

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 ($\frac{1}{2}$) 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 the proposed construction has not been completed within one hundred eighty (180) days of the date of issue shall expire by limitation; and no work or operation shall take place under such permit after such expiration. A continuance of ninety (90) days may be issued by the Building Inspector upon request. Partial construction, not completed, must be removed at the land owner's expense within thirty (30) days. [Ord. No. 195.17, 8-5-2017]
- 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).