

Chapter 400

PLANNING AND PLANNING COMMISSION

ARTICLE I

Planning Commission

Section 400.010. Composition — Terms — Vacancy — Removal. [R.O. 2013 §400.010]

There is hereby established within and for the City a Planning Commission which shall consist of not more than fifteen (15) nor less 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, if the Board chooses to have a member serve on the Commission; and not more than fifteen (15) nor less 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 (1st) 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. [R.O. 2013 §400.020]

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

Section 400.030. Officers. [R.O. 2013 §400.030]

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

Section 400.040. Meetings — Rules — Records — Employees. [R.O. 2013 §400.040; CC 1991 §410.020; CC §40.020]

The Planning and Zoning 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.

Section 400.050. Expenditures. [R.O. 2013 §400.050]

The expenditures of the Planning 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. [R.O. 2013 §400.060]

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

Section 400.070. General Powers. [R.O. 2013 §400.070]

In general, the Planning Commission shall have the power necessary to enable it to perform its functions and promote City planning. The Planning 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.

Section 400.080. Reports. [R.O. 2013 §400.080; CC 1991 §410.030; CC §40.030]

The Planning Commission shall make an annual report to the Board of Aldermen covering their investigations, transactions, recommendations and such other and further reports relative thereto as it may deem proper or as required by the Board of Aldermen.

ARTICLE II
Planning

Section 400.090. Purpose, Powers and Duties. [R.O. 2013 §400.090; CC 1991 §410.040; CC §40.040]

- A. The Commission shall make and adopt a City Plan for the physical development of the City and in the preparation of the plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and its probable future growth, including recommendations relative to the location, length, width and arrangement of the streets, alleys, bridges, viaducts, parks, parkways, playgrounds, recreation areas, boulevards or other public grounds or improvements, the platting of public property into lots, plots, streets or alleys, the grouping of public buildings, the design and placing of memorials, works of art, street lighting standards, telegraph, telephone and electric poles, street name signs, billboards or projecting signs and other things pertaining to the welfare, housing appearance or beauty of the City or any portion thereof.
- B. Make recommendations in connection with the execution and detailed interpretation of the City Plan and make such changes and adjustments in the plan as may be deemed desirable from time to time.
- C. Prepare and recommend to the Board of Aldermen rules controlling the subdivision of land.
- D. Make recommendations regarding the approval or disapproval of plats for land subdivision. Such plats shall be referred to the Planning Commission before the Board of Aldermen takes any action. Failure of the City Planning Commission to act within sixty (60) days shall be deemed an approval.
- E. Recommend from time to time legislation which may be desirable to further the purposes of City planning.
- F. Assume any other powers or duties as are provided by the ordinances of the City or as are provided by Statutes of the State of Missouri relative to planning in this municipality.

Section 400.100. Adoption of Plan — Procedure. [R.O. 2013 §400.100; CC 1991 §410.050; CC §40.050]

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

Chapter 405

ZONING REGULATIONS

ARTICLE I

General Provisions

Section 405.010. Short Title. [R.O. 2013 §405.010; CC 1991 §400.010; CC §42.010; Ord. No. 22.09 §1, 10-30-1967]

This Chapter will be known and may be cited and referred to as the Zoning Code of the City of Tarkio.

Section 405.020. Definitions. [R.O. 2013 §405.020; CC 1991 §400.020; CC §42.020; Ord. No. 22.09 §2, 10-30-1967]

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.

ACCESSORY BUILDINGS — A subordinate building which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

ACCESSORY USE — A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

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

BASEMENT — A story having part but not more than one-half (1/2) basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

BILLBOARD — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot.

BOARDINGHOUSE — See "*LODGING HOUSE*".

BUILDABLE WIDTH — The width of the lot left to be built upon after the side yards are provided.

BUILDING — Any structure having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, chattels or property of any kind but not including any

vehicle, trailer (with or without wheels) nor any movable device such as furniture, machinery or equipment. When any portion of a building is completely separated from any other portion thereof by a division wall without openings or by a fire wall, then each such portion shall be deemed to be a separate building.

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

CELLAR — A story having more than one-half (½) of its height below grade.

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

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

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

DWELLING, SINGLE-FAMILY

1. Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single-family dwelling neighborhood.
2. Any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption.

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

DWELLING UNIT — One (1) or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single-family as defined herein.

FAMILY — One (1) or more persons related by blood, marriage or adoption, occupying a dwelling unit as an individual housekeeping organization. A family may include not more than two (2) persons not related by blood, marriage or adoption.

FARM — An area which is used for the growing of the usual farm products, such as vegetables, fruit, trees and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "*farming*" includes the operating of such an area for one (1) or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided however,

that the operation of such accessory uses shall be secondary to that of the normal farming activities and, provided further, that farming does not include the feeding of collected garbage or offal to swine or other animals.

FLOOR AREA — The total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

FRONTAGE — All the property on one (1) 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 on one (1) side between an intersecting street and the dead-end of the street, but not including property more than four hundred (400) feet distant on either side of a proposed building or structure.

GARAGE, PRIVATE — A detached accessory building, or portion of the main building, housing the automobiles of the occupants of the premises.

GARAGE, PUBLIC — Any building or premises, except those used as a private or storage garage, used for equipment, repairing, hiring, selling or storing motor-driven vehicles. The term "*repairing*" shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

GRADE — The average level of the finished surface of the ground for buildings more than five (5) feet from a street line. For buildings closer than five (5) feet to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one (1) street, an average sidewalk elevation is to be used. If there is no sidewalk, the Building Inspector shall establish the sidewalk grade.

GROUP HOME — Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

HOME OCCUPATION — Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is permissible for purely domestic household purposes.

HOTEL — A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boardinghouse or lodging house as herein defined.

INSTITUTION — A building occupied by a non-profit corporation or 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.

LODGING HOUSE — A building or place where lodging and boarding is provided (or which is equipped regularly to provide lodging and boarding by pre-arrangement for definite periods), for compensation, for three (3) or more but not exceeding twelve (12) individuals, not open to transient guests, in contradistinction to hotels open to transients.

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, open spaces and parking spaces required by this Chapter, and having its principal frontage upon a street.

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

LOT, DEPTH OF — The mean horizontal distance between the front and rear lot lines.

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

LOT OF RECORD — A lot or parcel of land, the deed of which has been recorded in the office of the County Recorder of Atchison County, Missouri, prior to the adoption of this Chapter.

MOTEL, MOTOR COURT, MOTOR LODGE OR TOURIST COURT — Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot and designed, used or intended wholly or in part for the accommodation of automobile transients.

NON-CONFORMING USE — Any building or land lawfully occupied by a use on October 30, 1967 or amendment to this Chapter which does not conform after the passage of this Chapter or amendment thereto with the use regulations of the district in which it is situated.

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

PARKING SPACE, OFF-STREET — An area, enclosed or unenclosed, sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of an automobile.

PREMISES — A lot, together with all buildings and structures thereon.

SERVICE STATION — Any building or premises used for the sale, at retail, of motor vehicle fuels, oils or accessories, or for servicing or lubricating motor vehicles, or installing or repairing parts and accessories, but not including the repairing or replacement of motors, bodies or fenders of motor vehicles, or painting motor vehicles, and excluding public garages.

SIGN — An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business.

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 space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than sixty percent (60%) of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with the occupancy of the floor immediately below.

STREET — A public way which affords the principal means of access to abutting property.

STRUCTURAL ALTERATION — Any change except those required by law or ordinance that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinance.

STRUCTURE — Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground and including, but not limiting, the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

TRAILER OR MOBILE HOME — A vehicle equipped for use as a dwelling and designed to be hauled along a highway.

TRAILER OR MOBILE HOME PARK — An area where two (2) or more trailers can be or are intended to be parked, designed or intended to be used as living facilities for one (1) or more families.

YARD — An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Chapter.

YARD, FRONT — A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

YARD, REAR — A yard extending the full width of the lot between a main building and the rear lot line.

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

Section 405.030. District Boundaries and General Regulations. [R.O. 2013 §405.030; CC 1991 §400.030; CC §42.030; Ord. No. 22.09 §3, 10-30-1967]

A. In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and the lot areas; and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings, the City is hereby divided into districts of which there shall be seven (7) in number known as:

- "R-A" Rural Agricultural District
- "R-1" Residential District
- "R-2" General Residential District
- "B-1" General Business District
- "B-2" Central Business District

"I-1" Light Industrial District
"I-2" Heavy Industrial District

- B. The boundaries of these districts are shown upon the "District Map". Said map and all the information shown thereon shall have the same force and effect as if all were fully set forth or described herein. The original of this "District Map" is properly attested and is on file with the City Clerk.
- C. All territory which may hereafter be annexed to the City of Tarkio shall be classified in the "R-A" Agricultural District until, within a reasonable time after annexation, the annexed territory shall be appropriately classified by ordinance.
- D. Whenever any street or other public way is vacated by official action of the City of Tarkio, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- E. Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map, the following rules shall apply:
 - 1. Where a boundary line is given a position within a street, alley or non-navigable stream, it shall be deemed to be in the center of the street, alley or stream, and if the actual location of such street, alley or stream varies slightly from the location as shown on the District Map, then the actual location shall control.
 - 2. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
 - 3. Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated main line track.
 - 4. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
 - 5. In subdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such map.
- F. Except as hereinafter provided:
 - 1. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.
 - 2. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the height, yard, area per family, parking and other regulations prescribed herein for the district in which the building is located.

3. The minimum yards and other open spaces including lot areas per family required by this Chapter shall be provided for each and every building or structure hereafter erected, and such minimum yards, open spaces and lot areas for each and every building or structure whether existing on October 30, 1967 or hereafter erected shall not be encroached upon or be considered as a yard or open space requirements for any other building or structure.
4. 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 one (1) lot unless otherwise provided in this Chapter.

ARTICLE II
"R-A" Rural Agricultural District Regulations

Section 405.040. General Requirements. [R.O. 2013 §405.040; CC 1991 §400.040; CC §42.100; Ord. No. 22.09 Art. IV, 10-30-1967]

The regulations set forth in this Article or set forth elsewhere in this Chapter, when referred to in this Article, are the regulations in the "R-A" Rural Agricultural District.

Section 405.050. Use Regulations. [R.O. 2013 §405.050; CC 1991 §400.050; CC §42.110; Ord. No. 22.09 Art. IV §1, 10-30-1967]

A. A building or premises shall be used only for the following purposes:

1. General farming and ranching, truck gardens, cultivation of field crops, orchards, groves, or nurseries for growing or propagation of plants, trees and shrubs, including use of heavy cultivating machinery, spray planes or irrigating machinery, dairy farming, keeping or raising for sale of large or small animals, reptiles, fish, birds or poultry, and including structures for processing and sale of products raised on the premises.
2. Single-family dwellings.
3. *Group homes.* No group home shall be located within one thousand two hundred fifty (1,250) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
4. Country club or golf course, except miniature course or practice tee operated for commercial purposes.
5. Roadside stand for display or sale of agricultural products raised on the premises, provided that there shall be no more than one (1) such stand on each lot and, provided further, such stands shall not exceed four hundred (400) square feet in floor area.
6. Church and incidental facilities.
7. Extraction of oil and gas.
8. Home occupations.

9. Hospital and institution of an educational, religious, charitable or philanthropic nature, not including penal or correctional institutions, provided that the site for such building shall contain not less than five (5) acres.
10. Public elementary and high school, or private school with curriculum the same as ordinarily given in public elementary and high schools.
11. Publicly-owned or operated building, except sewage treatment plant, garbage incinerator, warehouse, garage, shop and storage yard.
12. Installation for sewer, water, gas, electric and telephone mains and incidental appurtenances including electrical substations.
13. Public recreation area, park playground, wildlife preserve, forest preserve, and such buildings and structures as are related thereto.
14. Railroad right-of-way, tracks and yards.
15. Temporary sign with an area of not more than thirty (30) square feet pertaining to the lease, hire or sale of a building or premises on which such sign is located.
16. Accessory identification sign or sign advertising products raised on the premises having an area of not more than thirty (30) square feet.
17. Accessory open or enclosed storage of oil, gas, ranch or farm materials, products or equipment, accessory farm buildings, including barns, stables, sheds, toolrooms, shops, bins, tanks and silos, and other accessory buildings and uses including, but not limited to: accessory private garages, servants' quarters, guest houses, swimming pools, home barbecue grills, customary church bulletin boards or identification signs not exceeding thirty (30) square feet in area for permitted public and semi-public uses, accessory storage, and accessory off-street parking and loading spaces.

Section 405.060. Parking Regulations. [R.O. 2013 §405.060; CC 1991 §400.060; CC §42.120; Ord. No. 22.09 Art. IV §2, 10-30-1967]

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 405.410.

Section 405.070. Height Regulations. [R.O. 2013 §405.070; CC 1991 §400.070; CC §42.130; Ord. No. 22.09 Art. IV §3, 10-30-1967]

No building shall exceed two and one-half (2½) stories nor shall it exceed thirty-five (35) feet in height except as provided in Section 405.400.

Section 405.080. Area Regulations. [R.O. 2013 §405.080; CC 1991 §400.080; CC §42.140; Ord. No. 22.09 Art. IV §4, 10-30-1967]

A. Subject to the modifications set out in Article IX, the yard regulations are as follows:

1. *Front yard.* There shall be a front yard of not less than thirty (30) feet.
2. *Side yard.* There shall be a side yard on each side of a lot not less than fifteen (15)

feet.

3. *Rear yard.* There shall be a rear yard of not less than thirty (30) feet.

B. *Minimum Lot Area.*

1. A lot occupied by a single-family dwelling shall contain not less than twenty thousand (20,000) square feet and shall be not less than one hundred (100) feet wide.
2. A lot having an area or width less than herein required and which was recorded under separate ownership from adjoining lots on October 30, 1967 may be occupied by a single-family dwelling or by any other permitted non-residential use.

ARTICLE III
"R-1" Residential District Regulations

Section 405.090. General Requirements. [R.O. 2013 §405.090; CC 1991 §400.090; CC §42.200; Ord. No. 22.09 Art. V §1, 10-30-1967]

The regulations set forth in this Article or set forth elsewhere in this Chapter, when referred to in this Article, are the regulations in the "R-1" Residential District.

Section 405.100. Use Regulations. [R.O. 2013 §405.100; CC 1991 §400.100; CC §42.210; Ord. No. 22.09 Art. V §2, 10-30-1967]

A. A building or premises shall be used only for the following purposes:

1. Farming.
2. Single-family dwellings.
3. Two-family dwellings.
4. *Group homes.* No group home shall be located within one thousand two hundred fifty (1,250) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
5. Churches.
6. Public buildings, parks, playgrounds and community centers.
7. Public schools, elementary and high, and private educational institutions having a curriculum the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping rooms.
8. Home occupations.
9. Golf courses, except miniature courses or practice driving tees operated for commercial purposes.
10. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations.

11. Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.
12. Temporary signs pertaining to the lease, hire or sale of a building or premises on which such sign is located.
13. Accessory buildings and uses including, but not limited to, accessory private garages, servants' quarters, guest houses, swimming pools, home barbecue grills, customary church bulletin boards or identification signs not exceeding thirty (30) square feet in area for permitted public and semi-public uses, accessory storage, and accessory off-street parking and loading spaces.

Section 405.110. Parking Regulations. [R.O. 2013 §405.110; CC 1991 §400.110; CC §42.220; Ord. No. 22.09 Art. V §2, 10-30-1967]

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 405.410.

Section 405.120. Height Regulations. [R.O. 2013 §405.120; CC 1991 §400.120; CC §42.230; Ord. No. 22.09 Art. V §3, 10-30-1967]

No building shall exceed two and one-half (2½) stories nor shall it exceed thirty-five (35) feet in height except as provided in Section 405.400.

Section 405.130. Area Regulations. [R.O. 2013 §405.130; CC 1991 §400.130; CC §42.240; Ord. No. 22.09 Art. V §4, 10-30-1967]

A. Subject to the modifications set out in Article IX, the yard regulations are as follows:

1. *Front yard.* There shall be a front yard of not less than thirty (30) feet.
2. *Side yard.* There shall be a side yard on each side of a lot of not less than seven (7) feet.
3. *Rear yard.* There shall be a rear yard of not less than thirty (30) feet.

B. *Minimum Lot Area.*

1. A lot occupied by a single-family dwelling shall contain not less than seven thousand two hundred (7,200) square feet and shall be not less than sixty (60) feet in width.
2. A lot occupied by a two-family dwelling shall contain not less than nine thousand (9,000) square feet and shall be not less than seventy-five (75) feet in width.
3. A lot having an area or width less than herein required and which was recorded under separate ownership from adjoining lots on October 30, 1967 may be occupied by a single-family dwelling or by any other permitted non-residential use.

ARTICLE IV
"R-2" General Residential District Regulations

Section 405.140. General Requirements. [R.O. 2013 §405.140; CC 1991 §400.140; CC §42.300; Ord. No. 22.09 Art. VI, 10-30-1967]

The regulations set forth in this Article or set forth elsewhere in this Chapter, when referred to in this Article, are the regulations in the "R-2" General Residential District.

Section 405.150. Use Regulations. [R.O. 2013 §405.150; CC 1991 §400.150; CC §42.310; Ord. No. 22.09 Art. VI §1, 10-30-1967]

A. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "R-1" Residential District, except that new single-family dwellings erected in the "R-2" Residential District shall have a minimum lot area of seven thousand two hundred (7,200) square feet.
2. Conversion of existing structures to multi-family dwellings, where each dwelling unit will have its own kitchen and toilet, and where each dwelling unit will conform to the standards for new dwellings set out in Chapter 510 of this Code.
3. New multiple-dwellings where the lot on which each structure is located contains at least one thousand five hundred (1,500) square feet per dwelling unit and shall be not less than sixty (60) feet in width.

Section 405.160. Parking Regulations. [R.O. 2013 §405.160; CC 1991 §400.160; CC §42.320; Ord. No. 22.09 Art. VI §2, 10-30-1967]

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 405.410.

Section 405.170. Height Regulations. [R.O. 2013 §405.170; CC 1991 §400.170; CC §42.330; Ord. No. 22.09 Art. VI §3, 10-30-1967]

No building shall exceed two and one-half (2½) stories nor shall it exceed thirty-five (35) feet in height except as provided in Section 405.400.

Section 405.180. Area Regulations. [R.O. 2013 §405.180; CC 1991 §400.180; CC §42.340; Ord. No. 22.09 Art. VI §4, 10-30-1967]

A. Subject to the modifications set out in Article IX, the yard regulations are as follows:

1. *Front yard.* There shall be a front yard of not less than twenty-five (25) feet.
2. *Side yard.* There shall be a side yard on each side of a lot of not less than seven (7) feet.
3. *Rear yard.* There shall be a rear yard of not less than thirty (30) feet.

B. *Minimum Lot Area.*

1. A lot occupied by a single-family dwelling shall contain not less than seven thousand

- two hundred (7,200) square feet and shall not be less than sixty (60) feet in width.
2. A lot occupied by a two-family dwelling shall contain not less than four thousand five hundred (4,500) square feet per family and shall be not less than seventy-five (75) feet in width.
 3. A lot occupied by a multiple-family dwelling shall contain not less than one thousand five hundred (1,500) square feet per family and shall be not less than sixty (60) feet in width.
 4. A lot having an area or width less than herein required and which was recorded under separate ownership from adjoining lots on October 30, 1967 may be occupied by a single-family dwelling or by any other permitted non-residential use.

ARTICLE V
"B-1" General Business District Regulations

Section 405.190. General Requirements. [R.O. 2013 §405.190; CC 1991 §400.190; CC §42.400; Ord. No. 22.09 Art. VII, 10-30-1967]

The regulations set forth in this Article or set forth elsewhere in this Chapter, when referred to in this Article, are the regulations in the "B-1" General Business District.

Section 405.200. Use Regulations. [R.O. 2013 §405.200; CC 1991 §400.200; CC §42.410; Ord. No. 22.09 Art. VII §1, 10-30-1967; Ord. No. 34-05 §1, 11-8-2005]

- A. A building or premises shall be used only for the following purposes:
1. Any use permitted in the "R-2" Residential District.
 2. Automobile parking lots.
 3. Bowling alleys, dance halls or skating rinks.
 4. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing, and bakery with sale of bakery products on the premises, and other uses of a similar character.
 5. (Reserved)
 6. Funeral homes or mortuaries.
 7. Hotels and motels.
 8. Offices and office buildings.
 9. (Reserved)
 10. Outdoor advertising structure or non-flashing sign pertaining only to a use conducted within the building, and any sign or display in excess of thirty (30) square feet in area shall be attached flat against a wall of the building and in no case shall any sign or display project above the roof line.
 11. Personal service uses, including barbershops, banks, beauty parlors, photographic or

artists' studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants, and other personal service uses of a similar character.

12. Retail stores, including florist shops and greenhouses in connection with such shops, but there shall be no slaughtering of animals or poultry on the premises of any retail store.
13. Self-service laundries and dry cleaning establishments.
14. Service stations.
15. Theatres, drive-in theatres and assembly halls.
16. Accessory buildings and uses.

Section 405.210. Parking Regulations. [R.O. 2013 §405.210; CC 1991 §400.210; CC §42.420; Ord. No. 22.09 Art. VII §2, 10-30-1967]

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set out in Section 405.410.

Section 405.220. Height Regulations. [R.O. 2013 §405.220; CC 1991 §400.220; CC §42.430; Ord. No. 22.09 Art. VII §3, 10-30-1967]

The height regulations are the same as those in the "R-1" Residential District.

Section 405.230. Area Regulations. [R.O. 2013 §405.230; CC 1991 §400.230; CC §42.440; Ord. No. 22.09 Art. VII §4, 10-30-1967]

A. *Yards.*

1. The front and rear yard regulations are the same as those in the "R-1" Residential District.
2. The side yard regulations for dwellings are the same as those in the "R-1" Residential District. No side yards for commercial buildings are required except on the side of a lot abutting a "R" District, in which event a side yard of not less than seven (7) feet shall be provided.

B. *Minimum Lot Area.* The minimum lot area requirements are the same as those in the "R-1" Residential District.

ARTICLE VI
"B-2" Central Business District Regulations

Section 405.240. General Requirements. [R.O. 2013 §405.240; CC 1991 §400.240; CC §42.500; Ord. No. 22.09 Art. VIII, 10-30-1967]

The regulations set forth in this Article or set forth elsewhere in this Chapter, when referred to in this Article, are the regulations in the "B-2" Central Business District.

Section 405.250. Use Regulations. [R.O. 2013 §405.250; CC 1991 §400.250; CC §42.510; Ord. No. 22.09 Art. VIII §1, 10-30-1967]

A. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "B-1" General Business District.
2. Multiple-family residences.
3. Boarding and lodging houses.
4. Private clubs and lodges.
5. Hospitals or clinics for small animals, dogs, cats, birds and the like.
6. Laboratories, research, experimental or testing.
7. Wholesale merchandising or storage warehouses.
8. General service and repair establishments including dyeing and cleaning works or laundry, plumbing and heating, printing, painting, upholstering or tinsmithing.
9. Outdoor advertising sign or structure.
10. Accessory buildings and uses.

Section 405.260. Parking Regulations. [R.O. 2013 §405.260; CC 1991 §400.260; CC §42.520; Ord. No. 22.09 Art. VIII §4, 10-30-1967]

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set out in Section 405.410.

Section 405.270. Height Regulations. [R.O. 2013 §405.270; CC 1991 §400.270; CC §42.530; Ord. No. 22.09 Art. VIII §3, 10-30-1967]

No building shall exceed six (6) stories nor shall it exceed seventy-five (75) feet in height except as provided in Section 405.400.

Section 405.280. Area Regulations. [R.O. 2013 §405.280; CC 1991 §400.280; CC §42.540; Ord. No. 22.09 Art. VIII §4, 10-30-1967]

A. *Yards.* No yards are required.

B. *Minimum Lot Area.* The minimum lot area requirements are the same as those in the "R-1" Residential District with the exception that a lot occupied by a multiple dwelling with three (3) or more dwelling units shall contain not less than one thousand five hundred (1,500) square feet for each dwelling unit and shall not be less than sixty (60) feet in width.

ARTICLE VII

"I-1" Light Industrial District Regulations

Section 405.290. General Requirements. [R.O. 2013 §405.290; CC 1991 §400.290; CC §42.600; Ord. No. 22.09 Art. IX, 10-30-1967]

The regulations set forth in this Article or set forth elsewhere in this Chapter, when referred to in this Article, are the regulations in the "I-1" Light Industrial District.

Section 405.300. Use Regulations. [R.O. 2013 §405.300; CC 1991 §400.300; CC §42.610; Ord. No. 22.09 Art. IX §1, 10-30-1967]

A. A building or premises shall be used only for the following purposes:

1. Any use permitted in the "B-2" Central Business District.
2. Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
3. Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.
4. Manufacture or assembly of boats, bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products and vitreous enameled metal products.
5. Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
6. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
7. Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.
8. Generally those light manufacturing uses similar to those listed in Subsections (2 — 7) above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat or glare than that which is generally associated with light industries of the type specifically permitted.
9. Accessory buildings and uses.
10. Farm elements, sale or repair.
11. Automotive sales, public garages and automotive repair shops.

Section 405.310. Parking Regulations. [R.O. 2013 §405.310; CC 1991 §400.310; CC §42.620; Ord. No. 22.09 Art. IX §2, 10-30-1967]

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set out in Section 405.410.

Section 405.320. Height Regulations. [R.O. 2013 §405.320; CC 1991 §400.320; CC §42.630; Ord. No. 22.09 Art. IX §3, 10-30-1967]

The height regulations are the same as those in the "B-2" Central Business District.

Section 405.330. Area Regulations. [R.O. 2013 §405.330; CC 1991 §400.330; CC §42.640; Ord. No. 22.09 Art. IX §4, 10-30-1967]

The area regulations are the same as those in the "B-1" General Business District.

ARTICLE VIII
"I-2" Heavy Industrial District Regulations

Section 405.340. General Requirements. [R.O. 2013 §405.340; CC 1991 400.340; CC §42.700; Ord. No. 22.09 Art. X, 10-30-1967]

The regulations set forth in this Article or set forth elsewhere in this Chapter, when referred to in this Article, are the regulations in the "I-2" Heavy Industrial District.

Section 405.350. Use Regulations. [R.O. 2013 §405.350; CC 1991 §400.350; CC §42.710; Ord. No. 22.09 Art. X §1, 10-30-1967]

A. Any building or premises may be used for any purpose not in conflict with any ordinance of Tarkio regulating nuisances or laws of the State of Missouri; provided however, that no building shall be erected, converted, reconstructed or structurally altered for church, library, school, hospital or residential purposes, except for resident watchman and caretakers employed on the premises and except for farms; provided that no building or occupancy permit shall be issued for any of the following uses or manufacture, compounding, processing, packaging or treatment of the following products until and unless the location of such use shall have been approved by the Board of Aldermen after public hearing and report by the City Planning Commission. The Board of Aldermen shall review the plans and statements and shall not permit such buildings, structures or uses until it has been shown that the public health, safety, morals and general welfare will be properly protected and that necessary safeguards will be provided for the protection of surrounding property and persons. The Board of Aldermen in reviewing the plans and statements shall consult with other agencies created for the promotion of public health and safety:

1. *Chemicals, petroleum, coal and allied products.*

- Acid and derivatives
- Acetylene
- Ammonia
- Carbide
- Caustic soda
- Cellulose and cellulose storage
- Chlorine
- Coke oven products (including fuel gas) and coke oven products storage
- Creosote
- Distillation, manufacture or refining of coal, tar, asphalt, wood and bones
- Explosives (including ammunition and fireworks) and explosives' storage
- Fertilizer (organic)
- Fish oils and meal

Glue, gelatin (animal)
Hydrogen and oxygen
Lamp black, carbon black and bone black
Nitrating of cotton or other materials
Nitrates (manufactured and natural) of an explosive nature, and storage
Petroleum, gasoline and lubricating oil refining, and wholesale storage
Plastic materials and synthetic resins
Potash
Pyroxylin
Rendering and storage of dead animals, offal, garbage or waste products
Turpentine and resin
Wells, gas and oil

2. *Clay, stone and glass products.*

Brick, firebrick, refractories, and clay products (coal fired)
Cement, lime, gypsum, or plaster of paris
Minerals and earths: quarrying, extracting, grinding, crushing and processing

3. *Food and beverage.*

Fat rendering
Fish curing, packing and storage
Slaughtering of animals
Starch manufacture

4. *Metals and metal products.*

Aluminum powder and paint manufacture
Blast furnace, cupolas
Blooming mill
Metal and metal ores, reduction, refining, smelting and alloying
Scrap metal reduction or smelting
Steel works and rolling mill (ferrous)

5. *Wood and paper products.*

Match manufacture
Wood pulp, and fiber, reduction and processing

6. *Unclassified industries and uses.*

Hair, hides and raw fur, curing, tanning, dressing, dyeing and storage
Stockyards
Junkyards and auto wrecking yards, provided that a solid fence six (6) feet in height will be constructed around the perimeter of the area and that the storage of junk or parts will not exceed the height of the fence.

Section 405.360. Parking Regulations. [R.O. 2013 §405.360; CC 1991 §400.360; CC §42.720; Ord. No. 22.09 Art. X §2, 10-30-1967]

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set out in Section 405.410.

Section 405.370. Height Regulations. [R.O. 2013 §405.370; CC 1991 §400.370; CC §42.730; Ord. No. 22.09 Art. X §3, 10-30-1967]

The height regulations are the same as those in the "B-2" Central Business District.

Section 405.380. Area Regulations. [R.O. 2013 §405.380; CC 1991 §400.380; CC §42.740; Ord. No. 22.09 Art. X §4, 10-30-1967]

The front, side and rear yard regulations are the same as those in the "B-1" General Business District.

ARTICLE IX Additional Regulations

Section 405.390. Non-Conforming Uses. [R.O. 2013 §405.390; CC 1991 §400.390; CC §42.800; Ord. No. 22.09 Art. XI, 10-30-1967]

A. The lawful use of a building existing at the time of the adoption of this Chapter may be continued even though such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts as may be hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

1. No building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty-five percent (65%) of its assessed value shall be restored except in conformity with the regulations of this Chapter.
2. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of three (3) years, the use of the same shall thereafter conform to the regulations of the district in which it is located.
3. A non-conforming use occupying only a portion of a building may be extended throughout the building if the same has been lawfully acquired and actually devoted to such use previous to the adoption of this Chapter or to any affecting amendments thereof.

Section 405.400. Additional Height and Area Regulations. [R.O. 2013 §405.400; CC 1991 §400.400; CC §42.810; Ord. No. 22.09 Art. XII, 10-30-1967]

A. The district regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Chapter.

1. Public, semi-public or public service buildings, hospitals, institutions or schools,

- when permitted in a district, may be erected to a height not exceeding sixty (60) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.
2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators or necessary mechanical appurtenances are exempt from the height regulations as contained herein.
 3. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley, it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building, the garage shall be regarded as part of the main building for the purpose of determining side and rear yards.
 4. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes, other than by domestic servants employed entirely on the premises.
 5. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt course, cornices and ornaments and features which are not to exceed twelve (12) inches (except as provided in Subsection (3) above).
 6. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
 7. Open-lattice enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3½) feet and where the same are so placed as not to obstruct light and ventilation.
 8. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An unenclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.
 9. Paved terraces, uncovered porches, platforms, and ornamental features which extend more than three (3) feet above the floor level of the ground story may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.
 10. For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.
 11. Where a lot or tract is used for farming or for a commercial or industrial purpose,

more than one (1) main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

12. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple dwellings, institutional, motel or hotel purposes, there may be more than one (1) main building on the lot; provided however, that the open spaces between buildings that are parallel or within forty-five degrees (45°) of being parallel shall have a minimum dimension of twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings and forty (40) feet for three- or four-story buildings.
13. Where an open space is more than fifty percent (50%) surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three- or four-story buildings.
14. No side yards are required where dwelling units are erected above commercial and industrial structures.
15. Where lots have double frontage, the required front yard shall be provided on both streets.
16. The required side yard on the street side of a corner lot shall be the same as the required front yard on such street, except that the building width shall not be reduced to less than thirty-two (32) feet, and no accessory building shall project beyond the required front yard on either street.
17. Whenever a lot, as of October 30, 1967, has a width of less than sixty (60) feet, the side yard may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than five (5) feet.
18. The front yard heretofore established shall be adjusted in the following cases:
 - a. Where forty percent (40%) or more of the frontage on the same side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.
 - b. Where forty percent (40%) or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have a front yard of less depth than herein required, then:
 - (1) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent building on each side, or
 - (2) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one (1) side only, such

building may be erected as close to the street as the existing adjacent building.

Section 405.410. Off-Street Parking Regulations. [R.O. 2013 §405.410; CC 1991 §400.410; CC §42.820; Ord. No. 22.09 Art. XIII, 10-30-1967]

- A. No building shall be erected, enlarged to the extent of increasing the floor area by as much as fifty percent (50%), or changed in use unless there is provided on the lot space for the parking of automobiles or trucks in accordance with the following minimum requirements:
1. *Bowling alley.* Five (5) parking spaces for each alley.
 2. *Business, professional or public office building, studio, bank, medical or dental clinic.* Three (3) parking spaces plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000).
 3. *Church.* One (1) parking space for each eight (8) seats in the main auditorium.
 4. *College or school.* One (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.
 5. *Community center, library, museum or art gallery.* Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
 6. *Dwellings.* One (1) parking space for each dwelling unit.
 7. *Hospital, sanitarium, home for the aged or similar institution.* One (1) parking space for each four (4) beds.
 8. *Hotel.* One (1) parking space for each three (3) sleeping rooms or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
 9. *Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment.* One (1) parking space for every two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
 10. *Mortuary or funeral home.* One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors and individual funeral service rooms.
 11. *Private club or lodge.* One (1) parking space for every ten (10) members.
 12. *Restaurant, nightclub, cafe, or similar recreation or amusement establishment.* One (1) parking space for each one hundred (100) square feet of floor area.
 13. *Retail store or personal service establishment.* One (1) parking space for each two hundred (200) square feet of floor area.
 14. *Rooming or lodging house.* One (1) parking space for each two (2) sleeping rooms.
 15. *Sports arena, stadium or gymnasium (except school).* One (1) parking space for each

five (5) seats or seating spaces.

16. *Theater or auditorium (except school)*. One (1) parking space for each five (5) seats or bench seating spaces.

Section 405.420. Special Uses. [R.O. 2013 §405.420; CC 1991 §400.420; CC §42.830; Ord. No. 22.09 Art. XIV, 10-30-1967; Ord. No. 400.420(10), 5-14-2002]

A. The Board of Aldermen of Tarkio may, by special permit, after public hearing before the Board of Aldermen, after study and report by the City Planning Commission and subject to such reasonable conditions and protective restrictions as are deemed necessary, authorize the following special uses in any district from which they are otherwise prohibited:

1. Cemetery or mausoleum on sites of not less than twenty (20) acres.
2. Greenhouse or nursery.
3. Hospital, animal hospital for small pets, clinic or institution not primarily for the mentally ill or those with contagious diseases, provided that less than forty percent (40%) of the total land area is occupied by buildings and that all of the required yards are increased by one (1) foot for each foot of building height in excess of height limits specified in this Chapter.
4. Landing field or strip for aircrafts.
5. Nursery school.
6. Commercial radio tower or broadcasting station.
7. Removal of gravel, topsoil or similar natural materials with safeguards for the protection of adjoining property and the community as a whole.
8. Riding stable.
9. Sanitary fill for the disposal of garbage or trash.
10. (Reserved)
11. Certain heavy industrial uses as required by Article VIII.

Section 405.425. Travel Trailers and Mobile Homes. [R.O. 2013 §405.425; CC 1991 §400.425; Ord. No. 400.420(10), 5-14-2002]

A. *Definitions.* The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

CODE — Standards relating to mobile homes and travel trailers as adopted by the State Public Service Commission pursuant to Chapter 700, RSMo.

MOBILE HOME — A factory-built structure or structures more than eight (8) feet in width and thirty-two (32) body feet or more in length equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed

to be used as a dwelling unit or units with or without a permanent foundation. For purposes of this Subsection, the phrase "*without a permanent foundation*" means that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner.

MOBILE HOME DEVELOPMENT — Any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing long-term accommodation of more than thirty (30) days for placement of two (2) or more mobile homes and shall include all buildings used or maintained for the use of the residents of the development. This term shall not be used in conjunction with any mobile home or trailer sales lots which contain unoccupied units that are intended for the purpose of inspection and sale.

MOBILE HOME SPACE AND TRAVEL TRAILER SPACE — An area of ground on which an individual unit is placed and reserved for the use of the occupant of that unit.

SEAL OF THE PUBLIC SERVICE COMMISSION — A device or insignia authorized or recognized by the State Public Service Commission and displayed on the exterior of the mobile home or travel trailer pursuant to Chapter 700, RSMo.

TRAVEL TRAILER — A portable vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, kitchen units or fixtures) and bath and toilet rooms. Such units commonly described as travel trailers, campers, motor homes, converted buses or other similar units, whether they are self-propelled, pulled or can be hauled without a special permit, would be considered examples of travel trailers.

TRAVEL TRAILER CAMP — Any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing short-term accommodation up to and including thirty (30) days or less for placement of two (2) or more travel trailer units and shall include all buildings used or maintained for use of the occupants in the trailer camp.

B. *Permit For Operation Of Development Or Camp — Authorized Locations For Mobile Homes And Travel Trailers.*

- 1. *Permit required — authorized locations for mobile homes and travel trailers.*** No mobile home development or travel trailer camp shall be maintained or operated within the City except as provided in this Chapter and without first securing a permit from the Building Inspector and no mobile home or travel trailer shall be used or occupied as living accommodations except in a mobile home development or travel trailer camp or when used as temporary quarters for a watchman or guard or when used as a field office for a construction project. In case of such temporary use, a temporary permit shall be issued by the City and the duration of time the permit would be effective shall be specified.
- 2. *Compliance agreement — manager.*** The applicant for a permit to maintain or operate a mobile home development or travel trailer camp shall, in his/her application, agree to observe all ordinances of the City relating to mobile homes and travel trailers and their respective development. The applicant shall have an individual who shall be in

- charge of the development at all times. Such individual or group of individuals, together with the holder of the permits, shall be responsible for any violation of the provisions of this Chapter which may occur in the operation of such development.
3. *Right of entry — revocation or suspension of permit.* The Building Inspector or his/her agent shall have the authority at any reasonable time to enter upon and inspect for health and sanitation purposes any facility authorized under this Chapter. If after inspection it shall be found that the holder of a permit has violated any provision of this Chapter relating to mobile home or travel trailer development, the Director of Codes Administration shall have the power to revoke or suspend any permit and order the violation to be corrected or the development or camp to be closed after public notice and hearing.
 4. *Prerequisites for issuance of permit.* Before any issuance or renewal of a permit, an inspection shall be made by the Director of Codes Administration to determine that all requirements of this Chapter have been complied with. No permit shall be issued by the Director of Codes Administration until all the provisions of this Chapter and the zoning ordinance have been complied with.
- C. *Location Of Developments And Camps.* Mobile home developments and travel trailer camps shall be permitted only in places as allowed by the zoning ordinance.
 - D. *Compliance With State And City Standards — Water Supply For Developments And Camps.* Any mobile homes or travel trailers manufactured after January 1, 1974, shall bear the seal of the Public Service Commission. All mobile homes manufactured prior to January 1, 1974, shall either bear the seal of the Public Service Commission or comply with the Property Maintenance Code of the City. All water supplied to the development or camp shall be from the City water supply. No person shall alter or cause to be altered any mobile home or travel trailer to which a seal has been affixed without certification that such alteration or conversion is in compliance with the code adopted by the Public Service Commission.
 - E. *Refuse Disposal Facilities For Developments And Camps.* A mobile home development or travel trailer camp shall provide supervision and equipment sufficient to remove refuse from the development and to prevent littering the ground with rubbish and debris. Fly-tight metal containers with tight fitting covers shall be provided and be located out of sight of the mobile home or travel trailer units. Containers shall be kept in a sanitary condition, shall be kept covered at all times, and shall be emptied of refuse and rubbish at least once a week.
 - F. *Notification Of Communicable Disease In Development Or Camp.* It shall be the duty of the owner and responsible attendant to notify immediately the City Health Department of any communicable disease in either the mobile home development or the travel trailer camp.
 - G. *Disaster Plan For Developments And Camps.*
 1. *Filing of plan.* It shall be the duty of the owner of any mobile home development or travel trailer camp to file a disaster plan with the City office of emergency preparedness. Filing of the plan shall be a condition precedent to issuance of an

annual permit. A disaster plan shall be in writing and provide for a method of early warning for such natural disasters as flooding or tornado.

2. *Contents.* The plan shall provide the following information:
 - a. A system of providing effective and initial disaster warning to occupants of a mobile home development or travel trailer camp;
 - b. Protection or shelter from the disaster by specific identification of sites where such protection or shelter is available; an evacuation route which is reasonable and provides safe and expeditious method of access to the protection or shelter; and
 - c. Special assistance to occupants over the age of sixty-five (65) or handicapped.
3. *Distribution of copies to new occupants.* At the time a new occupant registers with the mobile home development or travel trailer camp, the owner or responsible attendant shall provide a copy of the disaster plan required in this Section to the new occupant in addition to a copy of the rules and regulations of the mobile home development or travel trailer camp.
4. *Annual meeting with occupants.* The owner or the responsible attendant shall annually conduct a meeting to inform occupants of the mobile home development or travel trailer camp about the disaster plan and such meeting shall be at a reasonable time and place to all such occupants.
5. *Shelter.* After January 1, 1992, any new mobile home development or any mobile home development which is expanded to include additional acreage shall provide a suitable shelter no less than thirty (30) square feet of floor area space for thirty percent (30%) of the individual pad sites within the development. The shelter may be included within a clubhouse basement. Any shelter area shall be provided with emergency lighting and shall be wind resistant.

H. *Registration Of Guests In Developments And Camps.*

1. *Required.* The owners and operators of mobile home developments and travel trailer camps shall be required to obtain and maintain the minimum information relating to each resident or occupant within their respective development as indicated in this Subsection:
 - a. The name and address of each occupant.
 - b. Date of arrival and departure.
 - c. Mobile home or travel trailer make, model, year of model, serial number or unit, and seal demonstrating code compliance.
 - d. License number of unit and State issuing such license.
2. *Inspection and preservation of records.* The owner or operator shall keep a copy of this information and a registry of the development occupants available for inspection at any time by any authorized person and shall not destroy such information and

registry until the expiration of twelve (12) months following the date of departure of each occupant.

- I. *Parking Mobile Home Or Travel Trailer On Street Or Other Public Place.* It shall be unlawful for any person to park any mobile home or travel trailer of any kind on any street or public place within the corporate limits of the City except in conformity with the provisions of the traffic code.

Section 405.430. For Private-Residential Swimming Pools. [R.O. 2013 §405.430; CC 1991 §235.160; Ord. No. 235.160, 7-14-1998; Ord. No. 55-07, 5-10-2007]

- A. Any person owning or operating a family-residential recreational constructed swimming pool with a depth of twenty-four (24) inches or more aboveground, whether public or private, shall provide and maintain a fence or wall not less than forty-eight (48) inches in height, having no openings or holes larger than six (6) inches in any dimensions except for doors and gates, which fence shall completely surround the pool or the property upon which it is located. All doors and gates shall be fastened and locked at any and all times that the pool is not in use or is unattended. For any inground swimming pools, the height will be not less than seventy-two (72) inches in height with all the same stipulations as the aboveground pools.
- B. The Department of Planning and Code Enforcement shall inspect family pools under the following conditions:
 1. After receiving a complaint upon the operation of a family pool creating a nuisance to the public, at which time the owner shall be contacted as to the complaint and a predetermined time established for the inspection.
- C. This Section shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing a swimming pool or family pool; nor shall the City, or any of its inspectors, agents or employees, including its sanitarian, be held as assuming any such liability by reason of the inspection authorized herein or permits issued as herein provided.

ARTICLE X Administration

Section 405.440. Board of Adjustment. [R.O. 2013 §405.440; CC 1991 §400.430; CC §42.900; Ord. No. 22.09 §XV, 10-30-1967]

- A. A Board of Adjustment is hereby created. The Board shall consist of five (5) members, who shall be residents of the City, appointed by the Mayor and approved by the Board of Aldermen, each to be appointed for a term of five (5) years, excepting that when the Board shall first be created, one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. Members shall be removable for cause by the Mayor and Board of Aldermen upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

- B. The Board of Adjustment shall adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. Each session of the Board of Adjustment, at which an appeal is to be heard, shall be a public meeting with public notice of said meeting and business to be carried or published in a newspaper of general circulation in the City at least one (1) time seven (7) days prior to the meeting.
- C. An appeal may be taken to the Board of Adjustment by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by any officer, department, board or bureau of the municipality affected by any decision of the Building Inspector. Such appeal shall be taken within such time as prescribed by the Board by general rule by filing with the Building Inspector a notice of appeal specifying the grounds thereof. A fee of fifty dollars (\$50.00) shall accompany all notices of appeal. The Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- D. The Board of Adjustment shall have the following powers:
1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this Chapter and may affirm or reverse, in whole or part, said decision of the enforcement officer.
 2. To hear requests for variances from the literal provisions of the Zoning Code in instances where strict enforcement of the Zoning Code would cause undue hardship to circumstances unique to the individual property under consideration and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Code. The Board of Adjustment shall not permit, as a variance, any use in a district that is not permitted under the ordinance. The Board of Adjustment may impose conditions in the granting of variance to ensure compliance and to protect adjacent property.
 3. To hold public hearings on and decide the following exceptions to or variations of this Chapter.
 - a. To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of this Chapter.
 - b. Interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning District Map, where the street layout on the ground varies from the street layout as shown on this map.
 - c. Permit reconstruction of a non-conforming building otherwise prohibited by Article IX where such action would not constitute continuation of a monopoly.
 - d. Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, not generally prevalent in the neighborhood, which condition when related to the yard regulations of this Chapter would prevent a reasonable or sensible arrangement of buildings on the lot.

- e. Vary the parking regulations by not more than fifty percent (50%) where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Chapter, or where it can be conclusively shown that adequate off-street parking to serve a particular use has been provided by or is controlled by the municipality.
- E. Decision of the Board in respect to the above shall be subject to appeal to the Circuit Court of Atchison County within thirty (30) days after the filing of the decision in the office of the Board.

Section 405.450. Enforcement, Application and Permits. [R.O. 2013 §405.450; CC 1991 §400.440; CC §42.910; Ord. No. 22.09 Art. XVI, 10-30-1967]

- A. It shall be the duty of the person designated by the Mayor as Building Inspector to administer and enforce the regulations contained herein.
- B. It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, raising or moving of any building or structure or any portion thereof without first having applied in writing to the Building Inspector for a building permit to do so and until a building permit has been granted therefor.
- C. Every application for a building permit shall be in writing and delivered to the Building Inspector and shall be accompanied by a detailed set of plans, in duplicate, showing the size of the proposed building or structure, its location on the lot, the basic materials of which it is to be constructed and the details and type of construction to be used. On the issuance of a permit, one (1) set of said plans shall be retained by the Building Inspector as a permanent record and one (1) set shall be returned to the applicant. In cases of any building or structure to be located outside the fire districts, the Building Inspector may, at his/her own discretion, permit the substitution of a written statement covering the essential information required in place of said plans.
- D. Blank forms shall be provided by the Building Inspector for the use of those applying for permits as provided in this Chapter. Any permits issued by the Building Inspector shall be on standard forms for such purpose and furnished by the City.
- E. A careful record of all such applications, plans and permits shall be kept in the office of the Building Inspector. The fees to be charged for building permits shall be as follows:

Description of work	Fee
For work costing five hundred dollars (\$500.00) or less	\$.50
For work costing over five hundred dollars (\$500.00) but not over one thousand dollars (\$1,000.00)	\$1.00
For work costing over one thousand dollars (\$1,000.00) but not over two thousand five hundred dollars (\$2,500.00)	\$2.00
For work costing over two thousand five hundred dollars (\$2,500.00) but not over five thousand dollars (\$5,000.00)	\$4.00

For work costing over five thousand dollars (\$5,000.00) but not over ten thousand dollars (\$10,000.00)	\$6.00
For work costing over ten thousand dollars (\$10,000.00) but not over fifteen thousand dollars (\$15,000.00)	\$10.00
For work costing over fifteen thousand dollars (\$15,000.00) but not over twenty-five thousand dollars (\$25,000.00)	\$15.00
For work costing over twenty-five thousand dollars (\$25,000.00) but not over fifty thousand dollars (\$50,000.00)	\$20.00
For work costing over fifty thousand dollars (\$50,000.00)	\$25.00

- F. Any building permit under which no construction work has been commenced within six (6) months after the date of issue of said permit or under which the proposed construction has not been completed within two (2) years of the date of issue shall expire by limitation; and no work or operation shall take place under such permit after such expiration. Upon payment of ten cents (\$.10) per month for each one thousand dollars (\$1,000.00) of the construction cost on which the original permit was issued, but not less than one dollar (\$1.00) per month in any case, a building permit may be once extended for a period not exceeding six (6) months by the Building Inspector.
- G. Subsequent to October 30, 1967, no change in the use or occupancy of land, nor any change of use or occupancy in an existing building other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Building Inspector. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this Chapter. No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued. A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy.

Section 405.460. Amendments. [R.O. 2013 §405.460; CC 1991 §400.450; CC §42.920; Ord. No. 22.09 Art. XVII, 10-30-1967]

The Board of Aldermen may from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or regulations or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the City Planning Commission for its recommendations and report. If the City Planning Commission makes no report within forty-five (45) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. Upon the filing of the recommendations and report by the City Planning Commission with respect to any proposed amendment, supplement, change, modification or repeal, the Board of Aldermen shall proceed to hold a public hearing in relation thereto giving at least fifteen (15) days' notice of the time and place of such hearing, which notice shall first be published in a

newspaper having a general circulation in the City of Tarkio. In case of an adverse report by the City Planning Commission, or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the City Clerk, duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the area of the land (exclusive of streets, places and alleys) included within such proposed amendment, supplement, change, modification or repeal, 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, supplement, change, modification or repeal shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen.

Section 405.470. Violation and Penalty.

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

Chapter 410

SUBDIVISION REGULATIONS

ARTICLE I Introductions

Section 410.010. Policy. [R.O. 2013 §410.010; CC 1991 §405.010; CC §43.010]

- A. The following regulations have been adopted by the City Planning Commission and the Mayor and Board of Aldermen of Tarkio: to provide for the harmonious development of Tarkio, for the coordination of streets within subdivisions with other existing or planned streets, for adequate open spaces for traffic, recreation, light, and air, for an appropriate distribution of population and traffic, and for installation of physical improvements which will tend to create conditions favorable to health, safety, convenience and prosperity.
- B. It is recommended that each subdivider confer with the City Planning Commission or City Engineer before preparing the preliminary plan in order that he/she may become familiar with the requirements of these regulations as they may apply to the land proposed to be subdivided.

Section 410.020. Definitions. [R.O. 2013 §410.020; CC 1991 §405.020; CC §43.020]

For the purpose of these regulations, certain words and terms are herewith defined; the singular includes the plural and the plural includes the singular; the word "*shall*" is mandatory and not directory.

BUILDING LINE — A line on a plat between which line and a street no building or structure may be erected.

COMMISSION — The City Planning Commission of Tarkio, Missouri.

CUL-DE-SAC — A minor street with only one (1) outlet and culminated by a turnaround.

EASEMENT — A grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons.

LOT — A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

MAJOR STREET — A street of substantial continuity which serves or is intended to serve fast or large volumes of traffic, including all County, State and Federal highways in the City of Tarkio and the streets designated as major streets on the land use plan for Tarkio.

MINOR STREET — A street used primarily for access to abutting property.

PERFORMANCE BOND — A surety bond or cash deposit made out to the City of Tarkio in an

amount equal to the full cost of the improvements which are required by these regulations, said cost being estimated by the City Engineer or City Attorney and said surety bond or cash deposit being legally sufficient to secure to the City of Tarkio that the said improvements will be constructed in accordance with these regulations.

ROADWAY — That portion of the street available for vehicular traffic and, where curbs are laid, the portion from face to face of curbs.

STREET — Any public ways.

SUBDIVIDER — Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision, as defined herein, and includes any agent to the subdivider.

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.

ARTICLE II Jurisdiction and Procedure

Section 410.030. Plat — When Required. [R.O. 2013 §410.030; CC 1991 §405.030; CC §43.100]

It shall be unlawful for the owner, agent, or persons having control of any land within the corporate limits of the City to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways and grounds, unless by plat in accordance with the laws of the State of Missouri and the provisions of these regulations.

Section 410.040. Procedure. [R.O. 2013 §410.040; CC 1991 §405.040; CC §43.110]

- A. In obtaining final approval of a proposed subdivision by the City Planning Commission and the Board of Aldermen, the subdivider shall submit a preliminary plan, a performance bond and a final plat in accordance with these regulations.
1. The subdivider shall first prepare and file with the City Planning Commission two (2) copies of a preliminary plan conforming to the requirements set forth in these regulations. Said plans shall be accompanied by a fee of one dollar (\$1.00) for each lot in the subdivision providing said subdivision does not consist of less than ten (10) lots in which case a minimum filing fee of ten dollars (\$10.00) shall be required.
 2. The City Planning Commission shall forthwith refer two (2) copies to the City Engineer.
 3. A hearing on the proposal will be held before the City Planning Commission at its first (1st) regular meeting following the filing. No hearing shall be held by the Commission until notice thereof, which shall include the time and place, shall be given to interested parties by the City Attorney on behalf of the Commission by publication of notice of said hearing in a daily newspaper for at least one (1) insertion one (1) week prior to the date of said hearing and by mailing a notice to the person or persons who filed the preliminary plan to the address set forth in the filing papers.

4. The City Engineer shall carefully examine said plan as to its compliance with the laws and regulations of the City, the existing street system, and good engineering practices and shall within fifteen (15) days submit his/her findings in duplicate to the City Planning Commission together with one (1) copy of the plan received.
5. The City Planning Commission shall, upon receiving the City Engineer's report, as soon as possible, but not more than thirty (30) days thereafter, and not later than sixty (60) days after receipt of the preliminary plan from the subdivider, consider said report and pass upon the plan. It shall then set forth its recommendations in writing whether of approval, modification or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The City Planning Commission shall forthwith return one (1) copy of the approved preliminary plan to the subdivider.
6. Upon approval of the preliminary plan by the City Planning Commission, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations.
7. The approval of the preliminary plan by the City Planning Commission is revocable and does not constitute final approval or acceptance of the subdivision by the City Planning Commission or authorization to proceed on construction of improvements within the subdivision but shall constitute approval of layout and general engineering proposals and plans.
8. Before submitting the final plat to the City Planning Commission for approval, the subdivider shall furnish all plans and information as listed in "Final Plat Requirements" necessary for the detailed engineering consideration of the improvements required and obtain the approval of the City Engineer which shall be endorsed thereon.
9. For final plat approval, the subdivider shall submit to the City Planning Commission:
 - a. Twelve (12) copies of the final plat.
 - b. A performance bond in the amount approved by the City Engineer or City Attorney.
 - c. One (1) copy of the certified approved plans, profiles, cross sections and specifications.
 - d. A certificate from the City Engineer that the final plat is substantially in accord with the preliminary plan as approved by the City Planning Commission.
10. Within sixty (60) days after the submission of a 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 grounds of disapproval of any plat by the Commission shall be made a matter of record.
11. When the final plat has been passed upon by the City Planning Commission, twelve (12) copies of the final plat and performance bond shall forthwith be transmitted to

the Board of Aldermen, together with a certificate showing the action of the City Planning Commission.

12. When the final plat has been approved by the Board of Aldermen, the performance bond accepted and all twelve (12) copies duly certified, six (6) copies shall be delivered to the City Planning Commission, one (1) copy to the City Engineer and one (1) to the City Clerk for their respective files, and one (1) to the subdivider for filing with the Recorder of Deeds of Atchison County. If said plat is disapproved by the Board of Aldermen, such disapproval shall point out in writing wherein said proposed plat is objectionable.
13. The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat and shall be endorsed by the City Clerk and the Seal of the City placed thereon, but the owner shall cause such plat to be recorded in the office of the Recorder of Deeds of Atchison County and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in full force and effect.
14. Upon receipt of the duly certified copies of the final plat by the City Planning Commission, the Secretary of the City Planning Commission will transmit copies of the plat, upon which have been placed the official house numbers as determined by the City Engineer, to the subdivider, the water company, the gas company, and the telephone company.
15. Receipt of the duly certified final plat by the subdivider is authorization that he/she may proceed with the installation and construction of the required improvements.
16. The Board of Aldermen will return the performance bond to the subdivider upon certification by the City Engineer of satisfactory completion of the installation and construction of the required improvements and acceptance of the required improvements by the Board of Aldermen. Prior to certification by the City Engineer, the subdivider shall file with the City Engineer plans, profiles and cross sections of the required improvements as they have been built.

ARTICLE III

General Requirements

Section 410.050. Acreage Subdivisions. [R.O. 2013 §410.050; CC 1991 §405.050; CC §43.200]

Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be resubdivided into smaller building lots, consideration must be given to the highway, street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Easements providing for the future opening and extension of such streets may at the discretion of the Board of Aldermen be made a requirement of the plat.

Section 410.060. Relation to Existing Streets. [R.O. 2013 §410.060; CC 1991 §405.060; CC §43.210]

The arrangement of highways and streets in new subdivisions shall make provisions for the continuation of the existing highways and major streets (or their proper projection where

adjoining property is not subdivided) insofar as they may be deemed necessary by the Board of Aldermen for public requirements. The width of such highways and streets in new subdivisions shall not be less than the minimum street widths established herein. The highway and street arrangements shall also be such as to avoid hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

Section 410.070. Streets in Relation to Railroads. [R.O. 2013 §410.070; CC 1991 §405.070; CC §43.215]

When the area to be subdivided adjoins a railroad right-of-way, the intersection of the centerline of any street or highway paralleling the railroad with that of any street that crosses the railroad shall not be less than one hundred fifty (150) feet from the line of the railroad right-of-way.

Section 410.080. Minimum Street and Alley Widths. [R.O. 2013 §410.080(A); CC 1991 §405.080; CC §43.220]

The minimum width of a minor street shall be sixty (60) feet. Where streets adjoin unsubdivided property, a half street at least thirty (30) feet in width shall be dedicated and whenever subdivided property adjoins a half street, the remainder of the street shall be dedicated. No homes shall be constructed on half streets.

Section 410.090. Cul-De-Sac and Dead-End Streets. [R.O. 2013 §410.090; CC 1991 §405.100; CC §43.230]

- A. Except in cases where unusual topographic conditions may make it advisable to modify these provisions, the following shall apply:
1. Maximum length of five hundred (500) feet.
 2. Vehicular turnaround at the closed end of a street having a minimum radius of fifty (50) feet and a roadway having a minimum radius of forty (40) feet to the interior curb line.
 3. In the case of temporarily dead-end streets, which are stub streets designed to provide future connection with unsubdivided areas adjoining, the City Planning Commission may require a temporary easement for a turnaround of the nature indicated above, or an appropriate area for a backaround, or a roadway at least twenty-six (26) feet in width of not excessive length to connect the temporary dead end with an existing street.

Section 410.100. Street Grades. [R.O. 2013 §410.100; CC 1991 §405.110; CC §43.235]

- A. Streets shall be so arranged that grades shall not exceed ten percent (10%) for major thoroughfares and fifteen percent (15%) for minor streets. The City Planning Commission may permit variation from these grades where it deems modification advisable to adjust to topographic situations.
- B. Gutter grades on paved gutters shall not be less than one-half of one percent (.5%).
- C. All changes in street grades shall be connected by a vertical curve of reasonable length to

assure adequate visibility.

- D. In approaching intersections, there should be a suitable leveling of the street at a grade generally not exceeding five percent (5%) and for a distance of generally not less than one hundred (100) feet from the nearest line of the intersecting street. The grade within the intersection should be as level as possible permitting proper drainage.

Section 410.110. Intersections. [R.O. 2013 §410.110; CC 1991 §405.120; CC §43.240]

- A. Street intersections shall be rounded by radii of at least twelve (12) feet.
- B. Streets should be laid out to intersect at right angles and may be curved approaching the intersection in order to bring this about; no street shall intersect any other street at an angle of less than sixty degrees (60°).
- C. The design of the intersection should be such that a clear sight distance will be maintained for seventy-five (75) feet at the roadway centerline with no obstruction to sight within the triangle formed by these points.

Section 410.120. Street Names. [R.O. 2013 §410.120; CC 1991 §405.130; CC §43.245]

Streets that are obviously in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall be shown on the final plat and such names shall not duplicate or sound similar to existing street names. The City Engineer shall determine street names and house numbers.

Section 410.130. Blocks. [R.O. 2013 §410.130; CC 1991 §405.140; CC §43.250]

- A. No block shall be longer than one thousand two hundred (1,200) feet between street lines. An easement near the center of the block not less than ten (10) feet wide for a crosswalk may be required on blocks that are over seven hundred fifty (750) feet in length.
- B. The width of blocks, except for special reasons, shall not be less than two hundred (200) feet and not more than three hundred fifty (350) feet.

Section 410.140. Lots. [R.O. 2013 §410.140; CC 1991 §405.150; CC §43.255]

- A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites properly related to topography and the character of surrounding development.
- B. The width and area of all lots shall comply with the requirements of the zoning district in which they are located. Unless otherwise determined by zoning regulations, no residential lot shall be less than eighty (80) feet in width at the building line, or less than one hundred twenty (120) feet in depth, or less than nine thousand six hundred (9,600) square feet in area.
- C. The foregoing requirements apply only to residential lots served by public sanitary sewers. In the case of lots not so served, such lots shall be of sufficient additional area to properly accommodate a suitable private sewage disposal device. The City Planning Commission will determine the required lot size upon report of appropriate tests and adequate

determination and recommendation of the County Health Officer or State Board of Health.

- D. Corner lots shall have extra width sufficient to permit the establishment of front building lines on both adjoining streets.
- E. In all lots, so far as possible, the side lines shall be at right angles to straight street lines or radial to curbed street lines, except where a variation of this rule will provide a better street and lot layout.
- F. Double frontage and reverse frontage lots shall be avoided except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning and proper land use.

Section 410.150. Building Lines. [R.O. 2013 §410.150; CC 1991 §405.160; CC §43.260]

Building lines conforming with zoning regulations shall be shown on all lots within the platted area. The minimum building line permitted for residential lots shall be thirty (30) feet. Provisions shall be made by the owner's declaration of plat requiring all enclosed parts of buildings to be set back to such building lines.

Section 410.160. Exceptions in Neighborhood or Community Unit Developments. [R.O. 2013 §410.160; CC 1991 §405.170; CC §43.265]

Whenever a subdivision is developed as a modern neighborhood or community unit, wherein adequate park area is provided and through traffic is adequately cared for and the majority of the minor streets are of the cul-de-sac type, the Commission may vary the requirements of Sections 410.080, 410.090, 410.130, 410.140 and 410.150 of this Article in order to allow the subdivider more freedom in the arrangements of the streets and lots, but at the same time protect the convenience, health and safety of the probable future residents of the subdivision as well as the general welfare of the surrounding area.

Section 410.170. Character of Development. [R.O. 2013 §410.170; CC 1991 §405.180; CC §43.270]

The City Planning Commission and Board of Aldermen may require that certain minimum regulations regarding type and character of development be incorporated in the owner's declaration of plat. Such regulations shall be intended to protect the character and development of the platted subdivision as well as that of the surrounding development.

Section 410.180. Easements for Public Utilities. [R.O. 2013 §410.180; CC 1991 §405.190; CC §43.275]

Where alleys are not provided in the plat, easements of not less than five (5) feet in width shall be granted to the City by the owner on each side of all rear lot lines and, where necessary, side lot lines for public utility requirements. Easements of greater width may be required along lot lines or across lots when necessary for the extensions of main sewers or other utilities. No buildings or structures will be permitted on easements without authorization of the Board of Aldermen.

Section 410.190. Easements Along Streams and Watercourses. [R.O. 2013 §410.190; CC 1991

§405.200; CC §43.280]

Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall at his/her own expense make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the City of Tarkio an easement along said streams and watercourses meeting the approval of the City Planning Commission.

Section 410.200. Monuments. [R.O. 2013 §410.200; CC 1991 §405.210; CC §43.285]

Monuments shall be placed at block corners, points of curves, change in direction along lot lines and at each lot corner in accordance with specifications of the City Engineer.

Section 410.210. Open Spaces Other Than Streets. [R.O. 2013 §410.210; CC 1991 §405.220; CC §43.290]

Where an area being subdivided includes lands proposed to be used for parks or schools, the subdivider shall indicate the location of such areas on the subdivision plat. Park sites are to be purchased within one (1) year of the recording date of the subdivision by the City at the appraised raw land value prior to subdivision plus one-half (½) of the cost of grading and paving, including curbs, of the portion of any streets that are contiguous to the site. School sites are to be reserved for two (2) years giving the appropriate school district the right to purchase the land at the appraised raw land value prior to subdivision plus one-half (½) the cost of grading and paving, including curbs, of any streets contiguous to the site. Should the park or school sites not be purchased within the time limit specified above, the subdivider may then sell them for an alternate purpose as shown on the approved subdivision plat.

ARTICLE IV Improvements

Section 410.220. General Requirements. [R.O. 2013 §410.220; CC 1991 §405.230; CC §43.300]

The subdivider shall install and construct all improvements required by this Article. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the Board of Aldermen and to its satisfaction.

Section 410.230. Streets and Alleys. [R.O. 2013 §410.230; CC 1991 §405.240; CC §43.310]

All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Board of Aldermen and after receiving the report and recommendations of the City Engineer.

Section 410.240. Roadways. [R.O. 2013 §410.240; CC 1991 §405.250; CC §43.320]

All roadways shall be hard surfaced to the grade as approved by the City Engineer.

Section 410.250. Water Lines. [R.O. 2013 §410.250; CC 1991 §405.260; CC §43.330]

Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot in accordance with City standards, procedure and supervision.

Section 410.260. Sewers. [R.O. 2013 §410.260; CC 1991 §405.270; CC §43.340]

- A. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sewer systems shall be approved by the Board of Aldermen and Board of Health of the State of Missouri and the construction subject to the supervision of the City Engineer.
- B. Where sanitary sewers are not available, other facilities as approved by the Board of Aldermen and the Board of Health of the State of Missouri must be provided for the adequate disposal of sanitary wastes.
- C. Adequate provisions shall be made for the disposal of storm water subject to the approval of the Board of Aldermen and to the supervision of the City Engineer.

ARTICLE V
Preliminary Plan

Section 410.270. Preliminary Plan. [R.O. 2013 §410.270; CC 1991 §405.280; CC §43.400]

The preliminary plan shall be clearly and legibly drawn to a scale of one (1) inch to one hundred (100) feet or less and shall be plainly marked "preliminary plan".

Section 410.280. Preliminary Plan Requirements. [R.O. 2013 §410.280; CC 1991 §405.290; CC §43.410]

- A. The preliminary plan requirements shall be as follows:
 - 1. The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded.
 - 2. The name and address of the owner and the name, address and profession of the person preparing the plan.
 - 3. The date, scale and north point and a key map showing the general location of the proposed subdivision in relation to surrounding development.
 - 4. The legal description of the area being platted, including the block, section, United States survey or part thereof.
 - 5. The boundary line (accurate in scale), the dimension and location of the property to be platted and the location of section lines, quarter section lines, or United States survey lines.
 - 6. Contours with intervals of not more than five (5) feet.
 - 7. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land.
 - 8. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plan.

9. The zoning classification and proposed use for the area being platted.
10. The layout, numbers and appropriate dimensions of proposed lots.
11. The layout of all existing and proposed building lines and easements.
12. The location, width and dimensions of all streets, alleys and grounds proposed to be dedicated for public use.
13. Proposed names for all streets in the area being platted.
14. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement, sidewalks and drainage structures.
15. Written and signed statements of the appropriate officials on the availability of gas, electricity and water to the proposed subdivision.
16. Any restrictions proposed to be included in the owner's declaration of plat.

ARTICLE VI

Final Plat Requirements

Section 410.290. Final Plat. [R.O. 2013 §410.290; CC 1991 §405.300; CC §43.500]

The final plat shall be clearly and legibly drawn to a scale of one (1) inch to one hundred (100) feet or less as approved by the City Engineer and in ink on tracing cloth.

Section 410.300. Final Plat Requirements. [R.O. 2013 §410.300; CC 1991 §405.310; CC §43.510]

A. The final plat requirements shall be as follows:

1. The title under which the subdivision is to be recorded.
2. The name or names of the owners and subdividers.
3. The date, scale and north point, and a key map showing the general location of the proposed subdivision.
4. The legal description of the area being platted, including the block, section, United States survey or part thereof.
5. Accurate distances and bearings of all boundary lines of the subdivision including all sections, quarter sections, United States Survey and Congressional township lines.
6. Centerlines of all proposed and adjoining streets with their right-of-way widths and names.
7. Lines of all lots with a simple method of numbering to identify all lots and blocks.
8. All building lines and all easements provided for public service together with their dimensions and any limitations of the easements.
9. Any and all dimensions necessary for accurate location of the boundaries of the site to

be developed and of all streets, lots, easements and dedicated areas. These dimensions shall be expressed in feet and decimals of a foot.

10. All radii, arcs, point of tangency, central angles and lengths of curves.
11. Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made.
12. All survey monuments and benchmarks, together with their description.
13. Private restrictive covenants and their period of existence.
14. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivision.

ARTICLE VII Improvement Plans

Section 410.310. Plans, Profiles and Cross Sections. [R.O. 2013 §410.310; CC 1991 §405.320; CC §43.600]

- A. The subdivider shall submit to the City Engineer the following plans, profiles and cross sections drawn to the horizontal scale of one (1) inch to one hundred (100) feet or less and a vertical scale of one (1) inch to twenty (20) feet or less and specifications for the construction of the improvements for the subdivision as required in this regulation. All elevations shall be referred to mean sea level.
 1. The plan and profile of each street with tentative grades and street intersection elevations.
 2. The cross sections of proposed streets showing the width or roadways, present and proposed grade lines, and location and size of utility mains. The cross sections shall be taken and platted at intervals of not more than one hundred (100) feet along the centerline, unless otherwise required by the City Engineer, and shall extend out to the sides to that point where the proposed grade intersects the existing grade. In no case shall these cross sections be extended less than the full width of the right-of-way.
 3. The plan and profile of proposed sanitary sewers and storm water sewers with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
 4. Specifications for the required improvements. Standard specifications approved by the City Engineer may be used.

ARTICLE VIII Exceptions, Changes and Amendments

Section 410.320. Modification of Requirements. [R.O. 2013 §410.320; CC 1991 §405.330; CC §43.700]

Whenever the strict enforcement of these regulations would entail unusual difficulties or

hardships, the Commission and Board of Aldermen may vary or modify them in such a way that the subdivider be allowed to plan and develop his/her property and record a plat of same, provided however, that the public welfare and interests of the municipality be fully protected and the general intent and spirit of the regulations preserved.

Section 410.330. Changes and Amendments. [R.O. 2013 §410.330; CC 1991 §405.340; CC §43.710]

Any regulations or provisions of these regulations may be changed and amended from time to time by the Board of Aldermen; provided however, that such change or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City of Tarkio at least fifteen (15) days prior to such hearing.

Chapter 415

FLOODPLAIN MANAGEMENT

ARTICLE I

Statutory Authorization, Findings Of Fact, And Purposes

Section 415.010. Statutory Authorization. [Ord. No. 150-14 Art. 1 § A, 7-8-2014]

The Legislature of the State of Missouri has in Section 79.110, RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of Aldermen of the City of Tarkio, Missouri ordains as follows.

Section 415.020. Findings Of Fact. [Ord. No. 150-14 Art. 1 § B, 7-8-2014]

- A. *Flood Losses Resulting from Periodic Inundation.* The special flood hazard areas of the City of Tarkio, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
- B. *General Causes of the Flood Losses.* These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages

Section 415.030. Statement Of Purpose. [Ord. No. 150-14 Art. 1 § C, 7-8-2014]

- A. It is the purpose of this Chapter to promote the public health, safety, and general welfare; to minimize those losses described in Article I, Section 415.020(A); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(b) by applying the provisions of this Chapter to:
 - 1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
 - 2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
 - 3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

ARTICLE II

General Provisions

Section 415.040. Lands To Which Ordinance Applies. [Ord. No. 150-14 Art. 2 § A, 7-8-2014]

This Chapter shall apply to all lands within the jurisdiction of the City of Tarkio identified as unnumbered A zones, on the Flood Insurance Rate Map (FIRM) dated September 18, 1985 on panel numbers 290013B 01 and 02 A as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article IV.

Section 415.050. Floodplain Administrator. [Ord. No. 150-14 Art. 2 § B, 7-8-2014]

The City Clerk is hereby designated as the Floodplain Administrator under this Chapter.

Section 415.060. Compliance. [Ord. No. 150-14 Art. 2 § C, 7-8-2014]

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

Section 415.070. Abrogation And Greater Restrictions. [Ord. No. 150-14 Art. 2 § D, 7-8-2014]

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

Section 415.080. Interpretation. [Ord. No. 150-14 Art. 2 § E, 7-8-2014]

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

Section 415.090. Warning And Disclaimer Of Liability. [Ord. No. 150-14 Art. 2 § F, 7-8-2014]

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

Section 415.100. Severability. [Ord. No. 150-14 Art. 2 § G, 7-8-2014]

If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or

invalid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby.

**ARTICLE III
Administration**

Section 415.110. Floodplain Development Permit (Required). [Ord. No. 150-14 Art. 3 § A, 7-8-2014]

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article II, Section 415.040. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

Section 415.120. Designation Of Floodplain Administrator. [Ord. No. 150-14 Art. 3 § B, 7-8-2014]

The City Clerk is hereby appointed to administer and implement the provisions of this Chapter.

Section 415.130. Duties And Responsibilities Of Floodplain Administrator. [Ord. No. 150-14 Art. 3 § C, 7-8-2014]

A. A. Duties of the City Clerk shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the Missouri State Emergency Management Agency (MO SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
7. Where base flood elevation from other sources is utilized within unnumbered A zones:
 - a. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

- b. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
- c. When floodproofing techniques are utilized for a particular non-residential structure, the City Clerk shall require certification from a registered professional engineer or architect.

Section 415.140. Application For Floodplain Development Permit. [Ord. No. 150-14 Art. 3 § D, 7-8-2014]

- A. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:
 - 1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed building or work;
 - 2. Identify and describe the work to be covered by the floodplain development permit;
 - 3. Indicate the use or occupancy for which the proposed work is intended;
 - 4. Indicate the assessed value of the structure and the fair market value of the improvement;
 - 5. Identify the existing base flood elevation and the elevation of the proposed development;
 - 6. Give such other information as reasonably may be required by the City Clerk;
 - 7. Be accompanied by plans and specifications for proposed construction; and
 - 8. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority

ARTICLE IV

Provisions For Flood Hazard Reduction

Section 415.150. General Standards. [Ord. No. 150-14 Art. 4 § A, 7-8-2014]

- A. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any unnumbered A zone unless the conditions of this Section are satisfied.
- B. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.

- C. All new construction, subdivision proposals, substantial-improvements, prefabricated buildings, placement of manufactured homes, and other developments shall require:
1. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. Construction with materials resistant to flood damage;
 3. Utilization of methods and practices that minimize flood damages;
 4. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 5. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
 6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
- D. *Agricultural Structures.* Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this Chapter; and a floodplain development permit has been issued.
- E. *Accessory Structures.* Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued.
- F. *Critical Facilities.*

1. All new or substantially improved critical nonresidential facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water and sewer treatment facilities, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the 500-year flood level or together with attendant utility and sanitary facilities, be floodproofed so that below the 500-year flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in the National Flood Insurance Program (NFIP) regulations.
2. All critical facilities shall have access routes that are above the elevation of the 500-year flood.

G. **Storage, Material, And Equipment.**

1. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
2. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

H. *Hazardous Materials.* All hazardous material storage and handling sites shall be located out of the floodplain.

I. *Non-Conforming Use.* A structure, or the use of a structure or premises that was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this Chapter, may be continued subject to the following conditions:

1. If such structure, use, or utility service is discontinued for 24 consecutive months, any future use of the building shall conform to this Chapter.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

J. *Cumulative Improvement.* A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five calendar years does not exceed 50 percent of the structure's current market value. If the cumulative value of the improvement exceeds 50 percent of the structure's current market value, the structure must be brought into compliance with Article

IV, Section 415.160(A) which requires elevation of residential structures to or above the base flood elevation or the elevation/floodproofing of non-residential structures to or above the base flood elevation.

Section 415.160. Specific Standards. [Ord. No. 150-14 Art. 4 § B, 7-8-2014]

A. In all areas of special flood hazard, once base flood elevation data is obtained, as set forth in Article IV, Section 415.150(B), the following provisions are required:

1. *Residential construction.* New construction or substantial-improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood level.

[*The FEMA, Region VII office recommends elevating to one foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.]

2. *Non-residential construction.* New construction or substantial-improvement of any commercial, industrial, or other non-residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood level or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article III, Section 415.130(A)(7)(c).

[*The FEMA Region VII office recommends elevating to one foot above the base flood elevation to qualify for flood insurance rates based upon floodproofing.]

3. Require, for all new construction and substantial-improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - b. The bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. In all areas of special flood hazard, once floodway data is obtained, as set forth in Article IV, Section 415.150(B), the following provisions are required:

1. The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation more than one foot at any point; and
2. The community shall prohibit any encroachments, including fill, new construction, substantial- improvements, and other development within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Section 415.170. Manufactured Homes. [Ord. No. 150-14 Art. 4 § C, 7-8-2014]

- A. All manufactured homes to be placed within special flood hazard areas shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- B. Require manufactured homes that are placed or substantially improved within unnumbered A zones on the community's FIRM on sites:
 1. Outside of manufactured home park or subdivision;
 2. In a new manufactured home park or subdivision;
 3. In an expansion to and existing manufactured home park or subdivision; or
 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial-damage" as the result of a flood,

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A zones on the community's FIRM, that are not subject to the provisions of Article IV, Section 415.170(B) of this Chapter, be elevated so that either:
 1. The lowest floor of the manufactured home is one (1) foot above the base flood level; or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

[*The FEMA, Region VII office recommends elevating to one foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.]

Section 415.180. Recreational Vehicles. [Ord. No. 150-14 Art. 4 § D, 7-8-2014]

- A. Require that recreational vehicles placed on sites within unnumbered A zones on the community's FHBM or FIRM either:
1. Be on the site for fewer than one hundred eighty (180) consecutive days,
 2. Be fully licensed and ready for highway use*; or
 3. Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this Chapter.

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

ARTICLE V
Floodplain Management Variance Procedures

Section 415.190. Establishment Of Appeal Board. [Ord. No. 150-14 Art. 5 § A, 7-8-2014]

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

Section 415.200. Responsibility Of Appeal Board. [Ord. No. 150-14 Art. 5 § B, 7-8-2014]

- A. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the City Clerk the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Article V, Section 415.190.
- B. The Board of Aldermen shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Clerk in the enforcement or administration of this Chapter.

Section 415.210. Further Appeals. [Ord. No. 150-14 Art. 5 § C, 7-8-2014]

Any person aggrieved by the decision of the Board of Aldermen or any taxpayer may appeal such decision to the Atchison County Circuit Court as provided in Section 89.110, RSMo.

Section 415.220. Floodplain Management Variance Criteria. [Ord. No. 150-14 Art. 5 § D, 7-8-2014]

- A. In passing upon such applications for variances, the Board of Aldermen shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following criteria:
1. The danger to life and property due to flood damage;
 2. The danger that materials may be swept onto other lands to the injury of others;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flood damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

Section 415.230. Conditions For Approving Floodplain Management Variances. [Ord. No. 150-14 Art. 5 § E, 7-8-2014]

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

twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

Section 415.240. Conditions For Approving Variances For Agricultural Structures. [Ord. No. 150-14 Art. 5 § F, 7-8-2014]

- A. Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article V, Sections 415.220 and 415.230 of this Chapter.
- B. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.
 - 1. All agricultural structures considered for a variance from the floodplain management regulations of this Chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the floodplain exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
 - 2. Use of the varied structures must be limited to agricultural purposes in flood-prone areas only.
 - 3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below highest adjacent grade, must be built with flood-resistant materials in accordance with Article IV, Section 415.150(C)(2) of this Chapter.
 - 4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Article IV, Section 415.150(C)(1) of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
 - 5. Any mechanical, electrical, or other utility equipment must be located above highest adjacent grade or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV, Section 415.150(C)(4) of this Chapter.
 - 6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with the NFIP regulations.
 - 7. Major equipment, machinery, or other contents must be protected from any flood damage.

8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
9. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below highest adjacent grade will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage and (2) such construction below highest adjacent grade increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

Section 415.250. Conditions For Approving Variances For Accessory Structures. [Ord. No. 150-14 Art. 5 § G, 7-8-2014]

- A. Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article V, Sections 415.220 and 415.230 of this Chapter.
- B. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.
 1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
 2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article IV, Section 415.150(C)(2) of this Chapter.
 3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article IV, Section 415.150(C)(1) of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
 4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV, Section 415.150(C)(4) of this Chapter.
 5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject

to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article IV, Section 415.160(A)(3) of this Chapter.

6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article IV, Section 415.160(B)(2) of this Chapter. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery, or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

ARTICLE VI **Penalties For Violation**

Section 415.260. Penalties. [Ord. No. 150-14 Art. 6, 7-8-2014]

- A. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$ 500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. Nothing herein contained shall prevent the City of Tarkio or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE VII **Amendments**

Section 415.270. Amendments. [Ord. No. 150-14 Art. 7, 7-8-2014]

The regulations, restrictions, and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Tarkio. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to

the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations.

ARTICLE VIII Definitions

Section 415.280. Definitions. [Ord. No. 150-14 Art. 8, 7-8-2014]

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

100-YEAR FLOOD — See "BASE FLOOD."

ACCESSORY STRUCTURE — Same as "appurtenant structure."

ACTUARIAL RATES — See "risk premium rates."

ADMINISTRATOR — The Federal Insurance Administrator.

AGENCY — The Federal Emergency Management Agency (FEMA).

AGRICULTURAL COMMODITIES — Agricultural products and livestock.

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

APPEAL — A request for review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

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

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

BASE FLOOD — The flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the structure having its floor subgrade (below ground level) on all sides.

BUILDING — See "structure."

CHIEF EXECUTIVE OFFICER OR CHIEF ELECTED OFFICIAL — The official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

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

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including

but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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

ELIGIBLE COMMUNITY OR PARTICIPATING COMMUNITY — A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

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

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

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

FLOOD OR FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

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

FLOOD ELEVATION STUDY — An examination, evaluation and determination of flood hazards.

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

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

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

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

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

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

FLOODWAY OR REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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

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

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

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

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

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

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

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

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

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

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

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

NFIP — The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY (ALSO KNOWN AS AN ELIGIBLE COMMUNITY) — A community in which the Administrator has authorized the sale of flood insurance.

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

PRINCIPALLY ABOVE GROUND — At least 51 percent of the actual cash value of the structure, less land value, is above ground.

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

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

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

damage occurred.

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

SPECIAL FLOOD HAZARD AREA — See "area of special flood hazard."

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

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

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

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

SUBSTANTIAL-DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition). — For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences. — The term does not apply to:

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

2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure", or
3. Any improvement to a building.

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

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

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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

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

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