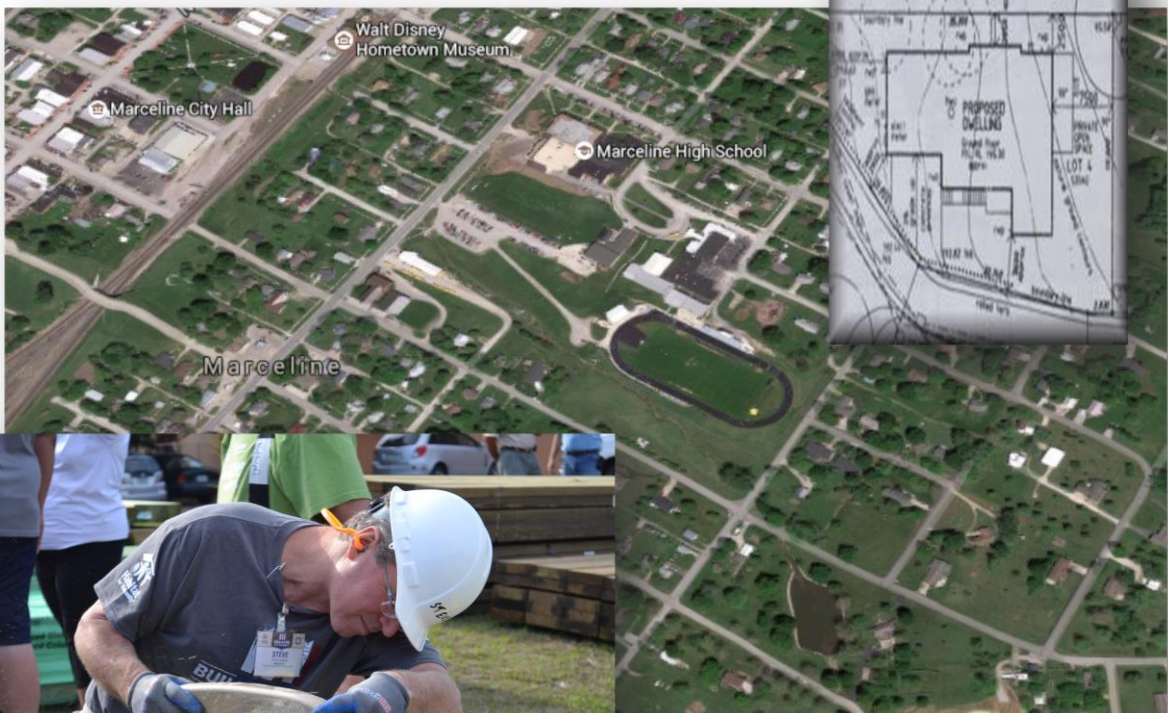


City of Marceline



Planning & Zoning Manual

City Ordinance #6.404



City of Marceline, Missouri
116 N. Main Street USA
Marceline, MO 64658

City of Marceline
Planning & Zoning
ORDINANCE #6.404

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ORDINANCE #6.404

PREAMBLE:

AN ORDINANCE FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, PROSPERITY, MORALS, AND GENERAL WELFARE BY REGULATING THE USES OF LAND, THE LOCATION, AREA, SIZE, USE, AND HEIGHT OF BUILDINGS ON LOTS AND THE DENSITY OF POPULATION IN THE CITY OF MARCEINE, MISSOURI.

THE CITY COUNCIL OF THE CITY OF MARCELINE, MISSOURI, DOES ORDAIN:

SECTION I – TITLE

- 1.00 This Ordinance shall be known as the Zoning Ordinance of Marceline, Missouri, and shall hereafter be referred to as “this Ordinance”.

SECTION II – SCOPE AND INTERPRETATION

- 2.00 Scope: From and after the effective date of this Ordinance, the use of all land and every building and the erection or structural alteration of any building in the City of Marceline shall be in conformity with the provisions of this Ordinance. Any structure or use lawfully existing at the passage of this Ordinance but not in conformity with the regulations of the appropriate zoning district may be continued subject to the regulations found in Section XVII.
- 2.10 Interpretation: The provisions of this Ordinance shall be interpreted as the minimum requirements for the promotion of the public health, safety, morals, convenience and general welfare, as provided for under municipal zoning enabling powers found at RSMo Chapter 89 (1969). Where the provisions of this Ordinance impose greater restrictions than those of any statute, ordinance, or regulation, this Ordinance shall apply. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, such restrictions shall apply.
- 2.20 Enforcement in Compliance with City Plan: This Ordinance is enacted to encourage the most appropriate use of land throughout the city of Marceline with reasonable consideration and in accordance with the city land development plan.

SECTION III – DEFINITIONS

- 3.00 General: For the purpose of this Ordinance, certain terms and phrases are hereby defined. Words used in the present tense shall include the future, the singular shall include the plural and the plural the singular. The word “building” shall include the word “structure”, the word “lot” shall include the words “plot” or “parcel”, and the word “shall” is mandatory and not discretionary. Words not defined herein shall be assigned the meaning or definition found in any standard English dictionary, or as defined specifically by state law for purposed of enforcing a statute.
- 3.10 Accessory Use: A use or structure subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the use of the principal structure.
- 3.11 Alley: A public way for the use of vehicles or as an easement affording a secondary access to an abutting property.
- 3.12 Apartment: A room or suite or rooms in a multi-family or multi-use building arranged and intended as a place of residence for a single family or a group of individuals living together as a single house-keeping unit.
- 3.13 Apartment Building: Three or more dwelling units grouped in one building.
- 3.14 Basement: A portion of a building located partly underground but housing less than half its clear floor to ceiling height below grade, and not used as a principal living area as defined herein as earth-sheltered housing or underground housing (see Sec. 3.66).
- 3.15 Beginning of Construction: The acquisition, preparation, improvement or excavation of a building site, assembling of building materials, or the commencement of construction activity to erect a building or structure.
- 3.16 Billboard: Any structure or portion of a building used for display or advertising; or any advertising sign other than:
- a. Church or similar bulletin board.
 - b. Signs pertaining only to the lease, hire, or sale of a building or premises, which is located on the subject building or premises.
 - c. An announcement or identification sign carrying the name and address of the owner or tenant residing on the premises.

- 3.17 Block: A tract of land bounded by streets or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, un-subdivided acreage or boundary line of the corporate limits of the City.
- 3.18 Boarding House: Any dwelling other than a hotel or motel where meals or lodging and meals for compensation are provided for five (5) or more persons pursuant to previous arrangements.
- 3.19 Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.
- 3.20 Building, Height of: The vertical distance from the average, natural, grade at the building line, to the highest point of the coping of a flat roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- 3.21 Bulk Stations: Distributing stations commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids, or liquefied petroleum products.
- 3.22 Clinic: An establishments where patients who dare not lodged overnight are admitted for examination/treatment by a group of physicians, dentists, or both practicing together.
- 3.23 District: A section of the City within which the regulations governing the use of buildings and premises, or the height and area of buildings and premises are uniform.
- 3.24 Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes.
- 3.25 Dwelling, Single-family: a dwelling designed for or occupied exclusively for residence purposes by one family or housekeeping unit.
- 3.26 Dwelling, Modular Home: A single-family dwelling suitable for year-round occupancy, which consists of more than one module either partially or wholly factory-fabricated and containing a framework which does not contain wheels or towing tongue. When transported to a building site, it will be placed on a permanent foundation so as to be substantially affixed to the site and connected to a water supply, waste disposal system and electrical supply, thereby making it immobile housing.

- 3.27 Dwelling, Multiple Family: A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- 3.28 Dwelling, Two Family: A detached residential building containing two dwelling units, designed for occupancy by not more than two families.
- 3.29 Dwelling Unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
- 3.30 Family: Any number of individuals living together on the premises as a single non-profit housekeeping unit (except for necessary servants) as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.
- 3.31 Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls, including basements and attached accessory buildings.
- 3.32 Frontage: All of the property of one or more lots measured in linear feet from lot line to lot line along the right-of-way of the primary access street.
- 3.33 Garage, Private: A garage intended for, and used by, the private motor vehicles of the families resident upon the premises; however, such garage shall not be used for more than one (1) small commercial vehicle per family resident upon the premises.
- 3.34 Garage, Semi-Private or Public: Any premises except those defined as a private garage used for storage or care of self-propelled vehicles and / or where any such vehicles are equipped for operation, repair, or are kept for remuneration, hire, or sale.
- 3.35 Grade: The average level of the finished surface of the ground adjacent to the building.
- 3.36 Home Occupation: Any occupation or activity 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 affixed to the outer wall, of not more than one square foot in area, which will indicate from the exterior of the building is being utilized in part for any

purpose other than that of a dwelling; there is kept no stock in trade nor commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises.

- 3.37 Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours.
- 3.38 Junk Yard: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, automobile, tractor, or machinery wrecking and used parts yards, but not including areas where such uses are conducted entirely within a completely enclosed building, and not inducing the processing of used, discarded, or salvaged materials as part of the manufacturing operation.
- 3.39 Kennel: Any lot or premises, on which three or more dogs at least four months of age are kept.
- 3.40 Loading Area: Any area where vehicles are parked, maneuvered, or loaded or unloaded of materials or equipment.
- 3.41 Lot: A portion of a subdivision or other parcel of land registered as a lot of record with the County Recorder and intended as a unit of for transfer of ownership or development.
- 3.42 Lot, Corner: A lot situated at the intersection of two or more streets.
- 3.43 Lot Coverage: The total allowable amount of lot area, expressed as a percentage, which may be covered by a principal use and its accessory structures.
- 3.44 Lot Depth: The average distance between the front and rear lot line (the greater frontage of a corner lot shall be deemed its depth and the lesser frontage its width).
- 3.45 Lot, Double Frontage: An interior lot having frontage on two streets.
- 3.46 Lot, Interior: A lot other than a corner lot.

- 3.47 Lot of Record: A parcel of land that is recorded as a lot in a subdivision that has been recorded in the official public records of the County Recorder of Linn County, Missouri.
- 3.48 Lot Width: The horizontal straight line distance between the side lot lines at the setback line.
- 3.49 Mobile Home: A transportable single family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as immobile housing, and subject to tax or registration, such, under provisions of Revised Missouri Statutes (Chapter 700, 1973) and having no permanent foundation other than wheels, jacks, or skirting.
- 3.50 Non-Conforming Use: A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated, except that such a use is not non-conforming if it would be authorized under a special use permit where located.
- 3.51 Parking Lot: A parcel of land containing one or more unenclosed parking spaces whose use is principal to the lot as differentiated from an accessory use, as on a residential lot.
- 3.52 Parking Space: An improved surface area, enclosed or unenclosed, sufficient in size to store one (1) motor vehicle, together with a street or alley and permitting ingress and egress of such motor vehicle. A minimum of 170 square feet, excluding access drives, is required.
- 3.53 Principal Use: The purpose for which land or a building thereon, is designed, arranged, intended or maintained, or for which it is or may be used or occupied.
- 3.54 Premises: A lot or plot containing a structure with the required front, side and rear yards for a dwelling or other use as allowed under this Ordinance.
- 3.55 Recreational Vehicle: A travel trailer, pick-up camper, converted bus, tent trailer or similar device used for temporary portable housing.
- 3.56 Screening: Any type of plant materials or an architectural form such as fencing being not less than 90 percent opaque to be utilized to obscure conflicting land uses and also to absorb and deflect noise.

- 3.57 Setback: The minimum horizontal distance between the lot line and the foundation wall of a building or the allowable building line as defined by the yard regulations of this Ordinance.
- 3.58 Special Use Permit: A permit granted by the City Council for a use that would not be appropriate generally throughout a zone district, but which, if controlled as to a number, area, location, or relation to the neighborhood, would not be injurious to the public health, safety, morals, welfare, order, comfort, convenience, appearance, and prosperity. Such uses may be permitted in listed zone districts upon application to the Planning Commission.
- 3.59 Story: That portion of the building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, the space between the floor and the ceiling next above it.
- 3.60 Story, Half: A story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story.
- 3.61 Street: A public thoroughfare which affords principal means of access to abutting property.
- 3.62 Street Line: The right-of-way line of a street.
- 3.63 Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.
- 3.64 Structural Alteration: Any change or addition to the supporting members of a building such as bearing walls, columns, beams, or girders.
- 3.65 Subdivision: A described tract of land which is to be or has been divided into three (3) or more lots or parcels, any of which resultant parcels is less than two and one-half (2 ½) acres in area and one hundred (100) feet in width, for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land. The term includes resubdivision, and, where it is appropriate to the context, relates either to the process of subdivision or to the land subdivided.
- 3.66 Underground Housing or Earth-Sheltered Housing: A permanent residential dwelling consisting of a story underground or partly underground and having one-half or more of

its height (measured from floor to ceiling) above the average level of the ground, or having the floor at the level of an exterior grade at one or more sides.

- 3.67 Use: The purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.
- 3.68 Variance: A modification or variation of the provisions of this Ordinance, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a variance.
- 3.69 Yard: A space in the same lot with a building open and unobstructed from the ground to sky, except for fences five (5) feet or less in height, and trees and shrubs.
- 3.70 Yard, Front: A yard extending across the front of the lot between the side yard lines and lying between the outer right-of-way (ROW) line of the road or highway and the nearest line of the building. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- 3.71 Yard, Rear: An open space unoccupied (except for accessory buildings) on the same lot with a principal building and situated between the rear lines of the building and the rear line of the lot, for the full width of the lot. On all lots the rear yard shall be at the opposite end of the lot from the front yard.
- 3.72 Yard, Side: An open, unoccupied space between a building and the side line of the lot, and extending from the front lot line to the rear yard.

SECTION IV – DISTRICTS AND BOUNDARIES

4.00 Zone Districts Established: In order to classify, regulate, and restrict the location of commerce, industry, other land uses, and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, the city of Marceline, Missouri, is hereby divided into seven (7) classes of districts. The use, height and area regulations are uniform in each class of district, and said districts shall be known as:

- R-1 Low Density Residence District
- R-2 Medium Density Multiple Unit Residence District
- R-3 Mobile Home Park District
- C-1 General Commercial District
- C-2 Highway Service Commercial District
- M Manufacturing District
- P/SP Public / Semi-Public District
- O Open Space / Semi-Public District

4.10 Official Zoning Map: There is designated a map of zone districts denoting the various requirements under this ordinance as applied to the city of Marceline. The boundaries of the districts established by this Ordinance are delineated on the Zoning Map; said map and all notations, references, and data shown thereon are hereby adopted and made part of this Ordinance and will be on permanent file, and for public inspection, in the City Hall. It shall be the responsibility of the Zoning Administrator and staff to maintain said map, and amendments thereto shall be recorded thereon within thirty (30) days after official publication of amendments. A copy of this Ordinance and Map will also be on file in the office of the Linn County Recorder.

4.20 District Boundaries: The district boundary lines on such map follow either streets, alleys or lot lines. Where the districts designated on the map are bounded by such street, alley or lot lines, the center line of the street or alley or the lot lines shall be the boundary of the district, unless such boundary is otherwise indicated on the map.

Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of such railroad line.

SECTION V – “R-1” LOW DENSITY RESIDENTIAL DISTRICT

- 5.00 Purpose: The “Rf-1” Residential District is intended to provide suitable areas within the community for resident dwellings which relate to the city land use plan and where municipal utilities and services may be maintained at reasonable cost.
- 5.10 Permitted Uses: Within an “R-1” District, the following uses are allowed in order to provide for an area of lower density residential development:
1. One and two family detached dwellings; seasonal homes, modular, and prefabricated housing, where properly serviced and of suitable appearance which is in harmony with adjacent residential development.
 2. Parks and recreational areas owned or operated by governmental agencies.
 3. Public elementary or high schools, or private schools with an equivalent curriculum.
 4. Churches, parish homes, convents, children’s nurseries and schools, provided that no building shall be located within fifty (50) feet of any abutting lot in any residential district.
 5. Plant nurseries and greenhouses, vegetable gardening; but not involving a sales structure.
 6. Home occupations, as defined in Section III and offices of professional persons when such use does not exceed one-third (1/3) of the main floor space of a dwelling, is conducted only in the principal dwelling, and does not employ any persons not residing on the premises.
 7. Public swimming pools, private recreational clubs, tennis courts except those operated for commercial purposes.

Ordinance #6.421 dated January 16, 1996 amends Ordinance #6.404 amending section 5.20:

5.20 Uses Permitted by Special Use Permit: Uses authorized upon the issuance of a Special Use Permit include, but are not limited to, the following:

1. **Municipal administration buildings, police and fire stations, libraries, museums, post offices, and other municipal service buildings except those customarily considered industrial in use, providing that no building shall be located within fifty (50) feet of any lot in a residential district.**

2. Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility and service structures.
3. Clubhouse, commercial country club, commercial swimming pool, private swimming pool serving more than one family, provided that no such principal structure shall be located within fifty (50) feet of any lot in a residential district.
4. Cluster single-family housing, detached, when keyed to topographic considerations or unique design proposals, subject to a minimum tract area of three acres under single or unified ownership. Overall density shall not exceed six dwelling units per acre (based on gross acreage) and shall be permitted only subject to approval of an overall development plan for the tract by the Planning Commission.

In no case shall the Planning Commission authorize a use prohibited in the district in which the housing project is to be located.

5. Hospitals, nursing homes and elderly housing projects, providing that no principal or accessory structure shall be located within fifty (50) feet of any lot in a residential district.

5.30 The following requirements shall be observed:

- a. Maximum building height: Thirty-five (35) feet except as authorized by the Planning Commission, who will review each application whose height exceeds 35 feet and 2 ½ stories.
- b. Minimum Lot Area: 7500 square feet
- c. Minimum Lot Frontage: The minimum lot frontage at the building line shall be seventy-five (75) feet.
- d. Minimum Floor Area: The minimum floor area shall be:

<u>3 or more bedrooms</u>	<u>2 bedrooms</u>	<u>1 bedroom</u>
1,000 sq. ft.	900 sq. ft.	700 sq. ft.

- e. Allowable Percentage of Lot Coverage (All Structures): 35%
- f. Maximum height of accessory structure: 15 ft.
- g. Yards and Setback Requirements (Minimums):

<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>
20 ft.	20 ft.	10 ft.

Sideyard requirements may be waived for zero lot-line structures, upon application to the Planning Commission for a variance.

Ordinance #6.420 dated November 21, 1995 amends Ordinance #6.404 adding to paragraphs h. (with subsections (i) and (ii)) and i.:

- h. Except, however, that the “Minimum Lot Area” and “Minimum Lot Frontage” requirements, as set forth above under items “b” and “c”, respectively, shall not be applicable to property owners who wish to demolish an existing residential structure and reconstruct a residential dwelling on the same property, provided that the following criteria are met:
 - (i) There was an existing residential dwelling on said property as of November 21, 1995;
 - (ii) Upon demolition of the existing structure, construction of the new or replacement residential dwelling must be commenced One (1) year from said demolition.
- i. Prior to initiating demolition of existing structure, a Demolition Permit must be obtained from City Hall. For purposes of this section, the One (1) year period to commence construction of the new or replacement structure shall begin on the date that the Demolition Permit is issued.

Ordinance #6.412 dated September 15, 1987 amends Ordinance #6.404 adding to Section V a new subsection 5.35 as follows:

5.35 Mobile Homes: Permitted uses in West Marceline Addition to the City of Marceline (also known as Braggans Addition): Within the West Marceline Addition the following uses shall be permitted in addition to those set out above.

1. Mobile homes, as defined in Chapter 700, Revised Statutes of Missouri and Section VII of this Ordinance shall be permitted.
2. All installations of mobile homes shall comply fully with the other provisions of this section with the exception of Section 5.30(d).
3. All installations of mobile homes shall comply with the appropriate building codes of City of Marceline and of Chapter 700, RSMo.

SECTION VI – “R-2” MULTIPLE DWELLING RESIDENTIAL DISTRICT

6.00 Purpose: The “R-2” Multiple Dwelling Residence District is intended to provide areas suitable for the location of apartment buildings, row housing, commercial recreation lodging structures and the like, which maintain density and space standards that will ensure a wholesome living environment and which effectively relate to the comprehensive plan for community development.

6.10 Permitted or Allowable Uses:

1. Use permitted in the R-1 Residential District
2. Apartment buildings and multiple dwelling structures housing from three to twelve units.
3. Attached row housing and townhouse developments.
4. Churches, schools, hospitals, nursing homes and convalescent homes or housing for the elderly, provided that no building shall be located within fifty (50) feet of an abutting single family lot boundary within any residence district.
5. Boarding homes or rental of rooms for from three to twelve persons on a premises.
6. Zero lot-line structures designed as duplexes or two-family units.

6.20 Special Uses: The following uses are permitted upon approval, by the City Council, of a special use permit after application for such permit is made to the city planning commission:

1. Multiple dwelling structures containing more than twelve units.
2. Retail, office and personal service establishments of an essential or ‘convenience’ nature.
3. Municipal administration buildings and structures, police and fire stations, public service establishments (non-profit) and essential public utility and service structure.
4. Mortuaries or funeral homes.
5. Offices for administrative, executive, professional or research organizations having only limited contact with the general public provided that no merchandise or merchandising services are sold on the premises except such as are incidental or accessory to the principal use.

6. Clubs, lodges or fraternal organization centers, non-profit only, provided that no business activity carried on as a service to the public, shall be permitted.

6.30 Requirements: The following requirements shall be observed:

1. Maximum Building Height: 2 ½ stories or thirty-five feet for principal structures, 15 feet for accessory structures.
2. Minimum Lot Area: 6,000 square feet
3. Minimum Lot Frontage: 75 feet.
4. Maximum Lot Coverage (all buildings or structures): 35 percent
5. Minimum Floor Area: The minimum floor areas for single family and duplex dwellings shall be:

<u>3 or more bedrooms</u>	<u>2 bedrooms</u>	<u>1 bedroom</u>
1,000 sq. ft.	900 sq. ft.	700 sq. ft.

Floor areas for other building types or for larger scale dwelling complexes shall be subject to review by the Planning Commission, who shall send recommendations to the City Council prior to approval of a building permit.

6. Yard Requirements:

<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>
20 ft.	20 ft.	10 ft.

Side yard requirements may be waived by the City Council for zero lot-line dwellings and other approved structures. Accessory buildings shall have a 5 foot setback side and rear.

SECTION VII – “R-3” MOBILE HOME DISTRICT

7.00 Purpose: This district is intended to promote the health and safety of the citizens of the city of Marceline by regulating the establishment and operation of mobile home parks within Marceline in furtherance of Revised Statutes of Missouri, Chapter 700 (1973). Mobile homes are further defined therein as “. . . a factory built structure or structures more than eight feet in width, 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 without a permanent foundation. The phrase ‘without a permanent foundation’ indicates 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.”

7.10 Principal Permitted Uses: This district permits the establishment of mobile home parks or courts which shall consist of five (5) or more such homes on a contiguous block, parcel, or tract of land. The term “mobile home park” shall exclude the terms “tourist camp” or “recreational vehicle trailer camp”. A mobile home park may be established in Marceline provided:

1. That access to the mobile home parks or subdivision shall be from an arterial highway or secondary thoroughfare; that number and location of access drives shall be controlled for traffic, safety and protection of surrounding properties; that no mobile home space shall be designed for direct access to a street outside the boundaries of the mobile home park; and that interior access drives shall have at least a forty (40) foot right of way and shall be surfaced with a durable, dustproof surface of concrete or bituminous surfacing at least twenty feet (20’) in width as approved by the City.
2. The minimum width and / or depth of the mobile home park or subdivision shall be 300 feet and minimum total area shall be three (3) acres. A certificate of occupancy shall not be issued until the first five (5) spaces are developed and available for occupancy.
3. A mobile home park shall contain at least 1,000 square feet per mobile home for community facilities, including play space, utility room, parking and access roads.
4. A mobile home park shall be surrounded by a landscaped strip of open space twenty-five (25) feet along the street frontage with an arterial highway and twenty-five (25) feet wide along all other lot lines or street frontage. The twenty-five (25) foot distance shall be measured in addition to the plotted lot.

5. The minimum lot area for each mobile home site shall be not less than 5,000 square feet; the minimum dimensions shall be fifty (50) feet by one hundred (100) feet, with corners of each site or lot visibly marked by a permanent marker.
6. Side to side spacing between mobile homes shall be at least twenty-eight (28) feet. Back to back spacing shall be at least fifteen (15) feet, and no part of a mobile home shall extend closer than five (5) feet to the boundaries of the next individual mobile home site lot line. The distance between any mobile home and any building shall be at least twenty (20) feet.
7. Off-street parking spaces in mobile home parks for automobiles shall be provided in the ratio of one space per mobile home, in locations convenient to individual mobile homes or groups of mobile homes. Parking spaces provided shall be situated so as to be at least ten (10) feet from the nearest mobile home on the next adjoining lot.
8. Proper provision shall be made for public water supply, sanitary sewers, fire protection, refuse collection and snow removal.
9. No lots within a mobile home park shall be sold and no plat shall be approved converting a mobile home park into a trailer or mobile home subdivision.
10. No mobile home shall contain more than one dwelling unit and in no case shall a mobile home be rented or occupied by two or more families.
11. Each mobile home within any mobile home park is to be completely skirted around the bottom with a suitable material such as aluminum, plywood property painted, or Masonite property painted. Such skirting is to be neat in appearance from all exterior points of view.
12. Refuse and garbage shall be stored in containers specified by the city of Marceline.
13. All domestic animals will be kept in compliance with regulations and ordinances specified by the city of Marceline.
14. The term "operator" as used in this ordinance is construed to include the following: persons, partnerships, firms, companies, corporations, tenants, owners, lessee, licensee, agents, heirs, or assigns.
15. All lots shall be seeded or sodded in the area not occupied by a mobile home or parking space.
16. Suitable lighting shall be provided during hours of darkness for walks and drives.

17. Each site shall be provided with a paved or graveled area measuring at least twenty (20) feet by twenty (20) feet.

7.20 Other General Requirements: All mobile home parks or courts hereafter located, re-located, or enlarged shall be in conformance with the provisions of this Ordinance and Revised Statutes of Missouri, Chapter 700 (1973), and all amendments and additions thereto.

1. Mobile home parks or courts shall be developed only through the process of applying for a zone district amendment and a special use permit by the Marceline City Council, subject to initial review by the city planning commission.
2. Individual mobile homes (not located in an R-3 District – mobile home park or court) shall be prohibited from all other zone districts.
3. Mobile homes shall not be permitted in mobile home parks or courts that:
 - a. Do not conform to RSMo Chapter 700.
 - b. Are, in the opinion of the city code enforcement officer or zoning administrator, in an unsanitary condition or are structurally unsound.
 - c. Do not protect inhabitants against the elements.

7.30 Special Use Permit: An application for creation of an R-3 zone district shall be accompanied by a special use permit application. No person shall establish, operate, or maintain a mobile home park in the City of Marceline until the City Council shall have approved a special use permit containing the following information:

1. A plat showing individual sites.
2. Proposed setback lines.
3. Street layout.
4. Landscaping.
5. Utility services including water, sanitary sewer, storm drains, lighting and electrical systems, and acquired or proposed easements.

SECTION VIII – “C-1” GENERAL COMMERCIAL DISTRICT

- 8.00 Purpose: The “C-1” General Commercial District is designed to provide a compact shopping area for the location of offices and retail stores necessary for serving the community and surrounding areas; which is closely aligned with the approved comprehensive development plan for the city; and which maintains a mutually compatible relationship with the various types of uses.
- 8.10 Principal Permitted Uses: With a C-1 District, unless elsewhere restricted or prohibited by this Ordinance, no uses are permitted except for the following:
1. Amusement and recreation establishments such as indoor theaters, swimming pools, skating rinks, billiard halls, bowling alleys, and similar commercial recreation facilities.
 2. Animal hospitals and clinics where there are no open kennels or yards.
 3. Automobile dealers, new and used car lots, boat, recreational vehicle display lots and structures.
 4. Appliance stores and shops for repair and servicing of electrical, radio, and television appliances, bicycles, and similar articles.
 5. Art studios, art galleries, sales and supplies; commercial printing and publishing.
 6. Bakeries, provided the room or rooms containing the preparation and baking process, shall not have a gross floor area in excess of two thousand, four hundred (2,400) square feet.
 7. Bank, savings institutions, offices, and studios.
 8. Barber and beauty parlors and other personal service shops.
 9. Parking lots and storage garages.
 10. Theaters.
 11. Camera and photo stores and photography studios.
 12. Other shops for sale of goods and products at retail, including gasoline service stations.
 13. Heating, plumbing, sheet metal and electrical shops.
 14. Farm implement sales and repair shops.

15. Clothing stores, including pressing and tailoring shops.
16. Club and lodge halls, restaurants, cafes, and soda fountains.
17. Hotels and motels, providing off-street parking is provided.
18. Wholesale business and storage warehouse.

8.20 Special Uses Allowed: The following uses are permitted through the granting of a special use permit, provided that no such use results in undesirable noise, odor, dust, or vibration levels:

1. Dairy products manufacturing.
2. Commercial bakeries in excess of 2,400 square feet.
3. Cleaning, dyeing, and laundry works.
4. Food and fiber products manufacturing.
5. Sign painting shops.
6. Truck terminals, trailer, and truck services.
7. Other uses similar to the above in accordance with requirements specified by the Planning Commission.
8. Individual or group housing units.

8.30 Accessory Uses: Accessory uses are permitted in the C-1 zone district that conform to the criteria listed below:

1. Accessory uses shall be related to and customarily incidental to the uses listed in subsections 8.10 or 8.20 of this Ordinance.
2. Off-street parking and loading regulations are governed by Section XIV of this Ordinance.

8.40 Additional Requirements: The following requirements shall be observed:

1. Business in enclosed buildings: All businesses, services, or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations, and the outdoor display and storage of materials and equipment as may be authorized by the Planning

Commission. Automotive sales and related sales of trucks and self-propelled vehicles may be conducted from within the confines of an open sales lot, however.

2. Maximum Building Height: No principal structure shall exceed three (3) stories or forty (40) feet in height.
3. Yard setbacks: Front, rear, and side yard requirements shall be:

Front Yard Setbacks	Rear Yard Setbacks	Side yard Setbacks
20 feet	20 feet	None, except when properties zoned "C-1" abutt a residential district, in which case there shall be a side yard not less than 10 feet. If an unrequired side yard is provided it shall not be less than 5 feet in width.

4. Lighting (glare) shall be directed away from public rights-of-way and residential districts.
5. An awning, canopy, or marquee suspended from a building may extend over the public right-of-way ten (10) feet but not to within two (2) feet of the curb line. Such structures shall be of a height not less than twelve (12) feet from the sidewalk or ground grade line, and the owner of such structure shall be responsible for its structural safety.
6. Screening: All principal and accessory uses, except business signs, which are situated within fifty (50) feet of a residential district, shall be screened from such district by a wall or fence of not less than ninety (90) percent opacity and not less than five (5) nor more than seven (7) feet in height above the level of the residential district property at the district boundary. Walls or fences of lower heights or planning screens may be allowed by the Planning Commission if a lesser degree of screening will adequately promote and protect the use and enjoyment of the properties within the adjacent residential district, or if there is a finding that a screening of the type required by this Ordinance would interfere with the provisions of adequate amounts of light, vision clearance, and air to same said properties. Loading docks in the C-1 District shall be screened so as not to be visible from any public street right-of-way within a residential district. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be

properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

7. Landscaping: All exposed ground areas surrounding or within a principal or accessory use including street boulevards, which are not devoted to drives, sidewalks, patios, or other such uses shall be landscaped with grass, shrubs, trees, or other ornamental landscaped materials. All landscaped areas shall be kept neat, clean and uncluttered. No landscaped area shall be used for parking of vehicles or the storage or display of materials, supplies or merchandise.

SECTION IX – “C-2” HIGHWAY SERVICE COMMERCIAL DISTRICT

- 9.00 Purpose: The C-2 Highway Service Commercial District is intended to provide for the general commercial needs of the highway traveling public, and to allow for businesses desiring to serve customers through vehicle access (rather than general pedestrian access).
- 9.10 Principal Permitted Uses: These land uses listed below are examples of principal permitted uses intended for the C-2 District:
1. Commercial retail and service establishments including but not limited to: general merchandise, motor vehicles, farm machinery, apparel, furniture, hardware, food eating, drinking, lodging, personal and professional services, entertainment and recreation facilities and services, finance, insurance and real estate services.
 2. Wholesale and warehousing operations such as: food products, automotive parts, electrical equipment, hardware and feeds.
 3. Commercial recreation and entertainment facilities such as swimming pools, skating facilities, golf driving ranges, miniature golf courses, drive-in theaters, and related uses.
 4. Other uses, similar to those listed above, which clearly reflect the purpose and intent of the C-2 Commercial Zone District.
- 9.20 Special Uses Through Permit: Uses which may be permitted through the granting of a special use permit include, but are not limited to, the following:
1. Public and semi-public uses including: public and private schools, churches, community buildings, public parks and recreation areas, hospitals, rest homes, fire and police stations, public maintenance repair or storage buildings.
 2. Utility corridors and necessary related facilities including but not limited to transmission towers and lines, microwave relay towers, substations and pipelines.
 3. Necessary facilities for production of electric power including but not limited to dams, reservoirs, and power plants.
 4. Transportation terminals.
 5. Sewage lift stations or other municipal maintenance or utility structures.
- 9.30 Requirements: The following requirements shall be observed:

1. Maximum Building Height: Three (3) stories or forty (40) feet in height.
2. Minimum Lot Area Requirement: ½ acre (21,780 square feet)
3. Minimum Lot Frontage: 100 feet
4. Maximum Lot Coverage Allowed: including all structures and plus parking areas, loading areas, and similarly altered ground surfaces 75 percent.
5. Lot Line Setbacks: All structures on commercially zoned property adjacent to a residential or “M” zone district must be set back a minimum of 50 feet from side and rear lot lines, regardless of provisions listed below, or must be screened in a manner which will provide an effective buffer between the districts, such screening to be approved by the Planning Commission.

<u>Front Yard Setbacks</u>	<u>Rear Yard Setbacks</u>	<u>Side yard Setbacks</u>
25 feet (all structures)	20 feet	5 feet

6. Road Setback: 45 feet from centerline of driving surface or 35 feet from right-of-way line, whichever is greater. This requirement applies primarily to the extension of frontage roads or service / access roads to highway-oriented business establishments.

SECTION X – “M” MANUFACTURING DISTRICT

10.00 Purpose: It is the purpose of the “M” Manufacturing District to create industrial areas that will be acceptable within the City and will not adversely affect adjacent business or residential neighborhoods. Manufacturing establishments should not create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences other than the minimum amount normally resulting from that type of used provided that they be minimized or eliminated by engineering or site design features. In the interest of general health and welfare, residential and certain institutional uses are not permitted within this district.

10.10 Principal Permitted Uses: The general uses related to industrial, warehousing, and processing activities are permitted activities. Permitted activities must be evaluated on the basis of the presence of objectionable features or conditions likely to occur as a result of such an activity, occurring within an “M” Manufacturing District. The following uses are examples of permitted uses:

1. Clay stone and glass products (concrete, pottery, porcelain products).
2. Food and Beverage: Wholesale bakery products, beverages, creamery and dairy operations, canning of fruits and vegetables, meat and fish products, products processing and packaging (no slaughtering).
3. Metals: vehicle assembly, boat manufacture, metal components (nuts, screws, nails), foundry products, appliances and associated elements, iron and steel fabrication, machinery parts, tools, plumbing supplies, machine shops, locomotive and rail car building and repair.
4. Wood and paper products; printing and publishing.
5. Tire retreading and vulcanizing plant.
6. Warehousing storage and wholesaling: the storage, handling, assembly and distribution of goods and materials for wholesale or onsite use.
7. Railroad yard and freight station: if located not less than two hundred (200) feet from any Residence District.
8. Grain elevators, lumber yards, light foundry casting.
9. Wrecking and salvage yards, junk yards; screening required as per conditions set forth by the Planning Commission.

10.20 Special Uses Allowed: The Planning Commission shall have the responsibility of issuing special use permits for activities which may pose a problem with respect to noise, pollution, vibration, or due to the injurious nature of a manufacturing activity. All manufacturing activities that the Zoning Administrator, City Health Officer, City Engineer, or Chief of the Fire Department deem as potentially hazardous to the Citizens of Marceline shall be required to obtain a special use permit prior to construction. Examples of such manufacturing activities include:

1. Slaughterhouses and stockyards.
2. Acid manufacturing, wholesale storage of acids or noxious chemicals, storage of flammable liquids in excess of 25,000 gallons per storage unit.
3. Cement, concrete, lime, gypsum, or plaster of paris manufacture.
4. Chemical manufacturing or processing.
5. Distillation of bones or fat rendering, or animal carcass processing.
6. Explosives manufacture and bulk (storage) stations.
7. Sand or gravel pits, mining or quarrying activities.

10.30 Requirements: The following requirements shall be observed:

1. Maximum Building Height: Four (4) stories or forty-five (45) feet in height.
2. Minimum Lot Areas: 15,000 square feet
3. Minimum Lot Frontage: 100 feet at the building line
4. Maximum Lot Coverage Allowed: 60 percent.
5. Setbacks:

Front Yard Setbacks	Rear Yard Setbacks	Side yard Setbacks
35 ft. (all structures)	20 ft. (primary structure) 10 ft. (accessory structure)	20 ft. (primary structure) 10 ft. (accessory structure)

10.40 Additional Special Requirements: The Planning Commission may, at its discretion and based upon recommendations from the Zoning Administrator, City Engineer, City Health Officer, or Chief of the Fire Department, require any or all of the following special measures:

1. Landscaping: All open areas of any site, lot, tract, or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives or storage, shall be landscaped with trees, shrubs, or planted ground cover. Such landscaping shall conform with the planting plan approved at the time the building permit was issued. It shall be the Owner's responsibilities to see that this landscaping is maintained in an attractive and well-kept condition. All adjacent vacant lots, tracts or parcels under the same ownership shall also be properly maintained.
2. Screening: All principal, accessory and special uses, except business signs, which are situated within fifty (50) feet of a Residential District, shall be screened and buffered from such district by a separation of open space which shall have a minimum depth of thirty (30) feet and shall include a required fence or vegetative screening of not less than ninety (90) percent opacity and not less than eight (8) feet in height above the level of the Residential District property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the Planning Commission if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent Residential District, or there is a finding that a screening of the type required by this Ordinance would interfere with the provision of adequate amounts of light and air to same said properties. Loading docks in the "M" Manufacturing District shall be screened so as not to be visible from any public street right-of-way within a Residential District. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.
3. Storage: The storage of combustible or flammable materials will be a minimum two hundred (200) feet from any residential district.

SECTION XI – PUBLIC/SEMI-PUBLIC DISTRICT

- 11.00 Purpose: To recognize a district which is currently in the public domain and which is the location of actual or planned facilities intended to serve the public; to permit orderly and economic development of public service utilities and schools within such a “Public” district.
- 11.10 Principal Permitted Uses: A building or premises shall be used only for the following purposes:
1. Churches and cemeteries, institutions of a religious, philanthropic, or charitable nature except penal or correctional institutions.
 2. Public schools, public parks, playgrounds, community buildings, and similar community facilities.
 3. Public and private forests and wild life reservations, or similar conservation projects.
 4. Public utility structures and equipment necessary for the operation thereof.
 5. Non-commercial parks, playgrounds and community buildings owned or operated by public or semi-public agencies.
 6. Public tennis courts, archery ranges, and similar facilities not operated for commercial purposes.
- 11.20 Special Use Permits Required: Uses authorized upon the issuance of a special use permit include, but are not limited to, the following:
1. Airport: Public and/or private.
 2. Campground: Public or private.
 3. Disposal Plant: sewage.
 4. Gravel pit, quarry, equipment storage, rock crushing.
 5. Public or private institutions for care of criminal or civil commitments.
- 11.30 Additional Requirements: The following requirements shall be observed:
1. Accessory Uses: Uses incidental to and in the same zone district as the principal use are allowed.

2. Minimum Lot Size: Front Yards; Side Yards; Rear Yards; Setbacks: All proposed developments, whether new or amounting to expansions of existing uses, shall be reviewed and approved by the Planning Commission on matters related to lot sizes, setbacks, side yards, etc.

SECTION XII – “O” OPEN SPACE AND FLOODPLAIN DISTRICT

- 12.00 Purpose: Agricultural land uses, areas of high water table or subject to periodic flooding, and areas generally unsuited to development due to ecological considerations, distance from public utilities or access roads, or other areas of an undeveloped nature are provided protection from development through the “O” Open Space and Flood Plain District.
- 12.10 Principal Permitted Uses: The following open space uses shall be permitted within the “O” zone district provided that they do not adversely affect the efficiency nor unduly restrict the capacity of channels, floodways, or any tributary to a main stream, drainage ditch, or any other drainage facility or system:
1. Permanent Open Space: Including, but not limited to, parks, forests, golf courses, and similar uses.
 2. Agricultural uses.
 3. Soil and water conservation programs.
 4. Borrow pits and related facilities including, but not limited to, portable crushing, screening, and batching activities, and quarrying activities.
 5. Other uses, similar to those listed above, which clearly reflect the purpose and intent of the Open Space and Floodplain Zone District.
- 12.20 Uses Authorized by Special Use Permit: The following uses may be permitted if outside of a designated floodplain but within an “O” zone district, upon application to the Planning Commission and subsequent approval of a special use permit:
1. Single family dwelling.
 2. Utility corridors and related facilities including, but not limited to, transmission towers and lines, microwave relay towers, antennae, substations, and pipelines, etc.
 3. Mineral exploration.
 4. Landfill development.
 5. Other uses similar to those listed above.
- 12.30 Designated Floodplains: Areas designated as floodplain under the Federal Flood Insurance Act, by a registered land surveyor, or by the Planning Commission after a land survey has been completed, shall be restricted from development and from

construction of structures which are designed for human habitation. All such structures shall have a low flood damage potential and shall not unduly impede the flow of floodwaters.

12.40 Requirements: The following requirements shall be observed:

1. Minimum Lot Area: 1.0 acre (43,560 square feet)
2. Minimum Lot Width: 100 feet
3. Maximum Lot Coverage (including accessory structures: 25 percent.
4. Lot Line Setbacks:

<u>Front Yard Setbacks</u>	<u>Rear Yard Setbacks</u>	<u>Side yard Setbacks</u>
50 feet (all structures)	25 feet	25 feet

5. Maximum Building Height: Thirty-five (35) feet of three (3) stories.
6. Floodplain Areas Exempted: Areas designated as floodplain cannot be used in computing yard requirements.

SECTION XIII – ADDITIONAL GENERAL REQUIREMENTS

13.00 Scope of this Ordinance: Except as otherwise provided in Section XVII (Non-Conforming Uses), no building shall be erected, converted, enlarged, reconstructed, moved, structurally altered or used, except for a use permitted in the district in which such buildings, uses or land shall be located. The following uses or restrictions apply:

1. No application for a building permit, certificate of zoning compliance, or other license or permit shall be approved by the Zoning Administrator and no permit or license shall be issued by any City Department which would permit the use or change in use of any land, building, or the erection, moving, alteration, enlargement, or occupancy contrary to the provisions of this Ordinance.
2. Area Regulations: No lot area shall be so reduced or diminished that the yards or other open space shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations as herein-after provided, nor shall the area of any newly platted lot be reduced below the minimum requirements herein established.

13.10 More than One Structure on a Lot: In any district, more than one building enclosing a principal permitted use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual basis.

13.20 Accessory Buildings: In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five (5) feet to the main building.

1. A detached accessory building shall not be located in any required front yard, except where such front yard lies between the building line and a shoreline in which case such arrangement may be permitted.
2. A detached accessory building not exceeding fifteen (15) feet in height shall occupy not more than thirty (30) percent of the area of any side or rear yard, providing further that no detached accessory building shall be closer than five (5) feet to any rear lot line, nor closer than (5) feet to any side property line, nor closer than twenty (20) feet to the front property line. Where an alley exists, an accessory building may be located no closer than five (5) feet to the outer alley line and access to such structure shall be limited to the alley.

13.30 Height Limitations: Where the average slope is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.

1. Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100 percent when applied to the following: Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, lookout towers, storage tanks, ornamental towers and spires, wireless towers, or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy.

13.40 Yard Requirements: The following requirements qualify or supplement, as the cause may be, the district regulations appearing elsewhere in this Ordinance. Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

1. The ordinary projections of window wells, sills, belt courses, cornices and ornamental features may extend to a distance not to exceed eighteen (18) inches.
2. Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than two (2) feet or into a court not more than three and one half (3 ½) feet shall be permitted, where the same are to be so placed as not to obstruct light and ventilation.
3. A yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other open space for another building.
4. The setback requirements shall be observed on each street side of a corner lot; provided, however, that the building width of a lot shall not be reduced to less than thirty (30) feet.
5. Permitted Obstructions in Required Yards: The following shall not be considered obstructions when located in the required yards specified:

Front Yards:

- (a) A landing, patio or uncovered porch may extend into the required front yard to a distance not exceeding ten (10) feet, if the landing, patio, or porch has its floor no higher than the entrance floor of the building.

- (b) The required front yard of a corner lot shall not contain any wall, fence, or other structure, tree, shrub, or other growth which may cause danger to traffic on a street or public road by obscuring the view.
- (c) On double frontage lots, the required front yard shall be provided on both streets.
- (d) Filling station pumps and pump islands may be located within required yard; provided they are not less than fifteen (15) feet from any street line and not less than fifty (50) feet from any residential boundary.

Side Yards:

Where dwelling units are erected above commercial establishments, no side yard is required except when required for the commercial building on the side of a lot adjoining a residential district.

Rear Yards:

Open or lattice enclosed fire escapes, outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into a rear yard may project for a distance not to exceed five (5) feet when these are so placed as not to obstruct light and ventilation.

13.50 Vision Clearance and Solar Access: The following requirements shall be observed:

1. Fences, Walls in Front Yard: In any residence on any corner lot, no fence or accessory structure or planting shall rise over two and one-half (2 ½) feet in height above the level of the public sidewalk within twenty (20) feet of any corner, so as to interfere with traffic visibility across the corner. No fence or wall or shrub planting of more than two and one-half (2 ½) feet in height above the level of the public sidewalk shall be erected on any interior lot within ten (10) feet of the front property line where it will interfere with traffic visibility from a driveway.
2. Fences in Side and Rear Yard: No fence or wall, other than a retaining wall, along a side line of a lot in a residence zone, shall be higher than six (6) feet unless any part above such a height has at least fifty (50) percent of the surface uniformly open and unobstructed, unless the adjoin lot is not in a residential zone. No fence or wall thus constructed shall interfere with the operation or obstruct access to solar light rays needed for a functioning solar collector, or other solar power equipment. Solar powered units shall be recorded with the city clerk upon date of installment so as to register the location of placement and to validate access to the solar plane between

the hours of 10:00 a.m. and 3:00 p.m., or to allow for some other agreements between owners of adjacent lots.

3. Street Closures: Whenever any street, alley, or other public way is vacated by official action of the City, the zoning district adjoining each side of such street, alley 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.

13.80 Buildings Must Have Access: No building may be erected without having public street frontage or without access to an approved private street or pedestrian easement.

SECTION XIV – PARKING AND LOADING AREAS REQUIRED

14.00 General Requirements: Required parking and loading spaces for residential, commercial, manufacturing or public use shall be provided on the premises of every land parcel having a principal structure built thereon. Each parking lot shall contain a minimum area of not less than three hundred (300) square feet including access drives, and a width of not less than nine (9) feet, and a depth of not less than fifteen (15) feet. The minimum number of required off-street parking spaces for various uses shall be as follows:

1. Dwelling units three stories or less – one parking space for each unit.
2. Multiple dwelling over three stories – two parking spaces for each dwelling unit.
3. Mobile home park – one parking space per mobile home.
4. Motel or motor hotel – one and one-half (1 ½) parking spaces for each rental room or suite.
5. Churches – one (1) parking space for each eight (8) seats, based on the design capacity of the main seating area.
6. Elementary school or junior high school – two (2) parking spaces for each classroom.
7. Senior high school – three (3) parking spaces for each classroom.
8. Public administration buildings, community center, public library, museum, art galleries, post office and other public service buildings – ten (10) parking spaces plus one additional space for each five hundred (500) square feet of floor area in the principal structure.
9. Assembly or exhibition hall, armory, auditorium, theater, or sports arena – one (1) parking space for each four (4) seats, based upon design capacity.
10. Golf course, golf clubhouse, country club, swimming club, tennis club, public swimming pool – thirty-six (36) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principal structure.

11. Hospitals – one (1) parking space for each three (3) beds; convalescent or nursing home – one (1) parking space for each four (4) beds.
12. Automobile service station – four (4) parking spaces; plus two (2) parking spaces for each service stall. Such parking spaces shall be in addition to gas pump service area.
13. Drive in Restaurant – twenty (20) parking spaces or one (1) space for each twenty (2) square feet of floor area, whichever is greater.
14. Restaurant, café, night club, tavern or bar – one (1) parking space for each one hundred (100 square feet of floor area.
15. Bowling alley – five (5) parking spaces for each bowling lane.
16. Office Building – three (3) parking spaces for each five hundred (500) square feet of floor area.
17. Retail stores and service establishments – one (1) parking space for each one hundred (100 square feet of floor area.
18. Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sales, auto repair – one (1) parking space for each five hundred (500) square feet of floor area.
19. Shopping Center – where several business uses are grouped together according to a general development plan, on-site automobile parking shall be provided in a ration of not less than three (3) square feet of gross parking area for each one (1) square foot of gross floor area; separate on-site space shall be provided for loading and unloading.
20. Storage, wholesale or warehouse establishments – one (1) parking space for each two (2) employees on the major shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.
21. Manufacturing or industrial plant, research or testing laboratory, warehouse or similar establishment – one (1) parking space for each two (2) employees on the

major shift, but no less than one space for every one thousand (1,000) square feet of gross floor area.

14.10 Off-Street Loading Area Design and Maintenance: The following general requirements shall be observed:

1. Location: All required loading or unloading into or out of trucks in excess of $\frac{3}{4}$ ton capacity, or railroad cars, shall be conducted at facilities specifically designed or designated for that purpose. Any loading area consisting of more than one loading dock shall be separate from any off-street parking.
2. Access: Each required off-street loading dock shall be so designed as to avoid undue interference with other vehicular or rail access or use of public streets, alleys, or other public transport systems.
3. Surfacing: All off-street loading facilities, including loading docks and maneuvering areas, shall be surfaced with a hard, all-weather, dust-free, durable surfacing material and shall be well drained and landscaped and shall be maintained in a sightly and well-kept condition.
4. Design: All loading areas shall consist of a maneuvering area in addition to the dock and shall not use any of that portion of the site containing parking stalls. Maneuvering areas shall be of such size as to permit the backing of truck tractors and coupled trailers into a dock, without blocking the use of other docks, the drive or maneuvering areas.

14.20 Required Loading Areas: The following requirements are set forth to ensure that off-street parking and loading design features are provided.

1. Space for loading and unloading of goods, supplies, and services shall be provided in addition to required off-street parking spaces and shall be sufficient to meet the requirements of each use.
2. The following uses shall observe required loading and unloading spaces as indicated:
 - a. Motels, hotels, lodging and rooming houses, private clubs and lodges – one for each structure over 20,000 square feet of gross floor area.
 - b. Light and heavy commercial uses except where otherwise specified – one space for the first 10,000 square feet of gross floor area and one space for each additional 50,000 square feet of gross floor area.

- c. Auditorium, stadium, gymnasium, community centers and religious institutions and schools (private and public) – one for each structure over 100,000 square feet of gross floor area.
 - d. Office building and professional offices (other than doctor and dentist); banks – one space for buildings between 30,000 and 100,000 square feet of gross floor area and one space for each additional 100,000 square feet of gross floor area.
 - e. Restaurants, and other food-dispensing establishments except drive-in restaurants – one for each structure over 10,000 square feet of gross floor area.
 - f. Furniture, automobile and boat sales and appliance sales – one space plus one additional space for each 25,000 square feet of gross floor area.
 - g. Hospitals, rest homes, nursing homes, etc. – one space plus one additional space for each 25,000 square feet of gross floor area.
 - h. Bowling alleys – one space for each structure over 20,000 square feet of gross floor area.
3. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is mentioned and to which said use is similar, as determined by the Planning Commission, shall apply.

14.30 Additional Requirements: Every parcel of land hereafter used as a public or private housing area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

- 1. No part of any parking space shall be closer than five (5) feet to any established street right-of-way or alley line.
- 2. Any off-street parking area, including any commercial parking lot, for more than two (2) vehicles, shall be surfaced with a material approved by the City Council, so as to provide a durable surface; shall be graded and drained so as to dispose of all surface water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
- 3. Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any residential district.

SECTION XV – EXCEPTIONS AND MODIFICATIONS

15.00 General: Three types of exceptions or modifications are provided in this Ordinance to ensure flexibility. Application for the issuance of a Special Use Permit, Variance or Zoning Amendment shall be made to the Planning Commission. Any proceedings to classify certain uses as provided in this Section may be initiated either by application or by the Planning Commission. The Planning Commission may hold such hearings on the proposal to issue a Special Use Permit, Variance, or Zoning Amendment as it may consider necessary; but at least one public hearing shall be held on any application for such a permit. Notice shall be given not less than fifteen (15) days in advance of the hearings, by publishing pertinent data regarding the amendment or modification at least once in the official newspaper, and by notifying by mail at least ten (10) days prior to the meeting the property owners abutting the subject property. The Planning Commission shall make a report to the Council upon any application for an exception or modification and shall recommend to the Council whatever action it deems advisable; but it shall not recommend the granting of a permit unless special circumstances or conditions applying to the building or land in question are peculiar to such property. Also, the granting of the exception or modification will not impair the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood of such use, or the public welfare of the persons residing or working in the neighborhood of such use.

15.10 Special Use Permit: Special Use Permits may be issued by the City Council upon receipt of a recommendation to do so from the Planning Commission. The special use permit, once issued, may designate conditions and require guarantees in the granting of use permits in the manner prescribed herein. Upon receipt of the report of the Planning Commission, the Council may hold whatever public hearing it deems advisable and shall make a decision upon the proposal to grant a special use permit. The Planning Commission shall not recommend the granting of any special use permit, and the Council shall not grant any application unless they find the following facts:

1. That there are special circumstances or unique conditions affecting the land, building or use referred to in the application.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.
3. That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the

applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

4. At the hearing, the applicant shall present a statement and evidence in such form as the Planning Commission may require, to show these facts.

15.20 Adherence to Permit Requirements: The city clerk or zoning administrator shall make available special use permit application forms, applications for variance or amendments, to a prospective applicant under this ordinance. Any use permitted under such an exception or modification shall conform to the terms and conditions of the permit or may be subject to termination by the City Council, upon the gathering of facts regarding same at a public hearing.

15.30 Variance: The Planning Commission shall recommend, and the City Council shall have the power to approve or disapprove variance to the strict requirements of this Ordinance. Applications for variance shall be limited as follows:

1. Such application for variance shall be limited to matters pertaining to height of structures, setback requirements, easements, bulk, density, and area requirements.
2. Also to location of easements or extension of roadways or sidewalks within another public right-of-way.

15.40 Zoning Ordinance or Map Amendments: The Planning Commission may recommend, or the City Council may initiate, a petition or appeal having the effect of a zoning ordinance or map amendment. Such amendment may:

1. Transfer land, or a portion thereof, from the district in which it is situated into another district, by amendment to this Ordinance.
2. Change any of the regulations of this Ordinance as to the use or platting of land in any district, or as to the restrictions upon buildings or structures and their placement thereon, by amendment to this Ordinance.
3. Any action of amending this Ordinance by the City Council shall first be reviewed by the Planning Commission.
4. Such a zoning map or ordinance amendment may only be approved if the following conditions are met:
 - a. It is apparent that a mechanical mistake was made when the zoning map was approved.

- b. At the time the city land use development plan was approved by the City, a judgmental error was made.
- c. Unforeseeable changes have occurred which have altered the City land development plan, and that plan has been amended.
- d. The proposed re-zoning changes the land use to one which is more consistent with the land use plan.

15.50 Procedure for Exception or Modification: An application for amendment, variance, or special use permit shall be filed with the City Clerk or Zoning Administrator in duplicate, accompanied by a fee as determined by the City Council. The Clerk or Zoning Administrator shall forward one (1) copy to the Planning Commission.

1. The Planning Commission shall schedule and give notice of the time and place of a public hearing on the proposed exception or modification. Notice shall be given not less than fifteen (15) days in advance of the hearing(s), by publishing pertinent data regarding the amendment at least once in the official newspaper, and by notifying the property owners adjacent to the subject property at last ten (10) days prior to the date of the hearing. The current City Assessor's tax records shall be deemed sufficient for the location or certification of ownership of said properties. Following the hearing, the Planning Commission shall transmit its recommendations on the application to the City Council within thirty (30) days. Such recommendation shall be in writing.
2. The Council, upon receiving reports of the Planning Commission, and without further public hearing, may vote upon the adoption of the proposed exception or modification or it may refer it back to the Planning Commission for further consideration. In considering any amendment, due allowance shall be made for existing conditions, for the conservation of property values, for the direction of building development to the best advantage of the entire municipality and for the uses to which the property affected is being devoted at the time; no change on a zone map or text amendment shall be effective unless or until $\frac{3}{4}$ of all members of the council concur in its passage.
3. The Planning Commission and Council shall provide for a record of their proceedings, which shall include the minutes of their meetings, their findings, and the action taken on each matter heard by them, including final recommendation, decision and order.

15.60 Appeals: Any person or persons, or any board, taxpayer, department, or bureau of the municipality aggrieved by the decision of the Council may seek remedy by the following methods:

1. In the case of an application for special use permit or zoning amendment, the applicant may appeal directly to the circuit court of competent jurisdiction.
2. Appeals regarding the action(s) of the Zoning Administrator or in matters regarding a variance, the aggrieved party shall appeal to the Board of Adjustment for dispensation. In the case where a variance is before the Board of Adjustment, the final decision on the issuance or a denial of the variance request shall rest with the Board of Adjustment.

SECTION XVI – BOARD OF ADJUSTMENT

- 16.00 Board Created: The Mayor shall nominate members for and the City Council shall appoint a Board of Adjustment which is hereby established and shall consist of five (5) members, all of whom shall be freeholders in the City of Marceline. Not more than two (2) members of the Board of Adjustment shall also serve on the Planning Commission. Each member of the Board shall be appointed for a term of five (5) years, excepting that when the Board is first established one member shall be appointed for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years and one for a term of five (5) years. Members shall be removable for a cause by the City Council upon written charges and public hearing. Vacancies of any unexpired term shall be filled by City Council appointment.
- 16.10 Purpose: The Board of Adjustment shall have the final municipal review authority on appeals resulting from an action(s) of the Zoning Administrator, or to decide appeals on application for variance or amendment. The Board of Adjustment has the power to decide said appeals made by an administrative official in enforcing the zoning regulations, or may modify the application of the regulations in case of undue hardship. Decisions of the Board of Adjustment may be appealed to the circuit court.
- 16.20 Meetings: The meeting of the Board of Adjustment shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths, and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt its own rules of procedure not in conflict with this Ordinance or with Missouri Statutes and may select or appoint such officers as it deems necessary. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum. All meetings of the Board and public hearings conducted shall be open to the public in accordance with Missouri Sunshine Law, R.S.Mo. Chapter 610 (1973), and any additions or amendments thereto.
- 16.30 Appeals: Appeals from any decision of the Zoning Administrator may be made to the Board of Adjustment. All appeals shall be filed with the Zoning Administrator and Board of Adjustment with ten (10) days of the decision. Such appeals shall be submitted on the forms provided by the Zoning Administrator and shall detail the grounds for appeal. Upon receipt of the appeal, the Zoning Administrator shall transmit to the Board of Adjustment all records pertaining to the decision being appealed.

1. Stay of Further Action: Any action or decision of the Zoning Administrator shall be stayed from further action. A stay of further action shall be automatic upon the filing of an appeal, unless the Zoning Administrator shall certify to the Board of Adjustment that a stay of action shall be a cause for imminent threat to life or property. Such certification shall detail the facts as to why an imminent threat to life or property exists. Upon examination of the facts in the certification, the Board of Adjustment shall decide whether a stay of further action shall be granted.
2. Hearings: Upon the filing of an appeal, the Board of Adjustment shall set a reasonable time for the hearing of the appeal. Public notice of the appeal hearing shall be given. Notice to all interested parties of the public hearing shall be given at least 15 days prior to hearing.
3. Fees: Prior to the filing of an appeal, the appealant shall pay any application fees as may be established by this Ordinance any other city ordinance.

16.40 Jurisdiction: The Board of Adjustment shall have the following powers and duties:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
2. The Board of Adjustment shall have the power to grant the following special exceptions in the following instances and as enumerated within Section XV, Exceptions and Modifications:
 - a. Permit the extension of a district where the boundary line of a district divides a lot of record held in single ownership.
 - b. Permit the erection and use of a building, or the use of premises for railroads or public utility purposes.
 - c. To reduce the parking and loading requirements in any of the districts whenever the character or use of the buildings is such as to make unnecessary the full provision of parking or loading facilities or where such regulation would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
 - d. To determine the district in which a commercial venture or industry should be located where such commercial venture or industry is not specifically mentioned in this Ordinance. Such classification shall be based upon comparison with other

similar uses specifically mentioned, and on an evaluation of its operation and effect upon uses within the surrounding district or districts.

- e. The Board of Adjustment shall have the power to grant variances. When a property owner can show that his property was acquired in good faith, and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by exceptional topographical conditions or other extraordinary situations, the strict application of the terms of this Ordinance actually prohibits the use of his property in a manner reasonably similar to that of other property in the district, and where the Board is satisfied under the evidence before it, that the granting of such variation will alleviate a clearly evident hardship; provided, however, that variations granted under this clause shall be in harmony with intended spirit and purpose of this Ordinance.

16.50 Additional Review Authorities:

1. In considering all appeals, and all proposed exceptions or variations to this Ordinance, the Board shall, before making any exceptions or variations, first determine that it will not impair the safety and welfare of this occupants of adjoining and surrounding property, that health has been adequately safeguarded, that is will not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas. The concurring vote of three (3) members of the Board shall be necessary to reverse any order or decision of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is authorized by this Ordinance to render a decision.
2. Nothing herein contained shall be construed to give or grant to the Board of Adjustment the power or authority to alter or change the Zoning Ordinance or the Zoning District Map, such power and authority being reserved to the City Council in the manner hereinafter provided within Section XV, Exceptions and Modifications.

16.60 Hearing Required: The Board shall make no finding except in a specific case, and after a public hearing conducted by the Board. A notice of the time and place of such public hearing shall be published in a Linn County publication of general circulation in the city at least fifteen (15) days previous to the hearing. Such notice shall contain the address or location of the property for which variation, or other ruling by the Board is sought, as well as a brief description of the nature of the appeal.

- 16.70 Records: The action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein has been recorded in the minutes. Such resolution, immediately following the Board's final decision, shall be filed in the office of the City Clerk, and it shall be open to public inspection. Every variance and appeal granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.
- 16.80 Any taxpayer or any officer, department or board of the City, or any person or persons jointly or separately aggrieved by any decision of the Board, may present to the Linn County circuit court a petition to be verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the City Clerk. Upon the presentation of such petition, the court may direct the Board to review such decision of the Board, and shall prescribe therein the time within which a return thereto shall be made, which shall not be less than ten (10) days, and may be extended by the court. The allowance of the writ shall not stay proceedings on the decision appealed from, but the court may on application, upon notice to the Board, and on due case shown, grant a restraining order. If upon the hearing, it shall appear to the court that testimony is necessary for proper disposition of the matter, it may take such evidence, or appoint a referee to take such evidence as it may direct, and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the Board, unless it shall appear to the court that it acted with gross negligence or in bad faith, or with malice in making the decision appealed from.

SECTION XVII – NON-CONFORMING USES

- 17.00 Intent: Non-conforming uses are governed by this Ordinance only in so far as the Ordinance restricts and regulates modification and improvements to such uses, and provides for their gradual elimination in furtherance of the goals and objectives of the city land development plan.
- 17.10 Non-Conforming Uses: Any lawful use of a structure or lot existing at the time of adoption of this Ordinance may be continued, although such use does not conform to the provisions of this Ordinance. The Marceline City Council may provide for termination of non-conforming uses, however, either by specifying the period or periods within which such uses shall be required to cease or by providing a formula whereby compulsory termination shall be established to allow for a reasonable recovery of the original investment in said non-conforming uses.
- 17.20 Conditions: The following general conditions shall apply to continuation of non-conforming uses:
1. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the District in which it is located.
 2. In the event that the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed by the owner or lessor at the request of the Council. Signs existing on the effected date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use and shall be discontinued within a reasonable period of amortization of the sign; uses of signs which become non-conforming by reason of a subsequent change in this Ordinance shall also be discontinued within a reasonable period of amortization of the sign.
 3. No sign erected before the passage of this Ordinance shall be rebuilt, altered substantially or moved to a new location without being brought into compliance with the requirements of this Ordinance. Advertising messages, identification or information content on sign facings are excluded from this provision.
 4. Business signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height, or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at

the time of the adoption of this Ordinance. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.

- 17.30 Residential Alterations: Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building.
- 17.40 Restoration: No building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than fifty (50) percent of its reproduction value shall be restored, except in conformity with the regulations of this Ordinance.
- 17.50 Normal Maintenance: Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Zoning Administrator.
- 17.60 Non-Conforming Lots of Record:
1. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be constructed on any developed single lot of record; provided the single-family dwelling to be constructed does not violate any other provisions of this Ordinance. Such a lot must be in separate ownership from all adjacent property. This provision shall apply; even though such a lot fails to meet minimum requirements for area or width. Variances from other restrictions shall be obtained only from the Planning Commission or Board of Adjustment.
 2. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area are established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot and width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining lot width or area less than the requirements stated in this Ordinance.

SECTION XVIII – ADMINISTRATION

18.00 Enforcement: The Mayor and City Council are hereby authorized and directed to enforce all the provisions of this Ordinance. They may delegate the enforcement of this Ordinance to any administrative official of the Municipality, and a supporting staff member who shall be known as the Zoning Administrator. The Zoning Administrator shall perform the following duties.

1. Examine all applications pertaining to use of land, buildings, or structures, and approve same when the application conforms with the provisions of this Ordinance
2. Keep a record of all non-conforming uses.
3. Periodically inspect buildings, structures, and uses of land to determine compliance with the terms of this Ordinance. In regard to performance standards, the Zoning Administrator may require the services of a testing laboratory to determine compliance. The cost of employing said laboratory shall be paid for by the owner if a violation of this Ordinance is established, otherwise by the City of Marceline.
4. Notify, in writing, any person responsible for violating a provision of this Ordinance, indicating the nature of the violation and ordering the action necessary to correct it.
5. Order discontinuance of illegal use of land, buildings or structures; order removal of illegal buildings, structures, additions, alterations; order discontinuance of illegal work being done; or take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. Such actions shall be taken only with concurrence of the City Council, after review by the Planning Commission.
6. Maintain permanent and current records of the Zoning Ordinance, including all maps, amendments and variances.
7. Maintain a current file of all permits, all certificates, and all copies of notices of violation, use, discontinuance, or non-conforming use for such time as necessary to ensure a continuous compliance with the provisions of this Ordinance and, on request, provide information to any person having a proprietary or tenancy interest in any specific property.

8. Provide technical assistance to the Planning Commission, by attendance at regular Planning Commission meetings as an ex-officio member.
- 18.10 Building Permit Required: Except as hereinafter provided, no person, firm or corporation shall construct, erect, alter, wreck or move any building or structure or parts thereof within the corporate limits without first securing a Building Permit from the Municipality. It shall not be necessary to secure a Building Permit in order to alter, repair, or otherwise change the interior of any residential building provided the proposed alteration, repair, or change will not affect the exterior dimensions of the structure.
- 18.20 Application for Building Permit: Application for a building permit shall be made to the Zoning Administrator on blank forms to be furnished by the City Clerk. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications shall contain such other information as may be deemed necessary for the proper enforcement of this or any other Ordinance. The fee for a building permit shall be determined by the City Council, and may be revised from time to time.
- 18.30 Issuance of Building Permits: The Zoning Administrator shall issue the building permit only after determining that the building plans, together with the application, comply with the terms of this Ordinance.
- 18.40 Issuance of Certificate of Occupancy: A Certificate of Occupancy shall be obtained before any building hereafter erected or structurally altered is occupied for human habitation. Application for a Certificate of Occupancy for a new building or for an existing building which has been altered shall be made to the Zoning Administrator as part of the application for a building permit as required by Subsection 23.10 of this Section. Every Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the City Clerk, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

SECTION XIX – PLATS AND SUBDIVISION REVIEW

19.00 Purpose: It is the intent of this article to establish platting regulations for the laying out of streets, alleys and other public grounds and the subdivision of land.

19.10 General Requirements: The following general rules and regulations shall apply governing subdivision of land in the City of Marceline:

1. The Planning Commission of the City of Marceline is hereby designated as the advisory agency to the City Council with respect to subdivision review, and is hereby charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions.
2. The Planning Commission shall have all powers and duties with respect to design review and improvement of preliminary plans, tentative and final plats or maps, subject to final review and approval powers of the City Council.
3. It shall be unlawful for any individual, firm, association trust, or any other legal entity, as principal, agent, or otherwise, to offer to sell, to contract to sell, any subdivision of land consisting of a division of a plot or parcel into three (3) or more contiguous plots or parcels, in the City of Marceline, unless and until all requirements hereinafter provided have been complied with.

19.20 Procedure: A developer, property owner, or designated representative of same shall prepare a tentative map of all land division of one parcel into three (3) or more parcels for review by the Planning Commission. Ten (10) copies of the tentative map shall be provided to the City Clerk, who shall forward individual copies to the zoning administrator, the planning commission, mayor, city engineer, and city attorney. The tentative map shall contain the following information at a minimum:

1. Proposed street right-of-ways with dimensions, curve radii, intersections, grades, alignments, and other design information.
2. Contemplated provisions for alleys, service roads, off-street parking, lot layout, street names, and dedication of easements.
3. Additional information shall be supplied, including any information on improvements necessary to serve the new subdivision, including: land grading and improvements, curbs, gutters, sidewalks, paving, street lighting, fire hydrants, all public utility systems including water and sewer service.

4. The Planning Commission may recommend additional improvements and may request additional information which it deems necessary, prior to approval of the tentative map and subsequent preparation of the final plat.

19.30 Hearing Required: The final plat shall reflect the recommendations made by the Planning Commission with respect to subdivision design standards. Prior to filing of the final plat, the Planning Commission shall hold a public hearing on the matter of a new subdivision as proposed, and shall give due notice of that hearing at least fifteen (15) days prior to the date of same in a newspaper of general circulation in the City of Marceline.

19.40 Final Plat Approval: The conduct of a preliminary meeting with the developer or his agent, plus the receipt of a tentative map and the conduct of a public hearing on same shall constitute the granting of authority to the applicant to prepare a final plat. Receipt of the final plat shall, likewise constitute a request for approval of said plat from the city. All final plats shall include, as required by the Planning Commission, such supplementary information as profile views, construction details, and estimates of quantities. The final plat shall be prepared as follows:

1. The final plat shall be legibly drawn in waterproof ink on material of accepted permanence and durability. The scale shall not be less than one inch represents one hundred feet, and the plat shall be prepared and filed in accordance with Chapter 445, Revised Statutes of Missouri (1969).
2. The final plat shall be prepared for Planning Commission review and City Council review and approval. At least ten (10) copies of the final plat shall be provided the city. It shall be the duty of the city clerk to forward a copy of the approved final plat to the office of the Linn County Recorder within thirty (3) days of City Council approval.

19.50 Approval of Final Plat: The City Council shall approve or disapprove the final plat within thirty (30) days after it has been forwarded to them by the Planning Commission. Failure of the Council to act upon the final plat within the specified time shall constitute implicit approval of said final plat. If the final plat is disapproved, the grounds for such disapproval and a copy of the written record of deliberations in the plat shall be forwarded to the developer or applicant. The City Council may not disapprove a plat when the developer has complied with all requirements and standards set forth by the Planning Commission prior to its approval of the final plat. If disapproved, the developer or applicant may make the necessary corrections and may submit the plat for

final approval, again with a thirty (30) day review period by the Planning Commission and City Council.

SECTION XX – VIOLATIONS, PENALTIES, AND FEES

- 20.00 Penalties Established: Any person, firm, or corporation who shall violate any of the provisions hereof or supply any false statement in any document required to be submitted under the provisions hereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed three hundred dollars (\$300) and / or by imprisonment for not to exceed ninety (90) days. Each day that a violation is continued shall constitute a separate offense.
- 19.10 Enforcement: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the Zoning Administrator, in addition to other remedies, may institute any proper action or proceedings in the name of the Municipality. He shall hereby have the powers of a police officer to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violations, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about said premises.
- 19.20 Fees: The City Council shall establish a schedule of fees, charges, and expenses for permits, certificates, appeals, plats, and other documents and actions required by the provisions of this Ordinance. The schedule shall be available in the office of the City Clerk. No permit, certificate, variance, plat, or amendment shall be approved unless such fees, charges, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment or City Council unless or until fees, charges, and expenses have been paid in full.

SECTION XXI - VALIDITY

21.00 Validity: Should any section or provisions of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION XXII - EFFECTIVE DATE

22.00 Effective Date: This Ordinance shall be in force and effect upon its passage and approval, and publication as provided by law.

Passed, ordained, and adopted by vote of the City Council of Marceline, Missouri in session this 17TH day of NOV, A.D., 1980.

 , Mayor

Attest:


City Clerk

ORDINANCE No.08-05.2

AN ORDINANCE IMPOSING LAND USE RESTRICTIONS
WITHIN THE CITY'S NORTH INDUSTRIAL PARK.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCELINE, MISSOURI
as follows:

1. Property Use: The property in said North Industrial Park shall be used only for commercial, warehouse, heavy manufacturing and industrial purposes, which terms shall include office buildings and office space.
2. Land to Building Ratio: To ensure attractiveness of said North Industrial Park for office and industrial uses and for the purpose of providing adequate off street parking and shipping areas, any building on any of said lots may cover only a maximum of seventy-five percent (75%) of said lot while maintaining at least 15 percent (15%) open space for landscaping.
4. Setbacks: All buildings are to be set back at least fifty (50) feet from any property line bordering dedicated roads, twenty (20) feet from side yard property lines, ten (10) feet from rear property lines, and thirty-five (35) feet from the front property line.
5. Building Exterior: To maintain a standard of quality the exterior walls of each building are to be finished with painted or enameled steel siding, approved tilt-up concrete or equivalent materials such as plastered concrete block or brick or other types of attractive masonry. Exposed concrete is to receive appropriate architectural treatment, be properly maintained, and is to be painted on as often as required to maintain outward appearance.
6. Landscaping: All open areas of any site, lot, tract, or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives or storage, shall be landscaped with trees, shrubs, or planted ground cover. Such landscaping shall conform with the planting plan approved at such time as the plan is approved by the City Planning Commission. It shall be the Owner's responsibility to ensure that this landscaping is maintained in an attractive and well-kept condition All adjacent vacant lots, tracts or parcels under the same ownership shall also be properly maintained. No trash shall be allowed to accumulate on any property.
7. Parking - General requirements: Parking and loading spaces shall be provided on the premises of every land parcel having a principal structure built thereon. Each parking lot shall contain a minimum area of not less than three hundred (300) square feet including access drives, a width of not less than nine (9) feet, and a depth of not less than fifteen (15) feet. The minimum number of required off-street parking spaces shall be one (1) parking space for each employee on the major shift or one (1) parking space for each one thousand (1,000) square feet of floor area, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept

on the premises.

8. Off-Street Loading Area Design and Maintenance: The following general requirements shall be observed:

A. Location: All required loading or unloading into or out of trucks in excess of 3/4 ton capacity shall be conducted at facilities specifically designed or designated for that purpose. Any loading areas consisting of more than one loading dock shall be separate from any off-street parking.

B. Access: Each required off-street loading dock shall be so designed as to avoid undue interference with other vehicular access or use of public streets, alleys, or other public transport systems.

C. Surfacing: All off-street loading facilities, including loading docks and maneuvering areas, shall be surfaced with a hard, all-weather, dust-free, durable surfacing material and shall be well-drained and landscaped and shall be maintained in a sightly and well-kept condition.

D. Design: All loading areas shall consist of a maneuvering area in addition to the dock and shall not use any of that portion of the site containing parking stalls. Maneuvering areas shall be of such size as to permit the backing of truck tractors and coupled trailers into a dock, without blocking the use of other docks, the drive or maneuvering areas.

E. Space for loading and unloading of goods, supplies, and services shall be provided in addition to required off-street parking spaces and shall be sufficient to meet the following requirements:

i. Light and Heavy Commercial: One (1) space for the first 10,000 square feet of gross floor area and one (1) space for each additional 50,000 square feet of gross floor space;

ii. Office Building and Professional Offices: One (1) space for buildings between 30,000 and 100,000 square feet of gross floor space.

iii. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is mentioned and to which said use is similar, as determined by the City Planning Commission, shall apply.

F. Lighting: Any lighting used to illuminate any off-street parking area, including any commercial parking, shall be arranged as to reflect the light away from adjoining businesses, premises or public trafficways.

9. Objectionable Uses: No open storage is permitted unless screened from view. Such screens may be in the form of walls or fences and shall be at least six (6) feet in height and shall be at least fifty percent (50%) opaque as viewed from any point along the public street right of way. No use is allowed which is objectionable by reason of noise, vibration or smoke because the same is of a hazardous nature to operation of offices and industry on said tract of land.

10. Uniform Sign Standards: To minimize any detractive affects upon building appearance and landscaping which may result from the erection of signs within said tract of land, the following standards are hereby established: signs shall only be located on building exterior walls, standing out from the walls' surface, lettering may not be larger than four (4) feet high except that logos and other business trademarks may be of the size not to exceed eight feet by eight feet (8'x8"). Flashing signs shall not be permitted but scrolling informational text signs shall be permitted. Signs may be illuminated by back or up lighting. This paragraph shall not apply to signs erected by the City of Marceline relating to the entire tract of land or advertising the businesses conducted on the said tract.

11. Plan Approval: In order to achieve an overall compatibility and continuity of architectural design, lot layout, and landscaping, signs and subsequent alterations are subject to prior approval by a majority of the members of the City Planning Commission. Approval of City Planning Commission shall not be required for any building already located within the North Industrial Park except for subsequent alterations.

12. Utilities: All electrical wires for lighting or other uses shall be at a height of no less than twenty (20) feet above any and all roadways or parking areas or shall otherwise be placed underground.

13. Waiver of Restrictions: Invalidation of any of the foregoing protective or restrictive covenants shall not affect the validity of any other said covenants, but the same shall remain in full force and effect.

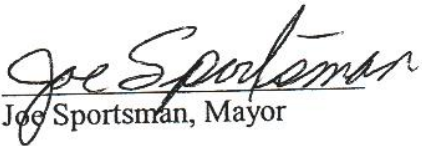
14. Covenants and Restrictions Run With the Land: The above restrictions shall be deemed covenants running with the land and shall inure to the benefit of and be enforceable against Owners of specific tracts within the North Industrial Park as well as its successors in title or assigns.

15. Enforcement of Covenants and Restrictions: If any owner or owners of any interest in property within said North Industrial Park or any of their grantees, lessees, agents, employees, licensees or their heirs, successors or assigns shall violate or attempt to violate or permit to be violated, any of the covenants or restrictions contained herein, the said City of Marceline, its successors in title, or assigns shall have the right to prosecute any proceedings in any court of competent jurisdiction, at law or equity, against any such person or persons violating or attempting to violate or permitting to be violated, any such restriction or covenant, to prevent and permanently enjoin such violation and to recover damages for such violation. The foregoing enforcement remedy shall be in addition to, and not in limitation of, any legal or equitable remedies available to the said City of Marceline, its successors in title or assigns under Missouri law. It is expressly understood and agreed that all costs, including reasonable attorney fees, incurred by the City of Marceline in any legal proceeding to enforce the provision of this ordinance shall be borne by the defendant in such proceeding.


16. Failure to Enforce Not a Waiver of Right: Failure of the City of Marceline to enforce any restriction, covenant, condition, or agreement herein contained shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to any breach occurring

subsequent thereto.

Enacted this 20 day of May, 2008.


Joe Sportsman, Mayor

ATTEST:


Toni Jacobs, City Clerk