1) residence per lot. A house, whether occupied or not, is considered a residence.

ARTICLE III

Designated District Regulations

Section 405.080. "R-1" Single-Family And Two-Family Residential District. [Ord. No. 190 § 105.080, 7-6-2005; Ord. No. 229, 12-6-2017]

A. Use Regulations. In the "R-1" District, no building or land shall be used and no building shall be erected or structurally altered (unless otherwise provided in the Municipal Code or set forth elsewhere in this Chapter when referred to in this Section) except for one (1) or more of the following uses:

1. Permitted Uses.

- a. Single-family and two-family dwellings.
 - b. 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 appearances 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.
 - c. Churches, convents, rectories, or similar religious institutions.
 - d. Public, parochial, elementary schools and high schools.
 - e. Parks, playgrounds or public recreation areas not operated or used for commercial purposes, and such public buildings as are necessary for health and safety.
 - f. Accessory buildings, including a private garage, in the rear yard or side yard, provided it is behind the front building line, or constructed as a part of the main building.
 - g. Customary home occupations or office, provided no display of products made or sold should be visible from the street.
2. Accessory Uses.
- a. Open and uncovered swimming pools and home barbecue grills may occupy a required rear yard, provided that they are not nearer than five (5) feet to any side or rear lot line.
 - b. One (1) name sign may occupy required yards, provided such sign does not contain flashing, moving or intermittent illumination. All signs must be approved by the Building Inspector or the Planning and Zoning Commission before placement.
 - c. Grading, filling, excavating or any change in the grade of the property that involves the moving, depletion or replacement of more than fifty (50) cubic yards of material or changes the existing elevation by more than two (2) feet requires a permit. Applications for grading permit shall be submitted to the Planning and Zoning Commission and shall be accompanied by a plan in form as to size for permanent filing, drawn to scale showing the areas to be graded, the depth of cut and fill and an estimate of total cubic cut and fill. The plans shall be approved by the Board. Furthermore, a record of the application and plans shall be kept at City Hall.
3. Special Use Permit.
- a. Public utilities and governmental buildings, including substations, regulator stations, pumping stations, commercial transmitter or tower, transmission lines, water filtration plant and storage reservoir, or other similar public service uses.
 - b. Hospitals and clinics, provided they meet the requirements stated in Section

405.120(A)(1).

- c. Golf courses, except miniature golf courses, and cemeteries.
 - d. Farming, truck gardening, orchard, nursery or greenhouses, provided no sales office is maintained in a building separate and apart from a residence or accessory building customarily incident to such use of a residence or that no poultry, swine or other livestock should be housed or confined in such a manner as to be objectionable to the surrounding residents or affect the general welfare of the City of Center.
 - e. Daycare homes, daycare centers and nursery schools.
 - f. Private clubs and lodges.
 - g. Residential group homes with consideration given to the following criteria, in addition to the conditions set forth in Article IV of this Chapter: operators of the group home or homes, characteristics of occupants, type of supervision, size of the site and density, people activity, vehicular activity, duration of activity, off-site impact, demand on community services, community needs, overall appearance, and age of the residents.
 - h. Any other special use that is deemed appropriate by the Commission. (See Article V, Special Use Permit Regulations.)
 - i. Multiple-family dwelling as set forth in "R-2" District.
- B. Height Regulations. The following are the maximum building heights allowed:
- 1. Single-family and two-family dwellings: two and one-half (2 1/2) stories, excluding basement, or thirty-five (35) feet.
 - 2. Churches, schools and other allowable uses: seventy-five (75) feet for towers or steeples and not more than forty-five (45) feet for the principal building.
- C. Area Regulations.
- 1. Front Yards. Except as otherwise provided in this Chapter, there shall be a front yard having not less than twenty-five (25) feet.
 - a. There shall be no storage of household items, appliances, trash, building materials, debris, automotive or vehicle parts or of any material within a front yard or in front of the main building.
 - b. There shall be no storage of any unlicensed or non-working vehicle on the premises unless said unlicensed or non-working vehicle is stored in an enclosed building or behind a privacy fence.
 - c. There shall be no housing of livestock or poultry or other agricultural, farm or hobby animals, including but not limited to cows, goats, chickens, horses, sheep, pigs, etc.
 - 2. Side Yards. Except as otherwise provided in this Chapter, on interior lots there shall

be a side yard on each side having a width of not less than ten (10) feet.

- a. There shall be no storage of household items, appliances, trash, building materials, debris, automotive or vehicle parts or of any material within a side yard.
 - b. There shall be no storage of unlicensed or non-working vehicle on the premises unless said unlicensed or non-working vehicle is stored in an enclosed building or behind a privacy fence.
 - c. There shall be no housing of any livestock, poultry or other agricultural, farm or hobby animals, including but not limited to cows, goats, chickens, horses, sheep, pigs, etc. An exception is made for housing of not more than four (4) chickens and rabbits per household, excluding roosters. In order to adhere to this exception, the property owner must be granted written permission from any adjoining property owners in writing. Said animals must be housed a minimum of twenty (20) feet from the property line and fifty (50) feet from any structure belonging to the adjoining property owner. In housing said animals, the owner or occupant of the residence shall provide appropriate shelter for all animals, and the animals must have access to clean water at all times. The owner must obtain a permit to house said animals from the City, which shall be renewed annually prior to housing said animals. Owners or residents of the property who have been issued any prior citations for unlawful housing of animals shall not be eligible for a permit, and any violation by the owner to adhere to the procedures allows the City to void the permit.
 - d. On corner lots, the side yard requirements shall be the same as for interior lots, except in cases where the lot backs up to an abutting side yard, then the side yard requirement shall be the same as the front yard requirement; and when the lot backs up to an abutting rear yard, the side yard requirement shall be ten (10) feet.
3. Rear Yards. There shall be a rear yard having a depth of not less than thirty (30) feet. No accessory buildings or structures shall be built within ten (10) feet of the rear property line.
- a. There shall be no storage of household items, appliances, trash, building materials, debris, automotive or vehicle parts or of any material within a rear yard.
 - b. There shall be no storage of any unlicensed or non-working vehicle on the premises unless said unlicensed or non-working vehicle is stored in an enclosed building or behind a privacy fence.
 - c. There shall be no housing of any livestock, poultry or other agricultural, farm or hobby animals, including but not limited to cows, goats, chickens, horses, sheep, pigs, etc. An exception is made for housing of not more than four (4) chickens and rabbits per household, excluding roosters. In order to adhere to this exception, the property owner must be granted written permission from any adjoining property owners in writing. Said animals must be housed a minimum

of twenty (20) feet from the property line and fifty (50) feet from any structure belonging to the adjoining property owner. In housing said animals, the owner or occupant of the residence shall provide appropriate shelter for all animals, and the animals must have access to clean water at all times. The owner must obtain a permit to house said animals from the City, which shall be renewed annually prior to housing said animals. Owners or residents of the property who have been issued any prior citations for unlawful housing of animals shall not be eligible for a permit, and any violation by the owner to adhere to the procedures allows the City to void the permit.

4. Lot Area, Single-Family Dwellings. Every lot for single-family dwellings shall have an area of not less than seven thousand two hundred (7,200) square feet.
5. Lot Area, Two-Family Dwellings. Every lot for a two-family dwelling shall have an area of not less than fourteen thousand four hundred (14,400) square feet.
6. Lot Area, Other Uses. Any use allowed other than a single-family or two-family dwelling shall have a minimum lot area of twenty-eight thousand eight hundred (28,800) square feet.
7. Lot Width. All lots platted in the "R-1" District shall have an average width of not less than sixty (60) feet measured along the building line.
8. Lot Coverage. The combined building area of the main building and accessory buildings shall not cover more than forty percent (40%) of the total lot area.

D. Location And Orientation Of Dwelling Requirements.

1. Prior to the issuance of a building permit for construction, plans shall be submitted to the City of Center along with an "Application for Building Permit."
2. In addition to all other requirements for plan approval, the site plan and elevation/construction plan shall show the following:
 - a. Location of existing dwellings and other structures on the lot; and
 - b. Orientation of building site, street and surroundings.
3. Where the dwellings and structures are proposed to be constructed on a corner lot, construction plans shall not be approved and no building permits shall be issued until the City designates the permitted orientation of all dwellings and structures on the lot; provided, however, that prior to issuing a building permit the City shall inspect the lot site and view the dwellings and structures in the surrounding areas.
4. Modular Buildings. A modular building must be at least one thousand (1,000) square feet to be used for residential dwelling purposes.
5. Fences. Fences may be placed on a property line; provided, however, that adjoining property owners agree to the placement of said fence. This agreement shall be binding by the signatures of both property owners on the Application for Building Permit form. If adjoining property owner does not agree to placement of said fence on property line, then fences shall require a two (2) feet setback. Fences shall be

- freestanding structures and shall be constructed of vinyl, chain link or pressure-treated wood. Woven wire, chicken wire and other materials are not suitable materials. A list of building materials to be used shall be specified on the Application for Building Permit form. The finished side of the fence shall face adjoining property.
6. Travel Trailers/Camping Trailers. Travel trailers/camping trailers may only be occupied for fourteen (14) consecutive days at any one (1) residence within the City limits. Travel trailers are not permitted for permanent occupancy.

Section 405.090. "R-2" Multiple-Family Residential District. [Ord. No. 190 § 105.090, 7-6-2005]

- A. Use Regulations. In the "R-2" District no building or land shall be used and no building should be erected or structurally altered except for one (1) or more of the following uses:
 1. Permitted Uses.
 - a. Any use permitted in the "R-1" District subject to all the restrictions specified in said "R-1" District.
 - b. Multiple-family dwellings, apartments and group houses.
 - c. Buildings which are necessary to any of the above uses.
 - d. Daycare homes, daycare centers and nursery schools.
 2. Accessory Uses.
 - a. Same as in "R-1" District.
 3. Special Use Permit.
 - a. All special uses permitted in Section 405.080(A)(3).
 - b. Boardinghouses or lodging houses.
 - c. Fraternity and sorority houses, clubs or lodges, those where the chief activity is not carried on as a business.
 - d. Hospitals and clinics, not including animal, which meet the standards of Section 405.120(A)(1), Additional Provisions.
 - e. Rest home, nursing home or convalescent home.
- B. Height Regulations. Same as in "R-1" District.
- C. Area Regulations.
 1. Front yards: same as in "R-1" District.
 2. Side yards: same as in "R-1" District.
 3. Rear yards: same as in "R-1" District.
 4. Lot area, single-family dwellings: same as in "R-1" District.
 5. Lot area, two-family dwellings: same as in "R-1" District.

6. Lot area, multiple-family dwellings: Every lot for a multiple-family dwelling shall have an area of twenty thousand (20,000) square feet or five thousand (5,000) square feet lot area per dwelling unit, whichever is greater.
7. Lot area, other uses: Any use allowed other than a single-family, two-family or multiple-family dwelling shall have a minimum lot area as determined by the Planning and Zoning Commission with issuance of a special use permit.
8. Lot width: All lots platted in the "R-2" District shall have an average width of not less than sixty (60) feet measured along the building line.
9. Lot coverage: same as in "R-1" District.

D. Location And Orientation Of Dwelling Requirements.

1. Prior to the issuance of a building permit for construction, plans shall be approved by the City of Center.
2. In addition to all other requirements for plan approval, the site plan and elevation/construction plan shall show the following:
 - a. Location of existing dwellings and other structures on the lot; and
 - b. Orientation of building to site, street and surroundings.
3. Where the dwellings and structures are proposed to be constructed on a corner lot, construction plans shall not be approved and no building permits shall be issued until the City designates the permitted orientation of all dwellings and structures on the lot; provided, however, that prior to issuing a building permit the City shall inspect the lot site and view the dwellings and structures in the surrounding area.

Section 405.100. "R-3" Mobile Home District. [Ord. No. 190 § 105.100, 7-6-2005]

A. Use Regulations. In the "R-3" District no building or land shall be used and no building should be erected or structurally altered except for one (1) or more of the following uses:

1. Permitted Uses.
 - a. Any use permitted in the "R-1" and "R-2" Districts subject to all the restrictions specified in said "R-1" and "R-2" Districts.
 - b. Mobile homes: there shall be only one (1) mobile home per lot.
 - c. Mobile home court as described and set forth in Subsection (E) of this Section: All mobile home courts shall comply with regulations in Subsection (E) of this Section.
 - d. Buildings which are necessary to any of the above uses.
2. Accessory Uses.
 - a. Same as in "R-1" and "R-2" Districts.
3. Special Use Permit.

- a. Same as in "R-1" and "R-2" Districts.
- B. Height Regulations. Same as in "R-1" and "R-2" Districts.
- C. Area Regulations.
1. Front yards: same as in "R-1" and "R-2" Districts.
 2. Side yards: same as in "R-1" and "R-2" Districts.
 3. Rear yards: same as in "R-1" and "R-2" Districts.
 4. Lot area, single-family dwellings: same as in "R-1" and "R-2" Districts.
 5. Lot area, two-family dwellings: same as in "R-1" and "R-2" Districts.
 6. Lot area, multiple-family dwellings: Every lot for multiple-family dwellings shall have an area of twenty thousand (20,000) square feet or five thousand (5,000) square feet lot area per dwelling unit, whichever is greater.
 7. Lot area, other uses: Any use allowed other than a single-family, two-family, or multiple-family dwelling shall have a minimum lot area as determined by the Planning and Zoning Commission with issuance of a special use permit.
 8. Lot width: same as in "R-1" and "R-2" Districts.
 9. Lot coverage: same as in "R-1" and "R-2" Districts.
- D. Location And Orientation Of Dwelling Requirements.
1. Prior to the issuance of a building permit for placement, plans shall be submitted to the City of Center along with an "Application for Building Permit."
 2. In addition to all other requirements for plan approval, the site plan and elevation/construction plan shall show the following:
 - a. Location of existing dwellings and other structures on the lot; and
 - b. Orientation of building to site, street and surroundings.
 3. Where the dwellings and structures are proposed to be constructed on a corner lot, construction plans shall not be approved and no building permits shall be issued until the City designates the permitted orientation of all dwellings and structures on the lot; provided, however, that prior to issuing a building permit the City shall inspect the lot site and view the dwellings and structures in the surrounding area.
- E. Regulations For Mobile Home Parks.
1. Access to the mobile home park shall be from an arterial highway or secondary thoroughfare. Number and location of access drives shall be controlled for traffic safety and protection of surrounding properties. No mobile home space shall be designated for direct access to a street outside the boundaries of the mobile home park. The interior access drives shall be at least thirty (30) feet in width, with improved roadways.

2. The minimum dimensions of the mobile home park shall be three hundred (300) feet by three hundred (300) feet, and the minimum total area of the mobile home park shall be two (2) acres; provided, however, that the minimum area may be one (1) acre where the proposed park is to be located adjacent to an existing mobile home park containing an area of two (2) acres or more.
3. The minimum area for a mobile home site for parking one (1) mobile home shall be two thousand five hundred (2,500) square feet with minimum dimensions thirty-five (35) feet by forty (40) feet.
4. In addition to the requirement of Subsection (E)(3) above, the mobile home park shall contain at least one thousand five hundred (1,500) square feet per mobile home for community facilities, including play space, utility rooms, parking and access roads.
5. The mobile home park shall be surrounded by a landscaped strip of open space fifty (50) feet wide along the street frontage with an arterial highway and twenty-five (25) feet wide along all other lot lines or street frontage.
6. No mobile home shall be parked closer than twenty (20) feet to any other mobile home or service building and no part of a mobile home shall extend closer than five (5) feet to the boundaries of the individual mobile home site.
7. All occupied mobile homes shall have toilet and bathing facilities and shall be connected to public water supply and sanitary sewers. Proper provision shall be made for fire protection, refuse collection, laundry facilities, fuel storage and dusk to dawn lighting.
8. The proposed mobile home park shall comply with all provisions of this Chapter and Federal, State and local laws and regulations.

F. Regulations For Mobile Homes Placed Within Mobile Home Parks.

1. The owner of the lot upon which the mobile home is to be placed shall make application and obtain a building permit from the City of Center, Missouri.
2. The mobile home to be placed on the individual lot must have been manufactured within five (5) years prior to the date of placement.
3. The unit shall be occupied only as a single-family dwelling.
4. The unit shall be placed in conformance with all zoning and setback requirements established for the zone in which located.
5. The unit must be installed (anchored and tied down) level on a properly designed foundation system (runners or concrete pad) and meet all manufacturer's specifications for support. The foundation must be placed on appropriate footings to comply with normal construction standards for erection of foundations.
6. The unit must be completely and properly skirted with manufactured vinyl skirting.
7. The unit must be fully intact, including all windows, doors and siding.
8. All wheels and towing apparatus and running gear must be removed from the unit.

9. A minimum of eighteen (18) inches of crawl space must be maintained under the entire mobile home.
10. The unit shall have steps at all exits.
11. The unit shall have a hard surface (not earthen in nature) driveway not less than nine (9) feet wide, sufficient for the placement of at least two (2) vehicles.
12. The mobile home must have been built to accommodate the following standards as established by the United States Department of Housing and Urban Development: being Wind Zone I or better and Thermal Zone II or better.
13. The unit shall be served by City utilities (sewer) meeting the established requirements prior to receiving service.
14. The unit shall be served by an electrical service and water service.
15. To the extent possible, all public utilities shall be installed underground.
16. No additions or alterations shall be made to the unit.
17. Property owner shall declare the mobile home as personal property and must so record the same with the County Assessor.
18. Shall be subject to inspection by the building inspector at any time during the construction, erection and placement process.

Section 405.110. "C-1" Commercial District. [Ord. No. 190 § 105.110, 7-6-2005]

- A. Use Regulations. In the "C-1" Commercial District, no building or land shall be used and no building shall be erected or structurally altered unless otherwise provided in these regulations, except for one (1) or more of the following uses:
 1. Permitted Uses.
 - a. Retail business, such as general merchandise stores, food stores, hardware, jewelry stores, furniture, antique apparel, eating and drinking establishments, and drug stores.
 - b. Business services, such as banks, other financial institutions, and professional offices.
 - c. Personal services, such as barber shops, beauty shops, tailors, photographic studios, self-service laundries, and dry cleaning.
 - d. Repair services, such as radio shops, appliance shops, upholstery shops and shoe repair shops.
 - e. Mortuary or funeral homes.
 - f. Hotels, motels, and boardinghouses or lodging houses.
 - g. Theaters, including drive-in theaters, amusement facilities, clubs or lodges.

- h. Parking lots.
 - i. Automotive sales and services, such as service stations, commercial garages, enclosed salesroom, and enclosed building for vehicle repair.
 - j. Wholesale trade, warehousing and commercial storage completely within an enclosed building or structure.
 - k. Government buildings.
 - l. Accessory buildings and uses customarily incident to the above uses.
 - m. Other uses which, in the opinion of the Planning and Zoning Commission, are of the same general character as those enumerated in this Subsection.
 - n. Daycare homes, daycare centers and nursery schools.
2. Special Use Permit.
- a. Mobile home sales.
 - b. Churches or other places of worship.
 - c. Farm equipment sales and services.
 - d. Open storage parking or sale of automobiles, trucks, and trailers.
 - e. Drive-in restaurants.
 - f. Animal hospitals and kennels.
 - g. Hospitals and clinics which meet the standards of Section 405.120(A)(1), Additional Provisions.
 - h. Public utilities and governmental buildings as are necessary for health and safety, such as fire stations, including substations, regular stations, pumping stations, disposal or treatment facilities, radio or television transmitter or tower, transmission lines, water filtration plant and storage reservoir, or other similar public service uses.
 - i. Rebuilding or repair to existing "R-1" and "R-2" structures which were grandfathered in as non-conforming uses at the time of the adoption of this Chapter, July 6, 2005, shall be permitted without regard to percent of damage as defined in Section 405.070(A)(3).
 - j. Other uses which, in the opinion of the Planning and Zoning Commission, are of the same general character as those enumerated in this Section.
- B. Height Regulations. Same as in "R-1", "R-2" and "R-3" Districts.
- C. Area Regulations.
- 1. Front Yard. No front yard required.
 - 2. Side Yards.

- a. Except as otherwise provided in these regulations on interior lots, no side yard is required except where a lot abuts a Residential District, "R-1" "R-2" or "R-3," then the side yard requirement of the abutting district shall apply and such side yards shall be landscaped or fenced to buffer the residential uses.
 - b. On corner lots, no side yard is required except where a lot abuts a Residential District, "R-1" "R-2" or "R-3," then the side yard requirement of the abutting district shall apply and such side yards shall be landscaped or fenced to buffer the residential uses.
3. Rear Yards. Except as otherwise provided in these regulations, a rear yard depth of twenty (20) feet is required, except where a lot abuts a Residential District, "R-1" "R-2" or "R-3," then the rear yard requirement of that district shall apply and such rear yards shall be landscaped or fenced to buffer the residential uses.
 4. Lot Area. There shall be a lot area of not less than two thousand five hundred (2,500) square feet. There shall be no storage of any unlicensed or non-working vehicle on the premises for a period in excess of thirty (30) days unless said unlicensed vehicle is stored in an enclosed building or behind a privacy fence.
 5. Lot Width. All lots platted in the Commercial District shall have an average width of not less than twenty-five (25) feet measured along the building line.
 6. Lot Coverage. There is no minimum requirement.
 7. Signs. All signs shall be approved by the Building Inspector or the Planning and Zoning Commission before placement.
- D. Location And Orientation Of Commercial Unit.
1. Prior to the issuance of a building permit for construction, plans shall be submitted to and approved by the City of Center.
 2. In addition to all other requirements for plan approval, the site plan and elevation/construction plan shall show the following:
 - a. Location of existing dwellings and other structures on the lot; and
 - b. Orientation of building to site, street and surroundings.
 3. Where structures are proposed to be constructed on a corner lot, construction plans shall not be approved and no building permits shall be issued until the City designates the permitted orientation of all dwellings and structures on the lot; provided, however, that prior to issuing a building permit the City shall inspect the lot site and view the dwellings and structures in the surrounding area.

ARTICLE IV
Additional District Provisions

Section 405.120. Additional Provisions. [Ord. No. 190 § 105.130, 7-6-2005]

- A. The following uses are permitted in their respective designated districts, provided they

meet the standards prescribed:

1. **Hospitals And Clinics.** Each hospital shall be located upon a tract of land to be occupied exclusively by the hospital and its accessory buildings, which shall contain not less than one (1) acre. No hospital or clinic which is devoted exclusively to the treatment of insane persons or persons addicted to the use of intoxicating liquor or narcotic drugs shall be established and maintained, except upon a tract of land containing at least ten (10) acres.
2. **Public Buildings.** Public, semipublic or public service buildings, hospitals, or schools may be erected to any height, provided one (1) additional foot of setback is provided for each two (2) additional feet of the building height above the prescribed limit for the district in which the building is located.
3. **Utility Easements.** No building or addition thereto shall be erected over or across any existing public utility or nor upon any platted easement.
4. **Natural Production Uses.** In any Commercial District, the extraction of oil, gas, or other natural mineral deposits shall be permitted upon approval of the Board and subject to such safeguards as the Board may fix for the protection of adjacent property.
5. **Utilities.** Utilities shall be buffered or landscaped in a suitable manner as determined by the Zoning Board of Adjustment.
6. **Chimneys, Towers, Spires, Etc.** Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers, or necessary mechanical appurtenances may be erected to a height in accordance with the provisions of these regulations.
7. Any lots subdivided after the effective date of these regulations, July 6, 2005, shall be standard lot size, one hundred (100) feet by one hundred twenty (120) feet.

ARTICLE V

Special Use Permit Regulations

Section 405.130. Board Of Aldermen May Authorize Special Use. [Ord. No. 190 § 105.140, 7-6-2005]

The Board of Aldermen, by special permit after public hearing and subject to such protective restrictions as it deems necessary, may authorize the location, extension, or structural alteration of any one (1) of the buildings or uses listed in each district as a special use.

Section 405.140. Application For Special Use Permit. [Ord. No. 190 § 105.150, 7-6-2005]

- A. A written application, together with a site plan and necessary descriptive material of the entire parcel, shall be filed with the City Clerk to obtain a special permit for the uses hereinafter set forth in this Article, or for uses previously issued a special use permit where alteration of an extension is requested.

- B. Upon receipt of a written application, together with a site plan and necessary descriptive material of the entire parcel, including all permitted and special uses, the City Clerk shall submit the application to the Commission.

Section 405.150. Plan Commission Review. [Ord. No. 190 § 105.160, 7-6-2005]

The Commission shall review the application based on the criteria set forth in Section 405.170, approve or disapprove the application and submit a report of its recommendations to the Board of Aldermen.

Section 405.160. Board Of Aldermen Action. [Ord. No. 190 § 105.170, 7-6-2005]

- A. The Board of Aldermen shall fix a reasonable time for the hearing for the special use permit, give at least fifteen (15) days' public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest and all owners of record of property within one hundred eighty-five (185) feet of the premises to which the special use permit relates. Notice to such parties in interest and owners of record may be delivered personally or by certified mail addressed to the respective party or owner of record at the respective party or owner's last known address. At the hearing for the special use permit, any party or owner of record may appear in person or by agent or by attorney.
- B. No action shall be taken upon any applications for a proposed building or use referred to above until and unless the report of the Planning and Zoning Commission has been filed; provided, however, that if no report is received from the Commission within forty-five (45) days, the Board of Aldermen may proceed with its action upon the application. The Board of Aldermen shall vote on the special use permit based upon a determination of the criteria set forth in Section 405.170 and following the public hearing.

Section 405.170. Criteria For Reviewing Applications. [Ord. No. 190 § 105.180, 7-6-2005]

- A. In considering whether or not such application for a special use permit should be granted, it shall be the duty of the Commission and the Board of Aldermen to give consideration to the effect of the requested use on the health, safety, morals and general welfare of the residents of the area in the vicinity of the property in question and the residents of the City generally. In considering the special use, the Commission and the Board of Aldermen may consider, among other factors, the following:
 1. The compatibility of the proposal, in terms of both use and appearance, with the surrounding neighborhood.
 2. The comparative size, floor area and mass of the proposed structure in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.
 3. The frequency and duration of various indoor and outdoor activities and special events, and the impact of these activities on the surrounding area.
 4. The capacity of adjacent streets to handle increased traffic in terms of traffic volume, including hourly and daily levels.
 5. The added noise level created by activities associated with the proposed use.

6. The requirements for public services where the demands of the proposed use are in excess of the individual demands of adjacent land uses, in terms of police and fire protection, and the presence of any potential or real fire hazards created by the proposed use.
7. Whether the general appearance of the neighborhood will be adversely affected by the location of the proposed use on the parcel.
8. The impact of night lighting in terms of intensity, duration and recency of use, as it impacts adjacent properties and in terms of presence in the neighborhood.
9. The impact of landscaping of the proposed use, in terms of maintained landscaped areas versus areas to remain in a natural state, as well as the openness of landscape versus the use of buffers and screens.
10. The impact of a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking areas and service areas, in terms of noise transfer, water runoff and heat generation.

Section 405.180. Revocation. [Ord. No. 190 § 105.190, 7-6-2005]

Any special use permit granted by the Board of Aldermen and not exercised and put to use within one (1) year of the date and the approval of said special use permit shall be vacated and such special use permit shall become null and void unless extended by the Board of Aldermen.

Section 405.190. Security. [Ord. No. 190 § 105.200, 7-6-2005]

The Commission may recommend, and the Board of Aldermen may require, prior to the passage of any ordinance granting a special use permit a surety bond escrow cash or equivalent to insure the installation, construction and continued maintenance of any landscaping, screening or grading required with respect to any buffer strip, signs or any other additional requirements which form conditions with respect to the granting of a special use permit.

**ARTICLE VI
Administration**

Section 405.200. Administrative Powers. [Ord. No. 190 § 105.210, 7-6-2005]

- A. The Administrative Officer shall administer and enforce the provisions of this Chapter. The Administrative Officer shall be any person designated as such by the Board of Aldermen of the City. The powers and duties of the Administrative Officer shall be as follows:
 1. Issue all building permits and make and maintain records thereof.
 2. Conduct inspections of buildings, structures, and the use of land to determine compliance with this Chapter.
 3. Require that all construction or work of any type be stopped when such work is not in compliance with this Chapter.
 4. 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.

5. Maintain permanent and current records of this regulation, including, but not limited to, all maps, amendments, variances, appeals, and applications.
6. Provide and maintain a public information bureau relative to all matters arising out of this Chapter.
7. Forward to the Commission all applications for amendments to this Chapter.
8. Forward to the Board of Adjustment, applications for appeals, variances, or other matters on which the Board of Adjustment is required to pass under this Chapter.
9. Issue permits regulating the erection and use of tents for periods not to exceed ten (10) days for specific purposes, such as temporary carnivals, churches, charities, or charitable uses, and revival meetings, such uses not being detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided, however, that said tents or operations are in conformance with all other ordinances of the City.

Section 405.210. Building Permit Required. [Ord. No. 190 § 105.220, 7-6-2005]

- A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Administrative Official.
- B. 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 Regulations.
- C. The failure to obtain the necessary building permit shall be punishable under this regulation.
- D. Building permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and specifications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this regulation and shall be punishable as provided by this regulation.

Section 405.220. Building Permit Application. [Ord. No. 190 § 105.230, 7-6-2005]

- A. Applications for building permits shall be accompanied by a duplicate set of plans drawn to scale with the following information indicated in order to determine compliance with this Chapter:
 1. A plot plan drawn to scale showing the exact size, shape and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected, or moved, and the size, arrangement number of parking stalls, movement of vehicles and ingress and egress of drives for all off-street parking and loading facilities.

2. A survey prepared by a land surveyor registered in the State of Missouri of the boundaries of the lot on which the improvement is proposed to be located, or have on file with the City one (1) copy of a certified and recorded plat.
 3. The location of the said lot with respect to existing rights-of-way and adjacent lots.
 4. Any other information which the Administrative Official may deem necessary for consideration in enforcing the provisions of this Chapter.
 5. Any of the above requirements may be waived by the Administrative Officer.
- B. If the building permit is denied on the basis of this Section, 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 planning ordinance.

Section 405.230. Board Of Adjustment. [Ord. No. 190 § 105.250, 7-6-2005]

- A. Creation, Appointment And Organization.
1. Board Of Adjustment Established. The word "Board" when used shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members, all of whom shall be residents of the City appointed by the Board of Aldermen. The term of office of the members of the Board shall be for five (5) years, excepting that the membership of the first Board appointed shall serve respectively for terms of 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 each. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. Vacancies shall be filled for the unexpired term only. Members shall be removable for cause by the Board of Aldermen upon written charges and after public hearing.
 2. The Board shall elect its own Chairman and Vice-Chairman who shall serve one (1) year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Chapter.
 3. Meetings, Quorum. All meetings of the Board shall be open to the public. Meetings of the Board shall be held at the call of the Chairman of the Board or, in his/her absence or inability to act, at the call of the Acting Chairman, or at such other time as the Board by motion may determine. A meeting of the Board shall also be called upon the request of three (3) or more members of the Board. Three (3) members of the Board shall constitute a quorum.
 4. Minutes And Records Of Proceedings. 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.

- B. Powers And Duties. The Board of Adjustment shall have the following powers and duties:
1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Enforcement Officer in the enforcement of this Chapter.
 2. When, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of adoption of this Chapter, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the neighborhood, the strict application of the area regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the Board shall be empowered to authorize upon an appeal relating to such property a variation from such strict applications so as to relieve such difficulty or hardship.
 3. Upon appeal, the Board shall be empowered to permit the following exceptions:
 - a. To permit the extension of a district where the boundary line of a district divides a lot or record in single ownership.
 - b. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God or the public enemy to the extent of less than sixty-five (65%) of its assessed value when the Board finds some compelling public necessity requiring a continuance of the non-conforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.
 - c. To interpret the provisions of this Chapter where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached and made a part of this report.
 - d. To vary parking regulations wherever the character or use of the building is such as to make unnecessary the full provision of parking facilities or when such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
 4. In exercising the above powers, the Board may reserve or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and 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. In considering all the appeals, the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the District Map and will not impair an adequate supply of light and air to adjacent property, or increase congestion in public streets, or increase the danger of fire, or materially diminish or impair established property values within the surrounding areas or in any other respect impair the public health, safety, comfort, morals and welfare of the City. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board

shall be made a part of any building permit in which variation is allowed.

5. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Enforcement Officer, or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any variation.

C. Procedure.

1. Appeals to the Board on any matter over which the Board is specifically granted jurisdiction may be taken by any person aggrieved, or by an officer, department, and any board or bureau of the City affected by any decision of the Enforcement Officer. Such appeal shall be taken within a reasonable time of such decision by filing with the Enforcement Officer and with the Board a notice of appeal specifying the grounds thereof. The Enforcement Officer shall transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
2. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him/her that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.
3. The Board shall fix a reasonable time for the hearing of the appeal, give at least fifteen (15) days' public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest and all owners of record of property within one hundred eighty-five (185) feet of the premises to which the appeal relates. Notice to such parties in interest and owners of record may be delivered personally or by certified mail addressed to the respective party or owner of record at the respective party or owner's last known address. At the hearing, any party or owner of record may appear in person or by agent or by attorney.
4. Cost Deposit. At the time of filing the notice of appeal, as provided in the preceding Section, the person aggrieved shall deposit with the Board of Adjustment the sum of fifty dollars (\$50.00), which sum shall be used for postage and other administrative expenses in connection with the appeal and shall be non-refundable.

Section 405.240. Amendments. [Ord. No. 190 § 105.260, 7-6-2005]

- A. On its own motion or on petition, the Board of Aldermen may amend, supplement, change, modify or repeal the regulations and provisions herein, including the boundaries of the Zoning Districts.
- B. In case of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed

to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen.

- C. No amendment, supplement, change, modification or repeal of the regulations or provisions, including boundaries of the Zoning Districts, shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City.

Section 405.250. Violations And Penalties. [Ord. No. 190 § 105.270, 7-6-2005]

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted, or any building or structure or land is used in violation of this Chapter or other regulation or resolution of the Board of Aldermen made under authority conferred hereby, the Administrative Official, or the City of Center, as a corporation or any interested person, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building or land to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo.
- B. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation punishable by a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00) for each and every day that such violation continues, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of Section 82.300, RSMo., for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.
- C. Any such person who, having been served with an order to remove any such violation, shall fail to comply with said order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of this Chapter in the respect named in such order shall be subject to a civil penalty of an additional two hundred fifty dollars (\$250.00).

Section 405.260. Validity. [Ord. No. 190 § 105.280, 7-6-2005]

If any provision of the Zoning Regulations imposed and the Zoning Districts created shall be found invalid by a court of competent jurisdiction, it is hereby declared that the remaining provisions of the Zoning Regulations and the Zoning Districts shall be enforced and shall remain in full force and effect.

Section 405.270. Interpretation, Purpose And Conflict. [Ord. No. 190 § 105.290, 7-6-2005]

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, morals, prosperity and general welfare. Wherever the regulations of this Chapter require a greater width or size of yards, courts or other open spaces or require a lower height of building or fewer number of stories or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required in any other order or regulations, private deed restrictions or private covenants, these regulations shall govern, but if the requirements of such other order, regulation, private deed restriction or private covenant is the more restrictive, then those requirements shall supersede those of this Chapter.