# TITLE IV: ZONING CODE

CHAPTER 400: PLANNING COMMISSION

SECTION 400.010: DEFINITIONS

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

1. *BOARD OF ALDERMEN*: The chief legislative body of the City of Marble Hill
2. *STREETS*: Any public ways.
3. *SUBDIVISION*: The division of a parcel of land into two (2) or more lots or other divisions of land; it includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. (LU/Ord. No. 81-1 §1)

SECTION 400.020: BOARD OF ALDERMEN--PLANNING COMMISSION—CITY PLAN

The Board of Aldermen of the City Marble Hill shall adopt, amend, and carry out a City Plan and appoint a Planning Commission with the powers and duties herein set forth. (LU/Ord. No. 81-1 §2)

SECTION 400.030: MEMBERS

The Planning Commission in the City of Marble Hill shall consist of eight (8) members, including the Mayor, a member of the Board of Aldermen selected by the Board annually at its first organizational meeting, the City Engineer or similar City official and five (5) citizens appointed by the Mayor and approved by the Board. This Commission shall be known as the City Planning Commission. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board may remove any citizen member for cause stated in writing and after public hearing. (LU/Ord. No. 81-1 §3)

SECTION 400.040: COMMISSION TO ELECT OFFICERS

The Commission shall elect a Chairman and Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year with eligibility for re-election. The Commission shall hold regular meetings and special meetings as provided by rule and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records. The Commission shall appoint employees and staff necessary for its work and may contract with City Planners and other professional persons for the services that it requires. The expenditures of the Commission exclusive of grants and gifts shall be within the amounts appropriated for the purpose by the Board of Aldermen. (LU/Ord. No. 81-1 §4)

SECTION 400.050: CITY PLAN

The Commission shall make and adopt a City Plan for the physical development of the City of Marble Hill. The City Plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and uses of land, and may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces. The general location and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation, narrowing, abandonment or change of use of any of the foregoing. The general character, extent and layout of the re-planning of blighted districts and slum areas. The Commission may also prepare a zoning plan for the regulation of height, area, bulk, location and use of private non-profit and public structures and premises and population density but the adoption and enforcement and administration of the zoning plan shall conform to the provisions of Section 89.010 to 89.140, Revised Statutes of Missouri. (LU/Ord. No. 81-1 §5)

SECTION 400.060: COMMISSION TO MAKE STUDIES AND SURVEYS

In the preparation of the City Plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the municipality. The plan shall be made with the general purpose of guiding and accomplishing a coordinated development of the municipality which will, in accordance with existing and future needs, best promote the general welfare as well as efficiency and economy in the process of development. (LU/Ord. No. 81-1 §6)

SECTION 400.070: COMMISSION TO ADOPT PLAN

The Commission may adopt a plan as a whole by a single resolution or as the work of making the whole City Plan progresses may, from time to time, adopt a part or parts thereof, any part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. Before the adoption, amendment or extension of the plan or portion thereof, the Commission shall hold at least one (1) public hearing thereon. Fifteen (15) days notice of the time and place of such hearing shall be published in at least one (1) newspaper having general circulation within the City of Marble Hill. The hearing may be adjourned from time to time. The adoption of the plan requires majority vote of the full membership of the Planning Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan and the action taken shall be recorded on the adopted plan, or part thereof, by the identifying signature of the Secretary of the Commission, identified properly by file number and a copy of the plan or part thereof shall be certified to the Board and the City Clerk and a copy shall be recorded in the office of the County Recorder of Deeds. (LU/Ord. No. 81-1 §7)

SECTION 400.080: PUBLIC OFFICIALS TO FURNISH INFORMATION TO COMMISSION

All public officials, shall, upon request, furnish to the Commission within a reasonable time all available information it requires for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the Commission shall have the power necessary to enable it to perform its functions and promote municipal planning. (LU/Ord. No. 81-1 §8)

SECTION 400.090: COMMISSION TO APPROVE CONSTRUCTION

Whenever the Commission adopts the plan of the City of Marble Hill or any part thereof, no street or other public facilities, or no public utility, whether publicly or privately owned, and the location, extent and character thereof having been included in the recommendations and proposals of the plan or portions thereof, shall be constructed or authorized in the municipality until the location, extent and character thereof has been submitted to and approved by the Planning Commission In case of disapproval, the Commission shall communicate its reasons to the Board of Aldermen and the Board by vote of not less than two-thirds (2/3) of its entire membership may overrule the disapproval, and upon the overruling, the Board of Aldermen or the appropriate Board or officer may proceed, except that if the public facility or utility is one authorization or financing of which does not fall within the province of the Board of Aldermen, then the submission to the Planning Commission shall be by the Board having jurisdiction, and the Planning Commission's disapproval may be overruled by that Board by a vote of not less than two-thirds (2/3) of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for sale or lease of any street or other public facility is subject to similar submission and approval and the failure to approve may be similarly overruled. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval. (LU/Ord. No. 81-1 §9)

SECTION 400.100: COMMISSION TO PERFORM FUNCTIONS OF ZONING COMMISSION

The Commission shall have and perform all the functions of the Zoning Commission provided for in Sections 89.010 to 89.140, Revised Statutes of Missouri, 1978, and amendments thereto and shall have and perform all of the functions of the Planning Commission as outlined in said Chapter. (LU/Ord. No. 81-1 §10)

SECTION 400.110: SUBDIVISIONS TO VETO APPROVAL OF COMMISSION

After the Planning Commission of the City of Marble Hill adopts a City Plan which includes at least a major street plan, or progresses in its City Planning to the making and adoption of a major street plan, and files a certified copy of the major street plan in the office of the Recorder of Deeds of Bollinger County, then no plat of a subdivision of land lying within the municipality shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the Commission to the Board of Aldermen and the Board has approved the plat as provided by law. (LU/Ord. No. 81-1 §11)

SECTION 400.120: SUBDIVISION REGULATIONS

1. The Planning Commission shall recommend, and the Board of Aldermen may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the municipality, for the coordination of streets within the subdivisions with other existing or planned streets or with other features of the City Plan or official map of the municipality, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic.
2. The regulations may include requirements as to the extent and manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well including requirements as to the extent and manner of the installation of all utility facilities, and compliance with all these requirements is a condition precedent to the approval of the plat. The regulations or practice of the Board of Aldermen may provide for the tentative approval of the plat previous to the improvements and installations, but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of the plat, the Board of Aldermen may accept a bond in an amount and with surety and conditions satisfactory to it, providing for and securing the actual construction and installation of the improvements in utilities within a period specified by the Board of Aldermen and expressed in the Bond. The Board may enforce the bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the Board is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the City Plan and for appropriate means for providing for the compensation including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.
3. Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the Board of Aldermen. (LU/Ord. No. 81-1 §12)

SECTION 400.130: PLAT APPROVAL

1. Within sixty (60) days after submission of a plat to the Commission, the Commission shall approve or disapprove the plat, otherwise the plat is deemed approved by the Commission, except that the Commission with the consent of the applicant for the approval may extend the sixty (60) day period. The ground of disapproval of any plat by the Commission shall be made a matter of record.
2. The approval of a plat by the Commission does not constitute or effect an acceptance by the City of Marble Hill or public of the dedication to public use of any street or other ground shown upon the plat.
3. No owner or agent of the owner of the land located within the platting jurisdiction of the City of Marble Hill shall knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land before the plat has been approved by the Board of Aldermen or Planning Commission and recorded in the office of the Recorder of Deeds of Bollinger County. Any person violating the provisions of this Section shall forfeit and pay to the City of Marble Hill a penalty not to exceed three hundred dollars ($300.00) for each lot transferred or sold or agreed or negotiated to be sold, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. The City of Marble Hill may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action. (LU/Ord. No. 81-1 §13-15)

SECTION 400.140: MAJOR STREET PLAN

1. Upon adoption of a major street plan and subdivision regulations, the City of Marble Hill shall not accept, lay out, open, improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers, connections or other utilities in any street within the City unless the street has received a legal status of a public street prior to the adoption of a City Plan, or unless the street corresponds in its location and lines with the street shown on a subdivision plat approved by the Board of Aldermen or Planning Commission or on a street plan made by and adopted by the Commission. The Board of Aldermen may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the Commission for its approval and approved by the Commission or, if disapproved by the Commission, is passed by the affirmative vote of not less than two-thirds (2/3) of the entire membership of the Board of Aldermen.
2. After the adoption of a major street plan, no building permits shall be issued for and no buildings shall be erected on any lot within the territorial jurisdiction of the Commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to requirements of Subsection A above.
3. Whenever a plan for major streets has been adopted, the Board of Aldermen upon recommendation of the Planning Commission is authorized and empowered to establish, regulate and limit and amend, by ordinance, building or setback lines on major streets and to prohibit any new building being located within building or setback lines. When a plan for proposed major streets or other public improvements has been adopted, the Board of Aldermen is authorized to prohibit any new building being located within the proposed site or right-of-way when the center line of the proposed street or the limits of the proposed sites have been carefully determined and are accurately delineated on maps approved by the Planning Commission and adopted by the Board of Aldermen. (LU/Ord. No. 81-1 §16-18)

SECTION 400.150: PENALTY

Any person violating the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by confinement in the County jail for not more than ninety (90) days or by both such fine and confinement. (LU/Ord. No. 81-1 §19)

CHAPTER 405: ZONING REGULATIONS

SECTION 405.010: TITLE

This Chapter shall be known and may be cited and referred to as the Zoning Code of the City of Marble Hill, Missouri. (Ord. No. 92-01 §1, 1-13-92)

SECTION 405.020: DEFINITIONS

For the purpose of this Chapter certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word 'building" shall include the word "structure," and the word "shall" is mandatory and not directory.

*ACCESSORY BUILDINGS*: A subordinate building which is incidental to the principal building or use and which is located on the same lot with such principal building or use.

*ACCESSORY USE*: A use incidental to the principal use of a building located on the same lot with the principal building or use.

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

*BASEMENT*: A story having a part, but not more than one-half ('h) of its height, below grade. A "basement" is counted as a story for the purpose of height regulations if subdivided and used for business or dwelling purposes.

*BOARDING HOME*: A building other than a hotel, where for compensation and by arrangement for definite periods, meals, or lodging and meals, are provided for five (5) or more persons, but not exceeding twenty (20) persons.

*BUILDING*: Any structure having a roof supported by columns or walls built for the support, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels), nor any movable device, such as furniture, machinery, or equipment. When any portion of a building is completely separated from any other portion thereof by a division wall without openings or by a fire wall, then each such portion shall be deemed to be a separate building.

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

*BUILDABLE AREA*: That area remaining after the yard requirements is met. CELLAR: A story having more than one-half ('h) of its height below grade.

*COMMERCIAL USE*: Generally, any business of a commercial nature that has as its primary function the direct sale of goods or services to the general public.

*COMPREHENSIVE PLAN*: An official document adopted by the City setting forth a plan for the physical development of the community including studies of land use, traffic volume and flow, schools, parks, and other public buildings.

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

*DWELLING*: Any building or portions thereof which is designed and used exclusively for residential purposes.

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

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

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

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

*FAMILY*: One (1) or more persons related by blood, marriage or adoption, occupying a dwelling unit and maintaining a common household, whether or not related by blood, marriage or adoption.

*FARM*: An area which is used for the growing of the usual farm products, such as vegetables, fruit, trees, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term 'fanning" includes the operation of such an area for one (1) or more of the above uses, including dairy farms with the necessary accessory uses for treating and storing the produce; provided however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, that such land shall consist of at least ten (10) acres in one (1) parcel under common ownership or operation, and provided further, that farming does not include the feeding of collected garbage or offal to swine or other animals.

*FILLING STATION*: Any building or premises used for the sale at retail of motor vehicle fuels, oil, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories.

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

*FRONTAGE*: All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street, but not including property more than four hundred (400) feet distant on either side of a proposed building or structure.

*GARAGE, COMMERCIAL*: Any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor-driven vehicles. The term "repairing" shall not include storage of wrecked or junked vehicles.

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

*GRADE*: The average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

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

*INDUSTRY*: The term "industry," as used in this Chapter is restricted to establishments primarily involved in product manufacturing and processing, heavy equipment uses, and warehousing.

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

*LOADING SPACE*: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

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

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

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

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

*LOT OF RECORD*: A lot which is a part of a subdivision, the map or plat of which has been recorded in the office of the County Recorder of Bollinger County, Missouri; or a lot or parcel of land, the deed of which has been recorded in the office of the County Recorder of Bollinger County, Missouri, prior to the adoption of this Chapter.

*MANUFACTURER*: An establishment whose primary function is the mechanical or chemical transformation or processing of materials or substances into new products, including the assembly of component parts and blending of materials.

*MOBILE OR MANUFACTURED HOME*: A factory-built structure or structures more than eight (8) body feet in width and thirty-two (32) feet or more in length, equipped with the necessary service connections and made so as to be readily movable 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.

*MODULAR HOME UNIT*: A factory-fabricated, transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential commercial, educational, or industrial purposes that is indistinguishable in appearance from conventionally built structures. For the purposes of this Chapter, "modular home units" are considered as permissible single-family dwellings in appropriate districts.

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

*NON-CONFORMING USE*: Any building or land lawfully occupied by a use at the time of passage of this Chapter (January 13, 1992), or amendment thereto, which does not conform after passage of this Chapter (January 13, 1992), or amendment thereto, with the use regulations of the district in which it is situated.

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

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

*PLAT*: A map, plan, or layout of a city, township, section or subdivision indicating the location and boundaries of individual properties.

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

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

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

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

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

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

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

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

*TRAILER OR MOBILE HOME PARK*: An area or plot of ground upon which two (2) or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located or intended to be located, regardless of whether or not a charge is made for such accommodation.

*USE*: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is, or may be, occupied or maintained.

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

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

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

*YARD, SIDE*: A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line. (Ord. No. 92-01 §2, 1-13-92)

SECTION 405.030: DISTRICT BOUNDARIES AND GENERAL REGULATIONS

1. In order to classify, regulate and restrict the locations of trades industries and residences, and the location of buildings designed for specific uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and the lot areas; and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings, the City of Marble Hill is hereby divided into districts of which there shall be eight (8) in number known as:

“A” Agriculture District

“R-1” Single-Family Residential District

“R-2” General Residential District

“MH” Mobile Home Park District

“C-1” General Commercial District

“C-2” Planned Commercial District

“I-1” Light Industrial District

“I-2” Heavy Industrial District

1. The boundaries of these districts are shown upon the "Zoning District Map for the City of Marble Hill, Missouri," which accompanies and is made a part of this Chapter. Said map and all the information shown thereon shall have the same force and effect as if all were fully set forth or described herein. The original of the Zoning District Map is properly attested and is on file with the City Clerk of the City of Marble Hill, Missouri.
2. All territory which may hereafter be annexed to the City of Marble Hill shall be classified in the "R-1" Single-Family Residential District until, within a reasonable time after annexation, the annexed territory shall be appropriately classified by ordinance in accordance with Section 405.190 of this Chapter.
3. Whenever any street or other public way is vacated by official action of the City of Marble Hill, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then, and henceforth, be subject to all appropriate regulations of the extended districts.
4. Where uncertainty exists with respect to the boundaries of the various districts shown on the Zoning District Map, the following rules shall apply:
   1. Where a boundary line is given a position within a street, alley or non-navigable stream, it shall be deemed to be in the center of the street, alley or stream, and if the actual location of such street, alley or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.
   2. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
   3. Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right of way and distances measured from a railroad shall be measured from the center of the designated main line track.
   4. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts, unless said boundaries are otherwise indicated on the map.
   5. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale shown on the Zoning District Map.
5. Except as hereinafter provided:
   1. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for the purpose permitted in the district in which the building or land is located.
   2. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, except in conformity with the height, yard, area, parking and other regulations prescribed herein for the district in which the building is located.
   3. The minimum yards and other open spaces, including lot areas per family required by this Chapter, shall be provided for each and every building or structure hereafter erected, and such minimum yards, open spaces, and lot areas for each and every building or structure whether existing on January 13, 1992, or hereafter erected, shall not be encroached upon, or be considered, as a yard or open space requirement for other building or structure.
   4. Every building hereafter erected, or structurally altered, shall be located on a lot as herein defined, and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Chapter. (Ord. No. 92-01 §3, 1-13-92)

SECTION 405.040: "A" AGRICULTURAL DISTRICT REGULATIONS

1. The regulations set forth in this Section, or set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the "A" Agricultural District.
2. Use Regulations. A building or premises shall be used only for the following purposes:
   1. Farms, truck gardens, and nurseries, including the sale and distribution of agricultural products and products other than machinery, that are to be used for agricultural purposes; provided however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish, or offal.
   2. Single-family dwellings.
   3. Customary home occupations, provided that a special use permit is granted under Section 405.160.
   4. Airports, and landing fields having prior approval of the Federal Aviation Administration.
   5. Publicly owned or operated properties.
   6. Public parks, public playgrounds and recreational areas operated by membership organizations for the benefit of their members and not for gain.
   7. Railroad rights of way.
   8. Public schools and institutions of higher education, public libraries and municipal buildings.
   9. Churches and other places of worship, Sunday School buildings and parish houses.
   10. Cemeteries, including mausoleums with special use permit only; provided that mausoleums shall be distant at least two hundred (200) feet from every street line and adjoining lot lines and, provided further, that any new cemetery shall contain an area of twenty (20) acres or more.
   11. Private clubs, except skeet and gun clubs and those the chief activity of which is a service customarily carried on as a business.
   12. Roadside stands, offering for sale only farm products which are produced upon the premises.
   13. Riding stables, veterinary hospitals or the keeping of small animals; provided that any building or enclosure housing animals shall be located at least one hundred (100) feet from all property lines.
   14. Grain elevators or similar storage structures, including buildings for seasonal or temporary storage of grain.
   15. Hospitals and institutions of an educational, religious, charitable, or philanthropic nature, with special use permit only; provided however, that such buildings shall not be located upon sites containing an area of less than five (5) acres, may occupy not over ten percent (10%) of the total area of the lot, and that the buildings shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height.
   16. Accessory building or use customarily incidental to any of the above uses.
   17. Church bulletin board or a temporary sign not exceeding twenty (20) square feet in area, appertaining only to the lease, hire or sale of a building or premises, or the sale of products grown and sold on the premises; provided however, that not more than one (1) sign of the above character shall be permitted on any lot or tract.
   18. Public utilities including water treatment plants, sewage treatment plants and electrical distribution plants.
3. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 405.150.
4. Height and Area Regulations. The height and area regulations set forth in Sections 405.130 and 405.14.0 shall be observed. (Ord. No. 92-01 §4, 1-13-92)

SECTION 405.050: "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

1. The regulations set forth in this Section, or set forth elsewhere in this Chapter when referred to in this Section, are the regulations in the "R-1" Single-Family Residential District.
2. Use Regulations. A building or premises shall be used only for the following purposes:
   1. Farming.
   2. Single-family dwellings.
   3. Two (2) family dwellings, with special use permit, as provided for in Section 405.160.
   4. Attached single-family dwellings, subject to the provisions for site plan review provided for in Section 405.160.
   5. Churches.
   6. Public buildings, parks, playgrounds and community centers.
   7. Public schools, elementary and high, and private educational institutions having a curriculum the same as ordinarily given in public schools, and having no rooms regularly used for housing and sleeping rooms.
   8. Customary home occupations, with special use permit; provided that there shall be no external evidence of such occupations except a small announcement or professional sign not over two (2) square feet in area and attached to the building.
   9. Railroad rights of way, including a strip of land with tracks and auxiliary facilities for track operations.
   10. Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed, upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.
   11. Temporary signs pertaining to the lease, hire or sale of a building or premises on which such sign is located.
   12. Accessory buildings and uses including, but not limited to, accessory private garages, servants' quarters, guest houses, swimming pools, home barbecue grills, customary church bulletin boards or identification signs not exceeding thirty (30) square feet in area for permitted public and semipublic uses, accessory storage, and accessory off-street parking and loading spaces.
3. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 405.150.
4. Height and Area Regulations. The height and area regulations set forth in Sections 405.130 and 405.140 shall be observed. (Ord. No. 92-01 §5, 1-13-92)

SECTION 405.060: "R-2" GENERAL RESIDENTIAL DISTRICT REGULATIONS

1. The regulations set forth in this Section, or set forth elsewhere in this Chapter when referred to in this Section, are the regulations in the "R-2" General Residential District.
2. Use Regulations. A building or premises shall be used only for the following purposes:
   1. Any use permitted in the "R-1" Single-Family Residential District.
   2. Two (2) family dwellings.
   3. Multiple-family dwellings
   4. Attached single-family dwellings, subject to the provisions for site plan review as provided for in Section 405.160.
   5. Medical clinic or office, with special use permit only.
   6. Rooming house, boarding house, tourist home when located on an officially designated State highway.
   7. Religious, educational, eleemosynary institution of a philanthropic nature, but not a penal or mental institution.
   8. Hospital or sanitarium except a criminal, mental or animal hospital, with special use permits only.
   9. Nursing, rest, or convalescent home.
   10. Private club, fraternity, sorority or lodge, except one of which the chief activity is a service customarily carried on as a business.
   11. Accessory building or use customarily incidental to any of the above uses, including a storage garage on a lot occupied by a multiple-family dwelling, rooming or boarding house, hospital or institution.
   12. Name plate not exceeding five (5) square feet in area attached to the wall at the entrance to be lighted with only indirect, non-intermittent light.
3. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 405.150.
4. Height and Area Regulations. The height and area regulations set forth in Sections 405.130 and 405.140 shall be observed. (Ord. No. 92-01 §6, 1-13-92)

SECTION 405.070: "MH" MOBILE HOME PARK DISTRICT REGULATIONS

1. The regulations set forth in this Section, or set forth elsewhere in this Chapter when referred to in this Section, are the district regulations in the "MW Mobile Home Park District.
2. Use Regulations. Premises shall be used only for the following purposes:
   1. Mobile homes in approved mobile-home parks providing designated spaces for two (2) or more mobile homes.
   2. Accessory buildings incidental and subordinate to the use of mobile homes. Buildings housing such facilities as Laundromats, nurseries, etc., and only when such facilities are intended for the use of persons residing within the district.
   3. Any "R-2" use if a special use permit there for is granted under Section 405.160, Special Use Regulations.
   4. All mobile home parks shall comply with the Mobile Home Park Regulations of the City of Marble Hill.
3. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 405.150 of this Chapter and the Mobile Home Park Regulations of the City of Marble Hill.
4. Height and Area Regulations. The height and area regulations set forth in Sections 405.130 and 405.140 of this Chapter and in the Mobile Home Park Regulations of the City of Marble Hill, shall be observed. (Ord. No. 92-01 §7, 1-13-92)

SECTION 405.080: "C-I" GENERAL COMMERCIAL DISTRICT REGULATIONS

1. The regulations set forth in this Section, or set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the "C-1" General Commercial District.
2. Use Regulations. A building or premises shall be used only for the following purposes:
   1. Any use permitted in the "R" Residential Districts.
   2. Automobile parking lots, automobile or trailer display or storage lot and sales room.
   3. Bowling alleys, dance halls, or skating rinks.
   4. Dressmaking, tailoring, shoe repairing, repair of household appliances, dry cleaning and pressing, and bakery with sale of bakery products on the premises and other uses of a similar character.
   5. Farm machinery and equipment sales and repair.
   6. Funeral homes or mortuaries.
   7. Hotels and motels.
   8. Offices and office buildings.
   9. Commercial garages and automobile repair shops.
   10. Automobile service and filling stations.
   11. Automobile washing, including the use of mechanical conveyors, blowers, and steam cleaning.
   12. Bicycle and motorcycle repair, sales, and rental
   13. Furniture, clothing, retail food, drug, hardware, household appliance, gift and book, sporting goods, photo supply, variety, and similar retail stores.
   14. Banks, savings and loan, and similar financial institutions.
   15. Personal service uses, including barber shops, beauty parlors, photographic or artist studios, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, self-service laundries, and other personal service uses of a similar character.
   16. Feed and seed stores, florist shops, and greenhouses.
   17. Restaurants and cafes.
   18. Theaters, drive-in theaters, assembly halls, and drive-in restaurants, with special use permit.
   19. Building material yards wholly within an enclosed structure and with no millwork done out of doors.
   20. Bus passenger terminals.
   21. Tire sales and service.
   22. Veterinarian or animal hospital, with special use permit.
   23. Liquor stores, package goods only.
   24. General service and repair establishments including dyeing or cleaning works or laundry, plumbing and heating, air-conditioning, printing, upholstering, or tinsmithing.
   25. Any other type of retail store not specifically permitted herein when authorized by the Board of Aldermen after receipt of review and recommendations from the Planning and Zoning Commission.
   26. Uses customarily incidental to any of the above uses and accessory buildings when located on the same premises.
   27. Outdoor advertising structure or non-flashing sign pertaining only to use conducted within the building, and any sign or display in excess of thirty (30) feet in area shall be attached flat against a wall of the building and in no case shall any sign or display project above the roof line.
3. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 405.150.
4. Height and. Area Regulations. The height and area regulations set forth in Sections 405.130 and 405.140 shall be observed. (Ord. No. 92-01 §8, 1-13-92)

SECTION 405.090: "C-2" PLANNED COMMERCIAL DISTRICT REGULATIONS

1. The regulations set forth in this Section, or set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the "C-2" Planned Commercial District.
2. In order to provide for modern retail shopping facilities of integrated sign in appropriate locations to serve residential neighborhoods, the "C-2" Planned Commercial District is hereby established. Such district shall be laid out and developed as a unit according to an approved plan as provided below so as to accomplish such purpose.
3. The owner, or owners, of any tract of land may submit to the Board of Aldermen a plan for the use and development of all, or part, of such tract for the purpose of, and meeting the requirements set forth in this Section. The plan shall be referred to the Planning and Zoning Commission for study and report. The Planning and Zoning Commission shall then submit its report and recommendations to the Board of Aldermen for its consideration and action. The Planning and Zoning Commission's recommendations shall be accompanied by a report stating the reasons for such recommendations and that the application meets the requirements of the "C-2" Planned Commercial District as set forth in this Section. If no report is transmitted by the Planning and Zoning Commission within ninety (90) days of notification, the Board of Aldermen may take action without further awaiting such report, subject to the provisions for public hearings requirement for all ordinance amendments (Section 405.190).
4. In order that the purpose of this district may be realized, the land and buildings and appurtenant facilities shall be in single ownership, or under the management or supervision of a central authority, or otherwise subject to supervisory lease or ownership control as may be necessary to carry out the visions of this Section.
   1. Use regulations. A building or premises be used only for the following purposes:
      1. Retail merchandising establishments.
      2. Dry cleaning and pressing establishments, but only if non-flammable solvents, approved by the fire department, are used.
      3. Indoor theaters.
      4. Parking areas
      5. Outdoor advertising sign or structure, not billboards.
      6. Other similar uses generally considered as shopping center uses when approved by the Board of Aldermen after receipt of review and recommendations from the Planning and Zoning Commission
   2. Reasonable additional requirements as to landscaping, lighting, signs or other advertising devices, screening, access ways, and building setbacks and height limitations may be imposed by the Board of Aldermen for the protection of adjoining residential property.
   3. If required by the Board of Aldermen, the applicant shall file a surety bond to ensure the construction of the shopping center within the period specified by the Board of Aldermen, such period not to exceed three (3) years. No such bond shall be accepted unless it is enforceable by, or payable to, the City in a sum at least equal to the estimated cost of constructing the shopping center and in a form with surety and conditions approved by the City Attorney. In the event that the shopping center is not constructed, it shall revert to the same zoning classification existing prior to the change to the "C-2" District, and the district regulations in force prior to the change to the "C-2" District shall thereupon be in full force and effect.
   4. Parking regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set out in Section 405.150. Two (2) or more owners may join together in the provision of the parking space.
   5. Height and area regulations. The height and area regulations set forth in Sections 405.130 and 405.140 shall be observed. (Ord. No. 92-01 §9, 1-13-92)

SECTION 405.100 "I-1" LIGHT INDUSTRIAL DISTRICT REGULATIONS

1. The regulations set forth in this Section, or set forth elsewhere in this Chapter when referred to in this Section, are the regulations in the "I-1" Light Industrial District.
2. Use Regulations. A "light industrial use" is one which creates a minimum amount of nuisance outside the plant; is conducted entirely within enclosed buildings; does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose other than transporting goods between buildings; provides for enclosed loading and unloading berths; is not noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noises, or vibrations beyond the confines of the building; including, but not limited to the following:
   1. Any non-residential use permitted in a "C" Commercial District.
   2. Wholesale merchandising or storage warehouses.
   3. Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
   4. Storage firms.
   5. Manufacture or assembly of medical and dental equipment; drafting, optical or musical instruments; watches; clocks; toys; games; and electrical or electronic apparatus.
   6. Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packing, and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
   7. Ice plants.
   8. Dairies.
   9. Research and development organizations.
   10. Sheet metal, welding and machine shops.
   11. Cabinet making establishments and carpenter shops which use no motors larger than ten (10) horsepower.
   12. Manufacture or assembly of clothing, shoes, or other wearing apparel.
   13. Packing establishments.
   14. Contractor's equipment storage yard or plant.
   15. Motor freight transportation and warehousing.
   16. Accessory buildings and uses including accessory signs, advertising structures related to the activity conducted on the premises, but with total sign area not to exceed one hundred (100) square feet.
   17. Generally those light manufacturing uses similar to those items listed above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, fumes, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.
3. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 405.150.
4. Height and Area Regulations. The height and area regulations set forth in Sections 405.130 and 405.140 shall be observed.
5. Buffer Areas. Where industrial uses abut a residential district, an equate buffer or screen shall be provided to visually screen the industrial use m the residential area. The buffer shall consist of a planting screen of suitable shrubbery maintained at a minimum height of eight (8) feet and being a minimum of eight (8) feet wide or suitable fencing a minimum of eight (8) feet in height. (Ord. No. 92-01 §10, 1-13-92)

SECTION 405.110 "I-2" HEAVY INDUSTRIAL DISTRICT REGULATIONS

1. The regulations set forth in this Section, or set forth elsewhere in this Chapter, when referred to in this section, are the regulations in the "I-2" Heavy Industrial District.
2. Use Regulations. A building or premises shall be used only for the following purposes:
   1. Any non-residential use permitted in the "I-1" Light Industrial District, excluding uses allowed in the "C" Commercial Districts.
   2. Automobile wrecking, cars and parts, storage and sale with a special use permit only.
   3. Central mixing plants for concrete, mortar, plaster or paving materials.
   4. Manufacture of clay, stone, and glass products.
   5. Grain processing.
   6. Junk and salvage (metal, paper, rags, waste or glass) storage, treatment and bailing with a special use permit only.
   7. Manufacture or assembly of boats, bolts, nuts, screws, electrical appliances, tools, dies, machinery and hardware products, sheet metal products and vitreous enameled metal products.
   8. Office and office buildings incidental to a use allowed in the "I-2" District and located within the same district.
   9. Farming and associated agricultural uses, provided that a special use permit is granted.
   10. Public buildings and public service facilities.
   11. Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.
   12. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
   13. Any other use not in conflict with the enacted laws of the State of Missouri or the City of Marble Hill regulating nuisances, provided that no use emitting or likely to emit substantial amounts of dust, odor, gas, smoke, or noise, and none of the following specific uses, shall be permitted unless approved by the Board of Aldermen, after a review and report of the Planning and Zoning Commission, subject to such requirements as it may deem necessary to protect adjacent property and prevent objectionable or offensive conditions:
       1. Acid manufacture.
       2. Distillation of bones.
       3. Explosives manufacture or storage.
       4. Fat rendering.
       5. Fertilizer manufacture.
       6. Garbage, offal or dead animal reduction or dumping.
       7. Glue manufacture.
       8. Stockyards or slaughter of animals.
       9. Wholesale storage of gasoline.
       10. Any similar use that would be hazardous to the public health, safety or welfare.

In authorizing any of the uses in this Subsection, there may be imposed such reasonable requirements as to landscaping, screening and other features of the development as are deemed necessary to protect adjacent property and prevent objectionable or hazardous conditions.

1. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 405.150.
2. Height and Area Regulations. The height and area regulations set forth in Sections 405.130 and 405.140 shall be observed.
3. Buffer Areas. Where industrial uses abut a residential district, an adequate buffer, or screen, shall be provided to visually screen the industrial use from the residential area. The buffer shall consist of a planting screen of suitable shrubbery maintained at a minimum height of eight (8) feet and being a minimum of eight (8) feet wide, or suitable fencing a minimum of eight (8) feet in height. (Ord. No. 92-01 §11, 1-13-92)

SECTION 405.120: NON-CONFORMING USES

1. The lawful use of a building existing at the time of the adoption of this Chapter, (January 13, 1992), may be continued even though such use does not conform with the provisions hereof, except that non-conforming use buildings may be enlarged up to fifty percent (50%) of their building area existing on January 13, 1992, or at the effective date of any subsequent amendments or changes as a result of which a building becomes non-conforming.
2. If no structural alterations are made, a non-conforming use of a building may be changed to another non­conforming use of the same, or more restricted, classification. The foregoing provisions shall also apply to non-conforming uses in districts as may be hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use, or to a conforming use, such use shall not thereafter be changed to a less restricted use.
3. When a building, the use of which does not conform to the provisions of this Chapter, is damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty-five percent (65%) of its fair market value, it may only be restored upon the issuance of a permit by the Board of Adjustment as provided in Section 405.180 of this Chapter.
4. In the event that a non-conforming use of any building or premises is discontinued, or its normal operation stopped for a period of two (2) years, the use of the same shall thereafter conform to the use permitted in the district in which it is located.
5. A non-conforming use occupying only a portion of a building may be extended throughout the building, if the same has been lawfully acquired and actually devoted to such use previous to the adoption of this Chapter, or to any affecting amendments thereof
6. Whenever the use of a building becomes non-conforming through a change in zoning requirements or district boundaries, such use may be continued, and if no structural alterations are made, it may be changed to another non-conforming use of the same or a more restricted classification.

(Ord. No. 92-01 §12, 1-13-9)

SECTION 405.130: HEIGHT AND AREA REGULATIONS

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| District | Minimum Lot  Area Per Family  in Square Feet | Minimum Lot  Area in  Square Feet | Minimum  Lot Width  in Feet | Minimum Yard Requirement  in Feet | | | Maximum Building  Height | | Percentage of Lot Covered by All Buildings |
| Front | Side | Rear | Feet | Stories |
| "A" Agricultural | 43,560 (1 acre) | 43,560 (1 acre) | 150 | 30 | 15 | 30 | 35 | 2 1/2 | 30% |
| Single- Family Residential | 7,500 | 7,500 | 75 | 30 | 8 | 25 | 35 | 2 1/2 | 30% |
| “R-1” Single General  Residential | 7,500 1-family  3,750 2-family  2,500 multiple (1) | 7,500 | 75 | 30 | 8 (2) | 25 | 45 | 3 | 40% |
| "MH" Mobile Home Park | (3) | (3) | 40 | (4) | (4) | (4) | 35 | 2 1/2 | 70% |
| “C-1”  General Commercial | For Dwellings same as “R-2” District | None (5) | None (5) | 30 | 8 (6) | 25 | 35 | 2 1/2 | For Dwellings same as"R-2" District |
| “C-2” Planned  Commercial | Dwellings not  Permitted | None | None | None (7) | None (7) | None (7) | 45 | 3 | 25% |
| “I-1” Light  Industrial | Dwellings not  permitted | None | None | 30 | 10 (6) | 25 | 45 | 3 | None |
| “I-2” Heavy  Industrial | None | None | 30 | 20 (6) | 25 | 45 | 3 | None |

1 For each first (1st) story dwelling unit.

2 For buildings less than three (3) stories in height. For three (3) story buildings, each side yard shall not be less than ten (10) feet. For buildings more than three (3) stories in height, the side yards shall be increased one (1) foot for each story above the third (3rd).

3 Minimum lot area is three thousand five hundred (3,500) square feet for mobile homes up to and including homes sixty (60) feet in length; four thousand(4,000) square feet for mobile homes over sixty (60) feet in length.

4 Mobile home spaces shall provide the following minimum clearances: fifteen (15) feet between mobile homes except those parked end-to-end; ten (10) feet between mobile homes and any buildings; six (6) feet between mobile homes and any property line bounding the mobile home park.

5 Minimum lot areas and widths for “R-2” District apply for dwellings in “C” Districts.

6 Minimum side yards apply only where a commercial or industrial district adjoins a residential district.

7 Planned Commercial Districts must allow a minimum of thirty (30) feet in set back from all lines of street adjoining the site. (Ord. No. 92-01 β13, 1-13-92)

SECTION 405.140: HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS

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

1. General area exceptions and modifications.
   1. Minimum lot area and lot width requirements shall not apply to lots of record as January 13, 1992, (see Definition of Lot of Record in Section 405.020).
   2. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
   3. Where a lot or tract is used for farming, or for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
   4. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one (1) main building on the lot; provided however, that the open spaces between buildings that are parallel, or within forty-five (45) degrees of being parallel, shall have a minimum width at the narrowest space of twenty (20) feet for one (1) story buildings, thirty (30) feet for two (two) story buildings and forty (40) feet for three (3) and four (4) story buildings.
   5. Where an open space is more than fifty percent (50%) surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one (1) story buildings, thirty (30) feet for two (2) story buildings, and forty (40) feet for three (3) and four (4) story buildings.
   6. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt courses, cornices, and ornaments and features which are not to exceed twelve (12) inches. The twelve (12) inch limitation shall apply to commercial and industrial property only.
2. Front yard exceptions and modifications.
   1. Where lots have double frontage, the required front yard shall be provided on both streets.
   2. An open, unenclosed porch, or paved terrace, may project into a front yard for a distance not exceeding ten (10) feet. An unenclosed vestibule containing not more than forty (40) square feet, may project into a front yard for a distance not to exceed four (4) feet.
   3. The front yards hereto established shall be adjusted in the following cases:
      1. Where fifty percent (50%) or more of the frontage on the same side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.
      2. Where forty percent (40%) or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have a front yard of less depth than herein required, then:
         1. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent building on each side; or,
3. Side yard exceptions and modifications.
   1. The required side yard on the street side of a comer lot shall be the same as the required front yard on such street, except that the building width shall not be reduced to less than thirty-two (32) feet, and no accessory building shall project beyond the required front yard on either street.
   2. For the purpose of the side yard regulations, a two (2) family dwelling, or a multiple-family dwelling, shall be considered as one (1) building occupying one (1) lot.
   3. No side yards are required where dwelling units are erected above commercial or industrial structures.
   4. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.
   5. Whenever a lot of record as of January 13, 1992 has a width less than that required for the district in which it is located, the side yards may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than five (5) feet.
4. Rear yard exceptions and modifications. Open-lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not more than three and one half (3 1/2) feet and where the same are so placed as not to obstruct light and ventilation.
5. Accessory modifications.
   1. No accessory buildings shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes, other than by domestic servants employed entirely on the premises.
   2. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a required rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley, it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building, the garage shall be regarded as part of the main building for the purposes of determining side and rear yards.
6. Height exceptions and modifications.
   1. Public, semi-public, or public-service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.
   2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances, are exempt from the height regulations as contained herein. (Ord. No. 92-01 §14, 1-13-92)

SECTION 405.150: OFF-STREET PARKING REGULATIONS

No building shall be erected, enlarged to the extent of increasing the floor area by as much as fifty percent (50%), or changed in use unless there is provided on the lot space for the parking of automobiles or trucks in accordance with the following requirements:

1. Bowling alley: Five (5) parking spaces for each alley.
2. Business, professional or public office building studio, bank medical or dental clinic: Three (3) parking spaces plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.
3. Church: One (1) parking space for each eight (8) seats in the main auditorium.
4. College or school: One (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.
5. Community center, library, museum or art gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
6. Dwellings: One (1) parking space for each dwelling unit.
7. Hospital, sanitarium, home for the aged, or similar institution: One (1) parking space for each four (4) beds.
8. Hotels and motels: One (1) parking space for each rental unit plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
9. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment: One (1) parking space for every two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
10. Mortuary or funeral home: One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors and individual funeral service rooms.
11. Private club or lodge: One (1) parking space for every ten (10) members.
12. Restaurant night club, cafe, or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of floor area.
13. Retail store or personal service establishment: One (1) parking space for each two hundred (200) square feet of floor area.
14. Rooming or lodging house: One (1) parking space for each two (2) sleeping rooms.
15. Sports arena, stadium or gymnasium (except school): One (1) parking space for each five (5) seats or seating spaces.
16. Theater or auditorium (except school): One (1) parking space for each five (5) seats or bench seating spaces.
17. Planned commercial district: Six (6) parking spaces for each one thousand (1,000) square feet of floor area in the buildings in the project. (Ord. No. 92-01 §15, 1-13-92)

SECTION 405.160: SPECIAL USE REGULATIONS

1. Subject to the provisions of this Section, the Board of Aldermen of the City of Marble Hill may, after public hearing before the Board of Aldermen, and after study and report by the City Planning and Zoning Commission, authorize special uses in any district as herein qualified from which the uses are other-wise prohibited based on whether such building or use will:
   1. Substantially increase traffic hazards or congestion.
   2. Adversely affect the character of the neighborhood.
   3. Substantially increase fire hazards.
   4. Adversely affect the general welfare of the community.
   5. Overtax public utilities.
   6. Be in conflict with the Comprehensive City Plan.
2. If the Board's finding should be negative to the above, then the application may be granted; if affirmative as to any subject, then such permit shall be denied. In the granting of a special use permit, the Board of Aldermen may impose, and the City Planning and Zoning Commission may recommend, appropriate conditions and safeguards as may be deemed necessary to ensure compliance with the requirements of the Zoning Ordinance and to protect adjacent property and conserve property values.
3. Applications for special use permits shall be made and processed in the same manner as provided for zoning amendments in Section 405.190.
4. The following special uses are authorized providing they comply with all the regulations set forth in this Chapter for the district in which such use is located, except that the Board of Aldermen may permit hospitals and institutions to exceed the height limitations of such district:
   1. Customary home occupations in "A" Agricultural or "R" Residential Districts.
   2. Greenhouse or nursery.
   3. Airports or landing field or strip for aircraft.
   4. Any "R-2" District use in an "MH" District.
   5. Two (2) family dwellings in an "R-l" District.
   6. Replacement of a mobile home that is occupied by the owner and that constitutes a non-conforming use with a newer or improved model mobile home, or placement of a single mobile home in any district for emergency or temporary use only.
   7. Any "C-1" District use in an "R-2" District.
   8. Private educational institutions.
   9. Drive-in restaurant or theater in "C" Districts.
   10. Filling stations in an "A", "R-1” or "R-2" District.
   11. Commercial, recreational, or amusement development for temporary or seasonal periods.
   12. Commercial radio tower or broadcasting station.
   13. Riding stables.
   14. Sanitary fill for the disposal of garbage or trash.
   15. Hospitals and institutions of an educational, religious, charitable, or philanthropic nature, and criminal, mental or animal hospitals.
   16. Cemetery or mausoleum.
   17. Removal of gravel, topsoil or similar natural materials, with safeguards for the protection of adjoining property and the community as a whole.
   18. Certain heavy industrial uses as required in Section 405.110.
   19. Buildings in excess of the height and story requirements set forth in Section 405.130.
   20. Parking lots on land in "R" Districts, within three hundred (300) feet from the boundary of any "C" or "I" District, provided the following standards are met:
       1. Ingress and egress to such lot shall be from a street directly serving the commercial, business or industrial district.
       2. No business involving the repair or service of vehicles, or sale, or display thereof shall be conducted from or upon such parking areas.
       3. No structures shall be erected on the parking area except as provided for under item (g) hereof.
       4. No sign shall be erected on the parking area except as approved by the Board of Aldermen.
       5. Parking areas shall be used for parking patrons, private passenger vehicles only, and no charge shall be made for parking within such premises.
       6. The parking shall be setback in conformity with the established or required yards for residential uses and, where a parking area adjoins a dwelling use, it shall have a minimum side yard of ten (10) feet.
       7. The parking area shall be suitably screened or fenced, paved and drained, lighted and maintained free of debris.
   21. All uses for which special use permits are required by other Sections of this
5. Site Plan Review.
   1. Purpose. The 'purpose" of site plan review is to ensure that the design and layout of certain developments permitted will constitute suitable development and will not result in a detriment to the neighborhood, or the environment. All proposals for attached single-family dwelling units are subject to the provisions of this Section, and no attached single-family dwelling units shall be erected, or externally enlarged, except in conformity with a site plan bearing an endorsement of approval from the Board of Aldermen.
   2. Applications. All "applications" for site plan review shall be made and processed in the same manner as provided for zoning amendments in Section 405.190. An applicant for site plan review shall file a copy of an application form and a site plan with the Board of Aldermen. Unless this requirement is waived by the Board of Aldermen, the site plan shall be prepared by a registered professional engineer, architect, landscape architect, or by a planner certified by the State of Missouri as being a Planner-In-Charge. The site plan shall include and be accompanied by the following items and information:
      1. The site plan shall show all existing and proposed buildings, existing and proposed contour elevations, structures, parking spaces, driveway openings, driveways, service areas, facilities for sewage, refuse and other waste disposal and for surface water drainage, and landscape features such as fences, walls, planting areas, walks and lighting, both existing and proposed. The site plan shall also show the relation of the above features to adjacent ways and properties. The site plan shall also show all contiguous land owned by the applicant, or by the owner of the property which is the subject of the application.
      2. The applicant shall submit such material as may be required regarding design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors. (Ord. No. 92-01 §16, 1-13-92)

SECTION 405.170: ENFORCEMENT, APPLICATIONS AND PERMITS

1. It shall be the duty of the person designated by the Mayor as Zoning Administrator to administer and enforce the regulations contained herein.
2. It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, raising or moving of any building or structure, or any portion thereof, without first having applied in writing to the Zoning Administrator for a building permit to do so and a building permit has been granted therefore.
3. Every application for a building permit shall be in writing and delivered to the Zoning Administrator and shall be accompanied by a detailed set of plans, in duplicate, showing the size of the proposed building or structure, its location on the lot, the basic materials of which it is to be constructed and the details and type of construction to be used. On the issuance of a permit, one (1) set of said plans shall be retained by the Zoning Administrator as a permanent record and one (1) set shall be returned to the applicant. In cases of any building or structure to be located outside the fire districts, the Zoning Administrator may, at his own discretion, permit the substitution of a written statement convening the essential information required in place of said plans.
4. Blank forms shall be provided by the Zoning Administrator for the use of those applying for permits as provided for in this Chapter. Any permits issued by the Zoning Administrator shall be on standard forms for such purpose and furnished by the City.
5. A careful record of all such applications, plans, and permits shall be kept in the office of the Zoning Administrator.
6. Any building permit under which no construction work has been commenced within six (6) months after the date of issue of said permit, or under which the proposed construction has not been completed within two (2) years of the date of issue, shall expire by limitation; and no work or operation shall take place under such permit after such expiration. A building permit may be once extended for a period not exceeding six (6) months by the Zoning Administrator.
7. No building permit shall be issued for, and no building shall be erected on any lot within the territorial jurisdiction of the City of Marble Hill, unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements of the Major Street Plan of the City of Marble Hill, as provided in Sections 89.460 and Section 89.470, RSMo. (Ord. No. 92-01 §17, 1-13-92)

SECTION 405.180: ZONING BOARD OF ADJUSTMENT

1. A Board of Adjustment is hereby created. The Board shall consist of five (5) members, appointed by the Mayor and approved by the Board of Aldermen, each to be appointed for a term of five (5) years, excepting that when the Board shall first be created, one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years; and one (1) for a term of one (1) year. Members shall be removable for cause by the Mayor and Board of Aldermen upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
2. The Board of Adjustment shall adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine. Each session of the Board of Adjustment, at which an appeal is to be heard, shall be a public meeting with public notice of said meeting and business to be carried or published in a newspaper of general circulation in the City, at least one (1) time seven (7) days prior to the meeting.
3. An appeal may be taken to the Board of Adjustment by any person, group or organization, public or private, affected by a decision of the Zoning Administrator. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Zoning Administrator a written notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
4. The Board of Adjustment shall have the following powers:
   1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Chapter, and may affirm or reverse, in whole or part, said decisions of the Zoning Administrator.
   2. To hear requests for variances from the literal provisions of the Zoning Ordinance in instances where strict enforcement of the Zoning Ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Ordinance. The Board of Adjustment shall not permit, as a variance, any use in a district that is not permitted under the Ordinance. The Board of Adjustment may impose conditions in the granting of a variance in ensure compliance and to protect adjacent property.
   3. To hold public hearings on and decide the following exceptions to or variations of this Chapter:
      1. To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of this Chapter (January 13, 1992).
      2. To interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning District Map, where the street layout on the ground varies from the street layout as shown on this map. To permit reconstruction of a non-conforming building otherwise prohibited by Section 405.120 where such action would not constitute continuation of a monopoly.
      3. To vary the yard regulations where there is an exceptional or unusual physical condition of a lot, not generally prevalent in the neighborhood, which condition when related to the yard regulations of this Chapter would prevent a reasonable or sensible arrangement of buildings on the lot.
      4. To vary the parking regulations by not more than fifty percent (50%) where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Chapter, or where it can be conclusively shown that adequate off-street parking to serve a particular use has been provided by or is controlled by the municipality.
5. Decisions of the Board in respect to the above shall be subject to appeal to the Circuit Court of Bollinger County within thirty (30) days after the filing of the decision in the office of the Board. (Ord. No. 92-01 §18, 1-13-92)

SECTION 405.190: AMENDMENTS

1. The Board of Aldermen may by ordinance on its own motion or application amend, supplement, change, modify or repeal the boundaries or zoning designation of districts herein established, under the procedures herein provided.
2. Applications for district changes shall be filed in writing with the City Clerk, who shall place the application before the Board of Aldermen after determining that it is in proper form as provided herein. A copy of the application shall remain on file with the City Clerk for public inspection until final action thereon.
3. The Board of Aldermen or the City Planning and Zoning Commission may provide forms for applications and may require applicants to provide plats and other documents or other information it may determine to be of value in acting upon the application. The Board and the Planning and Zoning Commission may request the opinions and recommendations of other City Boards and officers upon applications.
4. Upon receipt of an application in proper form, the Board of Aldermen shall refer it to the Planning and Zoning Commission. The Board of Aldermen may by resolution delegate the duty of such receipt and referral to the City Clerk or similar official. The Planning and Zoning Commission shall return the application to the Board of Aldermen with its recommendations relating thereto and showing the number of votes for and against its action, and may include a summary of the reasons expressed for and in opposition thereto. The Board of Aldermen may set a date by which the recommendation shall be returned, no less than twenty (20) days from the date of such setting, and the Board of Aldermen may proceed without receipt of such recommendations in the absence of receipt by such date.
5. The Board of Aldermen may reject an application without referring it to the Planning and Zoning Commission and without publishing a notice of hearing if the application is made within two (2) years of the Board's rejection of a previous application seeking an amendment for the same or a larger or smaller included tract.
6. If the Planning and Zoning Commission recommends approval of an application in whole or in part, the Board of Aldermen shall set a public hearing as provided in this Section. If the Planning and Zoning Commission recommends rejection of an application in full, the Board of Aldermen may set a public hearing as provided in this Section upon its own motion; or the Board of Aldermen may by motion file such recommendation of rejection, and the application shall thereupon be deemed rejected unless, within ten (10) days from such filing, the applicant files a written request with the City Clerk for a public hearing under this Section, or makes an oral request therefore at a regular or special meeting of the Board of Aldermen, whereupon the Board of Aldermen shall set such a public hearing. If the Board of Aldermen fails to approve an application in whole or in part within thirty-five (35) days after the public hearing, such application shall be deemed to have been rejected in full, unless the Board of Aldermen shall have expressly extended such time period prior to the expiration thereof.
7. The Board of Aldermen may by ordinance on its own motion or on application amend, supplement, change, modify or repeal the regulations or restrictions of districts herein established, following referral thereof to the Planning and Zoning Commission as provided in Subsection (D) of this Section.
8. No amendment, supplement, or change of the regulations or restrictions or boundaries of districts shall become effective until after the Board of Aldermen has held a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Marble Hill. The Board of Aldermen may provide for the posting of notices of the hearing on the tract and for other means of notifying the public or interested persons of the proceedings.
9. In case of an adverse report by the City Planning and Zoning Commission, or if a protest against such proposed amendment, supplement, change, modification, or repeal shall be presented in writing to the City Clerk, duly signed and acknowledged by the owners of ten percent (10%) or more, either of the area of the land (exclusive of streets, places and alleys) included within such proposed amendment, supplement, change, modification or repeal, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the Board of Aldermen.
10. In its action upon an application for change in district boundaries, the Board of Aldermen may grant a special use permit under Section 405.160 rather than the requested change in district boundaries, or may grant a change to a district which is intermediate in restrictiveness between the existing district and the requested district. (Ord. No. 92-01 §19, 1-13-92)

SECTION 405.200: VIOLATION AND PENALTY

The owner or agent of a building or premises in or upon which a violation of any provision of this Chapter has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part, or assists in any violation, or who maintains a building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars ($10.00) and not more than one hundred dollars ($100.00) for each and every day that such violation continues, but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars ($100.00) nor more than two hundred fifty dollars ($250.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment, in the discretion of the court. Any such person, having been served with an order to remove any such violation, failing to comply with said order within ten (10) days after such notice or continuing to violate any provision of the regulations made under authority of this Chapter in the respect named in such order, shall be subject to a civil penalty of two hundred fifty dollars ($250.00). (Ord. No. 92-01 §20, 1-13-92)

CHAPTER 410: MOBILE HOME PARK REGULATIONS

SECTION 410.010: DEFINITIONS

As used in this Chapter:

*INSPECTOR*: The person or persons designated by the Board of Aldermen to issue permits, make inspections and perform duties as set out in this Chapter.

*LICENSEE*: Any person licensed to operate and maintain a mobile home park under the provisions of this Chapter.

*MOBILE HOME*: A factory built structure or structures, without independent motive power, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, contains three hundred twenty (320) or more square feet, equipped with all conveniences and facilities, and with the necessary service connections provided for attachment to approved utility systems. Each unit is made so as to be readily movable as a unit or units on its or their own running gear and designed for long-term occupancy as a complete dwelling unit with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner.

*MOBILE HOME PARK*: An area or plot of ground upon which two (2) or more mobile home dwellings are parked, or which is held out or used for the purposes of supplying to the public parking spaces for two (2) or more mobile homes, and shall include all buildings, structures, land uses and equipment utilized for such park, regardless of whether or not a charge is made for such accommodations. The term 'Mobile Home Park" shall also include a mobile home subdivision in which the lots are sold to individual purchasers, designed and intended for single-family residential uses.

*MOBILE HOME SPACE*: A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

*NATURAL OR ARTIFICIAL BARRIER*: Any pond, canal, fence, hedge, or similar feature.

*PARK*: A mobile home park as defined above in this Section.

*RECREATIONAL VEHICLE*: A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, or driven under its own power, and with a living area of less than three hundred twenty (320) square feet, including built-in equipment (such as wardrobes, closets, kitchen units or fixtures) and bath and toilet rooms. (Ord. No. 92-03 §1, 1-13-92)

SECTION 410.020: LICENSE AND FEES

1. It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the City of Marble Hill, unless such person shall first obtain a license therefore.
2. The annual license charge shall be twenty-five dollars ($25.00) for from two (2) to ten (10) mobile homes and fifty dollars ($50.00) for more than ten (10) mobile homes for each mobile home park.
3. No license shall be issued by the City Clerk until the location and licensee are approved by the Board of Aldermen and no owner of land or improvements thereon shall lease or let the same to be used as a mobile home park until the site has been inspected and the location and the licensee approved by the Board of Aldermen.
4. The Board of Aldermen, if it be known upon a hearing before said Board that any licensee has violated the provisions of this Chapter or Regulations and Code of the Division of Health, State of Missouri, concerning mobile home parks, may revoke the license of any licensee issued under this Chapter; provided that the City Clerk shall first, upon motion of said Board, direct a notice of the date, time and place of such hearing, setting forth the grounds upon which said licensee is to appear and show cause why such license should not be revoked; and such notice shall be served by the City Clerk upon the licensee, or upon any employee of the licensee at the time of service in charge of the place of business licensed; and licensee shall have full right to have counsel and to produce witnesses in licensee's behalf in such hearing. Said hearing shall be conducted as other proceedings of the Board of Aldermen are conducted, and no license shall be revoked except upon vote thereof by a majority that the owner or operator of said travel trailer park shall within ninety (90) days of the passage of this Chapter, January 13, 1992 submit in duplicate to the City Clerk a plat of said travel trailer park showing the location of the travel trailer spaces now existing and also where proposed spaces are to be placed, also all roadways, water, sewer and gas connections and other improvements as now located or proposed. In the event no such plat is furnished within ninety (90) days, the said travel trailer park shall be subject to all the rules and regulations provided for in this Chapter pertaining to a newly established travel trailer park. (Ord. No. 92-03 §2, 1-13-92)

SECTION 410.030: APPLICATION FOR LICENSE

1. Application for Initial License. Application for an initial trailer park license shall be filed with and issued by the City Inspector. The application shall be in writing, signed by the applicant and shall include the following:
   1. The name and address of the applicant;
   2. The location and legal description of the travel trailer park;
   3. A complete plan of the park in conformity with the requirements of Section 410.060 of this Chapter;
   4. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the travel trailer park;
   5. Such further information as may be requested by the City Inspector to enable him to determine if the proposed park will comply with legal requirements.

The application and all accompanying plans and specifications shall be filed in triplicate. The City Inspector shall investigate the applicant and inspect the application and the proposed plans and specifications. If the proposed travel trailer park will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this Chapter and all other applicable ordinances and Statutes, the City Inspector shall approve the application, and upon completion of the park according to the plans, shall issue the license.

1. Application of Renewal of License. Upon application in writing by a licensee for renewal and upon payment of the annual license fee, the City Inspector shall issue a certificate renewing such license for another year.
2. Application for Transfer of License. Upon application, in writing, for transfer of a license, the City Building Inspector shall issue a transfer if the Building Inspector determines that the mobile home park is in compliance with the provisions of this Chapter. (Ord. No. 92-03 §3, 1-13-92)

SECTION 410.040: LOCATION OUTSIDE OF MOBILE HOME PARKS

1. It shall be unlawful within the limits of the City of Marble Hill for any reason to park any mobile home on any street, alley, or highway or any public place or on any tract of land owned by a person, occupied or unoccupied, within the City of Marble Hill except as provided in this Chapter and in the Zoning Ordinance of the City of Marble Hill.
2. Emergency or temporary stopping or parking is permitted on any street, alley, or highway subject to any other prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
3. No person shall park or occupy any mobile home on the premises of any occupied dwelling, or on any lot which is not a part of the premises on any occupied dwelling, either of which is situated outside of an approved mobile home park after January 13, 1992, except as provided in the Zoning Ordinance of the City of Marble Hill.
4. Any mobile home located on an individual lot outside of an approved mobile home park on January 13, 1992, shall be considered as a non-conforming use under the provisions of the Zoning Ordinance of Marble Hill.
5. The replacement of any non-conforming mobile home may be allowed upon application to the City Planning and Zoning Commission and Board of Aldermen for a special use permit; provided however, that the replacement unit is a new double-wide mobile home or a modular home unit approved by the Planning and Zoning Commission and the Board of Aldermen. The City Planning and Zoning Commission and the Board of Aldermen may require any improvements in location, clearances, utility services, access or similar features which they may deem necessary to protect the health and welfare of the occupants or the neighborhood in general. (Ord. No. 92-03 §4, 1-13-92)

SECTION 410.050: PERMANENT USE

It shall be unlawful, hereafter, to locate a mobile home any place within the City of Marble Hill except at a mobile home park as defined in Section 410.010 of this Chapter, except as provided above and in the Zoning Ordinance of the City of Marble Hill. (Ord. No. 92-03 §5, 1-13-92)

SECTION 410.060: MOBILE HOME PARK PLAN

The mobile home park shall conform to the following requirements:

* 1. A mobile home park shall contain a minimum of eight (8) acres. The area shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
  2. Mobile home spaces shall be provided consisting of a minimum of three thousand five hundred (3,500) square feet for each space for mobile homes up to and including homes sixty (60) feet in length and four thousand (4,000) square feet for homes over sixty (60) feet in length. Each space shall be at least forty (40) feet wide and clearly defined. No more than six (6) mobile home dwelling units shall be provided per acre of total land area of the mobile home park including buffer areas, roads and open space. Each mobile home site shall have either a four (4) inch thick slab or pad of adequate size to accommodate the outside dimension of the mobile home to be placed thereupon or runners at least four (4) inches thick, twenty-four (24) inches wide, spaced sixty (60) inches apart and of sufficient length to allow the mobile home to be positioned, blocked and levelled properly. Such pad, slab or runners shall be constructed with concrete, properly graded and placed so as to be durable and adequate for the support of the maximum anticipated loads during all seasons. However, mobile home parks in existence on January 13, 1992, which provide mobile home spaces having a width of less than that herein above prescribed may continue to operate with spaces of the existing width and area.
  3. Each mobile home dwelling unit shall be provided with adequate means of anchoring the unit against high winds and adverse weather conditions. The applicant shall submit with the application a drawing and details of the method of securing the dwelling unit to the pad.
  4. Mobile homes shall be so harbored on each space that there shall be at least fifteen (15) feet of clearance between mobile homes; provided however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than fifteen (15) feet but not less than ten (10) feet. No mobile home shall be located closer than ten (10) feet from any building or closer than six (6) feet from any property line bounding the park. An accessory structure which has a horizontal area exceeding twenty-five (25) square feet if attached to a mobile home or located within ten (10) feet of its window, and has an opaque top or roof that is higher than the nearest window, shall, for purposes of all separation requirements, be considered to be part of the mobile home.
  5. Open areas between the mobile home dwelling unit and the pad or slab upon which it is located shall be screened by skirting consistent with the development.
  6. All mobile home spaces shall abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street, alley or highway.
  7. Walkways not less than three (3) feet wide shall be provided from the mobile home spaces to the service buildings.
  8. All driveways and walkways within the park shall be hard surfaced and lighted at night in accordance with applicable City ordinances. (Ord. No. 92-03 §6, 1-13-92)

SECTION 410.070: SERVICE BUILDINGS

1. Service buildings housing sanitation and laundry facilities, or any of such facilities, shall be permanent structures complying with all applicable ordinances and Statutes regulating buildings, electrical installations and plumbing and sanitation systems.
2. All service buildings on the grounds of the park shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant of the park or constitute a nuisance. (Ord. No. 92-03 §7, 1-13-92)

SECTION 410.080: PROVISION OF WATER AND SEWAGE SERVICES

1. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park to meet the requirements of the park. Each mobile home space shall be provided with a water service tap which shall be frost-proof and shall meet the requirements of the City Building Inspector's recommendations. All water supply facilities shall be approved by the Missouri Department of Natural Resources.
2. Each mobile home space shall be provided with a trapped sewer connection at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances or into a private sewer disposal plant or septic tank system. Such system shall meet all applicable rules and regulations so as to comply with the requirements of the Missouri Department of Natural Resources and the City of Marble Hill, and have a valid permit from the Department of Natural Resources. The four (4) inch service sewer from each mobile home space shall connect to a trunk line sewer large enough to adequately provide for the proposed mobile home park. (Ord. No. 92-03 §8, 1-13-92)

SECTION 410.090: TRASH AND GARBAGE RECEPTACLES

Dumpsters or other suitable trash and garbage receptacles shall be provided in sufficient number to permit disposal of all garbage and rubbish. Such receptacles shall be located in designated areas so as to provide easy access by residents of the mobile home park without causing a public nuisance or health hazard. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that it does not cause a health hazard. The refuse shall be collected by the City Sanitation Department or the permittee shall furnish proof to the Building Inspector that he has a contract with a licensed private hauler to collect the refuse at acceptable time intervals. (Ord. No. 92-03 §9, 1-13-92)

SECTION 410.100: ANIMAL AND PETS

No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park. All pets shall be licensed by the City and shall comply with City requirements. (Ord. No. 92-03 §10, 1-13-92)

SECTION 410.110: VIOLATION AND PENALTY

Any person who violates any provision of this Chapter shall upon conviction be punished by a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100.00), and each day's failure of compliance with any such provision shall constitute a separate violation. (Ord. No. 92-03 §11, 1-13-92)

CHAPTER 411: TRAVEL TRAILER PARK REGULATIONS

SECTION 411.010: DEFINITIONS

As used in this Chapter:

*INSPECTOR*: The person or persons designated by the Board of Aldermen to issue permits, make inspections and perform duties as set out in this Chapter.

*LICENSEE*: Any person licensed to operate and maintain a travel trailer park under the provisions of this Chapter.

*NATURAL OR ARTIFICIAL BARRIER*: Means any pond, canal, fence, hedge, or similar feature.

*PARK*: A travel trailer park as defined in this Chapter.

*PERMITTEE*: Any person to whom a temporary permit is issued to maintain or operate a travel trailer park under the provisions of this Chapter.

*PERSONS*: Any natural individual, firm, trust, partnership, association or corporation.

*TRAVEL TRAILER*: A portable vehicular unit designed and intended to be used for temporary short-term occupancy and for frequent and extensive travel use, including but not limited to travel trailers, campers, motor homes, converted buses and other similar units, whether they are self-propelled, pulled or can be hauled.

*TRAVEL TRAILER PARK*: An area or plot of ground upon which two (2) or more travel trailers are parked, or which is held out or used for the purposes of supplying to the public parking spaces for two (2) or more travel trailers, and shall include all buildings, structures, land uses and equipment utilized for such park, regardless of whether or not a charge is made for such accommodation.

*TRAVEL TRAILER SPACE*: A plot of ground within a travel trailer park designed for the accommodation of one (1) travel trailer. (Ord. No. 92-04 §1, 1-13-92)

SECTION 411.020: LICENSE AND FEES

1. It shall be unlawful for any person to maintain or operate a travel trailer park within the limits of the City of Marble Hill, unless such person shall first obtain a license therefore.
2. The annual license charge shall be twenty-five dollars ($25.00) for from two (2) to ten (10) travel trailers and fifty dollars ($50.00) for more than ten (10) travel trailers for each travel trailer park.
3. No license shall be issued by the City Clerk until the location and licensee are approved by the Board of Aldermen and no owner of land or improvements thereon shall lease or let the same to be used as a travel trailer park until the site has been inspected and the location and the licensee approved by the Planning Commission and the Board of Aldermen.
4. The Board of Aldermen, if it be known upon a hearing before said Board that any licensee has violated the provisions of this Chapter or Regulations and Code of the Division of Health, State of Missouri, concerning travel trailer parks, may revoke the license of any licensee issued under this Chapter; provided that the City Clerk shall first, upon motion of said Board, direct a notice of the date, time and place of such hearing, setting forth the grounds upon which said licensee is to appear and show cause why such license should not be revoked; and such notice shall be served by the City Clerk upon the licensee, or upon any employee of the licensee at the time of service in charge of the place of business licensed; and licensee shall have full right to have counsel and to produce witnesses in licensee's behalf in such hearing. Said hearing shall be conducted as other proceedings of the Board of Aldermen are conducted, no license shall be revoked except upon vote thereof by a majority of the members elected to the Board of Aldermen, the Mayor having no vote except in case of a tie vote by the members elected to the Board.
5. In case any license issued hereunder is revoked, surrendered or forfeited by the licensee, not used or used only for a portion of the license period, after the effective date of such license, no refund of any license charge or part thereof shall be made.
6. Any travel trailer park now in existence shall be permitted to operate as it is operating on January 13, 1992; provided however, that the owner or operator of said travel trailer park shall within ninety (90) days of January 13, 1992, submit in duplicate to the City Clerk a plat of said travel trailer park showing the location of the travel trailer spaces now existing and also where proposed, spaces are to be placed, also all roadways, water, sewer and gas connections and other improvements as now located or proposed. In the event no such plat is furnished within ninety (90) days, the said travel trailer park shall be subject to all the rules and regulations provided for in this Chapter pertaining to a newly established travel trailer park. (Ord. No. 92-04 §2, 1-13-92)

SECTION 411.030: APPLICATION FOR LICENSE

1. Application for Initial License. Application for an initial trailer park license shall be filed with and issued by the City Inspector. The application shall be in writing, signed by the applicant and shall include the following:
   1. The name and address of the applicant;
   2. The location and legal description of the travel trailer park;
   3. A complete plan of the park in conformity with the requirements of Section 411.060 of this Chapter;
   4. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the travel trailer park;
   5. Such further information as may be requested by the City Inspector to enable him to determine if the proposed park will comply with legal requirements.

The application and all accompanying plans and specifications shall be filed in triplicate. The City Inspector shall investigate the applicant and inspect the application and the proposed plans and specifications. If the proposed travel trailer park will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this Chapter and all other applicable ordinances and Statutes, the City Inspector shall approve the application, and upon completion of the park according to the plans, shall issue the license.

1. Application of Renewal of License. Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the City Inspector shall issue a certificate renewing such license for another year. (Ord. No. 92-04 §3, 1-13-92)

SECTION 411.040: LOCATION OUTSIDE OF TRAVEL TRAILER PARKS

1. Emergency or temporary stopping or parking is permitted on any street, alley, or highway subject to any prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
2. No person shall park or occupy any travel trailer on the premises of any occupied dwelling, or on any lot which is not a part of the premises on any occupied dwelling, either of which is situated outside of an approved travel trailer park after the passage of this Chapter, except as provided in this Chapter or the Zoning Ordinance of the City of Marble Hill.
3. Travel trailers intended primarily for recreational or camping use may be parked or stored on the premises of any dwelling occupied by the trailer owner, provided that such parking or storage shall not constitute any obstruction to proper traffic movement and that such trailer shall not be occupied for other than overnight sleeping purposes on a periodic basis. (Ord. No. 92-04 §4, 1-13-92)

SECTION 411.050: PERMANENT USE

1. It shall be unlawful, hereafter, to locate a travel trailer any place within the City of Marble Hill except at a travel trailer park as defined in Section 411.010 of this Chapter, except as provided above and in the Zoning Chapter of the City of Marble Hill. It shall be unlawful for any person to remove the wheels or other transporting device from any travel trailer, or otherwise affix said travel trailer permanently to the ground.
2. It shall be unlawful to occupy for sleeping or other residential purposes any travel trailer which has been rendered immobile by the removing of wheels or by placing the same on a foundation or the ground. (Ord. No. 92-04 §5, 1-13-92)

SECTION 411.060: TRAVEL TRAILER PARK PLAN

The travel trailer park shall conform to the following requirements:

* 1. A travel trailer park shall contain a minimum of five (5) acres. The area shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water. Location of the site may not necessarily front on a major roadway or thoroughfare, but it shall be directly accessible to the major roadway by means of a private road or public road on which it has frontage; so long as the traffic generated by the park does not interfere, hamper, cause excessive damage or harmful effects on any adjacent residential developments.
  2. Travel trailer spaces shall be twenty-five (25) feet in width and shall be of sufficient depth to provide space for parking both the trailer and towing vehicle off the roadway. No trailer unit shall be closer than ten (10) feet to any other adjacent unit, structure or roadway and all spaces shall have direct access to the roadway. No unit shall be placed closer than thirty (30) feet to any of the park's property lines and a twenty-five (25) foot buffer area shall be permanently maintained and screened around the entire perimeter of the camp. However, travel trailer parks in existence on January 13, 1992, which provide spaces having a width of less than that herein above prescribed may continue to operate with spaces of the existing width and area.
  3. A central office or convenience establishment with a responsible attendant shall be provided within the travel trailer park to register guests and provide service and supervision to the park.
  4. All utilities shall be constructed underground unless otherwise approved by the Planning and Zoning Commission and the Board of Aldermen.
  5. All parking areas, roadways and walkways within the park shall be constructed and paved with a hard surface, bituminous or concrete material.
  6. All parks shall be provided with general outdoor lighting which is adequate to permit safe movement of pedestrians and vehicles at night.
  7. All yard areas and other open spaces not otherwise paved or occupied by structures shall be sodded and/or landscaped and shall be maintained adequately to provide an environment conducive to good living conditions. (Ord. No. 92-04 §6, 1-13-92)

SECTION 411.070: SANITATION FACILITIES

1. Each travel trailer park shall have toilet facilities in conveniently located buildings not more than two hundred (200) feet from any trailer space. Toilet facilities for males shall consist of not less than one (1) flush toilet and one urinal for the first ten (10) trailers, or any less number thereof, and for units in excess of ten (10), not less than one (1) additional flush toilet and one (1) additional urinal for every ten (10) additional units or fractional number thereof. Plans showing the number and arrangement of toilets shall be submitted to the County Health Officer for approval.
2. Toilet facilities for females shall consist of not less than one (1) flush toilet for the first ten (10) trailers, or any less number thereof, and for trailers in excess of ten (10), not less than one (1) additional flush toilet for every ten (10) additional trailers, or fractional number thereof.
3. Each sex shall be provided with not less than one (1) lavatory and one (1) shower or bath tub with individual dressing accommodations for the first ten (10) trailers, or any less number thereof, and for trailers in excess of ten (10), not less than one (1) additional lavatory and one (1) additional shower or bath tub with individual dressing accommodations for every ten (10) additional trailers, or fractional number thereof.
4. Each toilet and each shower or bath tub with individual dressing accommodations, for which provision is made in Subsections (C), (D) and (E) shall be in a private compartment or stall.
5. The toilet and other sanitation facilities for males and females shall be either in separate buildings or shall be separated, in the same building, by a soundproof wall.
6. There shall be provided in a separate compartment or stall not less than one (1) flush toilet bowl receptacle for emptying bed pans or other containers of human excreta and an adequate supply of hot running water for cleansing such bed pans or containers. (Ord. No. 92-04 §7, 1-13-92)

SECTION 411.080: SERVICE BUILDINGS

Each trailer park shall be provided with the following service buildings:

* 1. Service buildings housing sanitation and laundry facilities, or any of such facilities, shall be permanent structures complying with all applicable ordinances and Statutes regulating buildings, electrical installations and plumbing and sanitation systems.
  2. All service buildings on the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant of the park or constitute a nuisance. The buildings shall be well-lighted at all times, ventilated with screened openings and constructed of moisture-proof material permitting sanitary cleaning. The floors and bases shall be of concrete or similar hard-surfaced material with the floors slightly pitched to a drain.
  3. Service buildings housing sanitation facilities shall be located not closer than ten (10) feet nor farther than two-hundred (200) feet from any trailer space. (Ord. No. 92-04 §8, 1-13-92)

SECTION 411.090: PROVISION OF WATER AND SEWAGE SERVICES

1. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and trailer spaces within the park to meet the requirements of the park. Each trailer space shall be provided with a water service tap which shall be frost-proof and shall meet the requirements of the City Inspector's recommendations. All water supply facilities shall be approved by the Missouri Department of Natural Resources.
2. Each trailer space shall be provided with a trapped sewer connection at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the trailer harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the trailer waste into a public sewer system in compliance with applicable ordinances or into a private sewage disposal plant or septic tank system. Such system shall meet all applicable rules and regulations so as to comply with the requirements of the Missouri Department of Natural Resources and the City of Marble Hill, and have a valid permit from the Department of Natural Resources. The four (4) inch service sewer from each trailer space shall connect to a trunk line sewer large enough to adequately provide for the proposed trailer park.
3. In travel trailer parks, all facilities for the connection of wastewater outlets from trailers and the dumping of holding tanks shall be constructed to prevent health hazards and shall discharge into a wastewater system or treatment facility as described above. (Ord. No. 92-04 §9, 1-13-92)

SECTION 411.100: TRASH AND GARBAGE RECEPTACLES

Dumpsters or other suitable trash and garbage receptacles shall be provided in sufficient number to permit disposal of all garbage and rubbish. Such receptacles shall be located in designated areas so as to provide easy access by residents of the trailer park without causing a public nuisance or health hazard. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that it does not cause a health hazard. (Ord. No. 92-04 §10, 1-13-92)

SECTION 411.110: FIRE PROTECTION

Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable regulations of the City Fire Department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. (Ord. No. 92-04 §11, 1-13-92)

SECTION 411.120: ANIMALS AND PETS

No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any travel trailer park. (Ord. No. 92-04 §12, 1-13-92)

SECTION 411.130: REGISTER OF OCCUPANTS

1. It shall be the duty of each licensee and permittee to keep a register containing a record of all travel trailer owners and occupants located within the park. The register shall contain the following information.
   1. The name and address of each travel trailer occupant;
   2. The name and address of the owner of each travel trailer and motor vehicle by which it is towed;
   3. The make, model, year and license number of each travel trailer and motor vehicle;
   4. The State, territory or country issuing such licenses;
   5. The date of arrival and of departure of each travel trailer.
2. The park shall keep the register available for inspection at all times by Law Enforcement Officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park. (Ord. No. 92-04 §13, 1-13-92)

SECTION 411.140: SUPERVISION

The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the travel trailer park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this Chapter to which the licensee or permittee is subject. (Ord. No. 92-04 §14, 1-13-92)

SECTION 411.150: REVOCATION OF LICENSE

The City may revoke any license to maintain and operate a park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this Chapter. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with law. (Ord. No. 92-04 §15, 1-13-92)

SECTION 411.160: POSTING OF LICENSE AND TEMPORARY PERMIT

The license certificate or temporary permit shall be conspicuously posted in the office of or on the premises of the travel trailer park at all times. (Ord. No. 92-04 §16, 1-13-92)

SECTION 411.170: VIOLATION AND PENALTY

Any person who violates any provision of this Chapter shall upon conviction be punished by a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100.00), and each day's failure of compliance with any such provision shall constitute a separate violation. (Ord. No. 92-04 §17, 1-13-92)

CHAPTER 415: LAND SUBDIVISION REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 415.010: TITLE AND PURPOSE

1. This Chapter shall be known, and may be cited and referred to as the "Land Subdivision Regulations of Marble Hill, Missouri".
2. This Chapter is to provide for the coordination of streets within subdivisions with other existing or planned streets or with other features of the Comprehensive Plan of Marble Hill, Missouri; for minimum requirements of the Preliminary and Final Plats; for minimum standards of physical improvements in new subdivisions; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic for the health, safety, and general welfare of the community. (Ord. No. 92-02 Article I, 1-13-92)

SECTION 415.020: DEFINITIONS

For the purpose of this Chapter, certain words and terms used herein are defined as follows:

*ALLEY*: A permanent public service way, dedicated for or in public use, other than a street, place, road, crosswalk, or easement, designed to provide a secondary means of access for special accommodation to the back or side of abutting properties and not intended for general traffic circulation.

*AREA, BUILDING*: The total of areas, taken on a horizontal plane, at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

*AREA, NET SITE*: The total area within the property lines of the site, less the area of any street right of way.

*BARRIER (NATURAL OR ARTIFICIAL)*: Any street, highway, river, pond, canal, railroad, levee, embankment, berm, stream or drainage ditch, or screening by fence or hedge.

*BENCHMARK*: A definite point of known elevations and location and of more or less permanent character (generally indicated on USGS topographic maps).

*BLOCK*: A unit of property entirely surrounded by public highways, streets, railroad rights of way, waterways, public parks, cemeteries, corporate boundary lines, or other barriers (except alleys, crosswalks, or exterior boundaries of a subdivision, unless such exterior boundary is a street or highway), or any combination thereof.

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

*COMMON LAND*: That land set aside for open space or recreational use for the owners of the residential lots in a subdivision, which land is conveyed by the developer in fee simple absolute title by warranty deed to trustees whose trust indenture will provide that said common land be used for the sole benefit, use and enjoyment of the lot owners, present and future. No lot owners shall have the right to convey his interest in the common land except as incident to the ownership of a regularly platted lot.

*COMPREHENSIVE PLAN*: The comprehensive plan of the City of Marble Hill, Missouri, whether whole or in part, made and adopted by the City Planning Commission in accordance with the authority conferred by Chapter 89, Revised Statutes of Missouri.

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

*DEAD-END STREET*: A street having one (1) end open to traffic and the other end closed.

*DESIGN*: The arrangement of land for easement, lots, and rights of way, including materials, improvements, alignment, grade, and width of these elements.

*DRAINAGE CHANNEL*: A natural watercourse, or man-made indenture, for the drainage of surface water.

*DRAINAGE RIGHT OF WAY*: The land required for the installation of storm sewers or drainage ditches, or required along the natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

*EASEMENT*: A grant by the property owner of the use, for a specific purpose or purposes, of a strip of land by the general public, utility companies, or private individuals.

*ESCROWAGENT*: A title company, bank, savings and loan association, trust company, reputable attorney, or any other person or agency approved by the City Attorney to act as an escrow agent under the provisions of this Chapter.

*FLOODPLAIN*: The area, usually lowlands, adjoining the channel of a river, stream, watercourse, lake or other body of standing water, which has been or may be covered by flood waters.

*FLOOD-PRONE AREAS*: All land subject to periodic inundation by the overflow of natural waterways.

*FRONTAGE*: All of the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, or other natural or artificial barriers, including boundaries.

*GRADE*: The slope of a road, street, or sewer specified in percent and shown on road, street, or sewer profiles as required herein.

*HILLSIDE AREA*: All areas within a tract proposed for subdivision development with a slope of fifteen percent (15%) or more.

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

*IMPROVEMENTS*: The totality of grading, crosswalks, culverts, bridges, sanitary and storm sewers, water mains, street surfaces, and/or pavements, street and road signs, street lights, curbs and gutters, sewage treatment facilities, pedestrian ways, gas mains, landscaping, monuments, electric utilities, and all other appropriate improvements required to render land suitable for the use proposed.

*IMPROVEMENT PLANS*: The engineering plans, prepared by a registered professional engineer, containing all profiles, specifications, construction details, and types of materials for all improvements, excluding dwelling units, to be installed for the development of a subdivision.

*JURISDICTION*: The corporate area of the City of Marble Hill, Missouri, or any areas which may subsequently come under the jurisdiction of said City.

*LOT*: A portion of a subdivision or other parcel of land intended to be separately owned, rented, leased, developed, or otherwise used as a unit, occupied or to be occupied by a building or group of buildings and accessory buildings, together with such yards and lot area as required by this Chapter, and having its principal frontage upon a street, road, or place approved by the Commission.

*LOT AREA*: The total horizontal area within the boundaries of a lot, exclusive of any land designated for rights of way for street or roadway purposes.

*LOT, CORNER*: A lot abutting upon two (2) or more streets or road rights of way at their intersection.

*LOT DEPTH*: The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

*LOT, DOUBLE FRONTAGE*: A lot which runs through a block from street to street and which has two (2) non-intersecting sides abutting on two (2) or more streets.

*LOT LINES*: The boundaries of a lot.

*LOT WIDTH*: The horizontal distance between the side lot lines measured at right angles to the lot depth, at a point midway between the front and rear lot lines.

*MAJOR STREET PLAN*: The Official Plans of highways, arterial streets, and collector streets, approved by the City Planning Commission, and duly recorded in the Office of the County Recorder of Deeds.

*MONUMENT*: An object set in the ground to mark the boundaries of real estate or to mark a survey station.

*NON-RESIDENTIAL SUBDIVISION*: Either or both of:

* 1. A division or redivision of a tract into more than one (1) lot, plat, or site for commercial or industrial purposes; and
  2. The dedication or establishment of a street or improvement in conjunction with or use in any such tract.

*OFFICIAL MAP*: The map showing highways, streets, parks, and drainage rights of way, existing and proposed, as approved by the Board of Aldermen.

*OFFICIAL SUBMISSION DATE*: The date when a subdivision plan shall be considered submitted to the Commission, and is hereby defined to be the date of the meeting of the Commission at which all required surveys, plans, plats, and data are submitted.

*OPEN SPACE, PUBLIC*: Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreational areas, school sites, community or public building sites, open or "green space" areas, and other such areas that shall be deemed necessary by the Commission.

*PARKING BAY*: An area, either on an individual lot or on any other portion of a subdivision, which is reserved for vehicular parking:

*PARKING LANE*: An auxiliary lane of a street or roadway used primarily for vehicular parking.

*PAVEMENT*: An all-weather, dust-free asphaltic seal on appropriate base, asphaltic concrete, or concrete surface.

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

*PERFORMANCE GUARANTEE*: Any security, including performance bonds, escrow agreements, and other similar collateral or surety agreements, which guarantees certain improvements will be made by the subdivider or developer.

*PERSON*: Any individual, corporation, firm, partnership, association, estate, organization, or any other group acting as a unit.

*PLACE*: Any open, unoccupied, officially designated space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

*PLAN, FINAL*: The final plan consists of:

* 1. The final plat; and
  2. The improvement plans for all or a portion of a land subdivision. All references to "Final Plan" within this Regulation shall refer to both the final plat and the improvement plans.

*PLAN, PRELIMINARY*: A map or plan, prepared by a registered Missouri land surveyor, of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed use of the tract.

*PLAT*: A map, plan, or layout of a city, township, section, county, subdivision, or mobile home park indicating the location and boundaries of individual properties.

*PLAT, FINAL*: The final plat, prepared by a registered Missouri land surveyor, showing complete bearings and dimensions of all lines defining lots and blocks, rights of way for all streets, alleys, roadways, and easements, public areas and other dimensions of land as may be required for the development of a subdivision.

*PUBLIC SERVICE COMMISSION*: The Public Service Commission of the State of Missouri.

*RIGHT OF WAY*: The land opened, reserved or dedicated for a street or roadway, sidewalk, drainage area, railroad or other public purpose.

*SETBACK LINE*: See "Building Line/Building Setback Line".

*SINKHOLE*: A depression in the land surface of circular or roughly circular form, within which all surface drainage is internal and within which surface water is impounded or drains into the subsurface through an opening in the solid or bedrock.

*SLOPE*: The inclination of the ground surface from the horizontal plane, usually expressed in percent, degree, or feet per mile.

*STREET*: A right of way, other than an alley, dedicated or otherwise legally established for public or private use, with a surface, usually affording the principal means of access to abutting property. A street is intended primarily as a means of vehicular travel. The street right of way may provide space for public facilities such as sanitary and storm sewers, water, gas, and electric lines, and sidewalks. A street may be designated as a highway, thoroughfare, road, throughway, pike, avenue, boulevard, lane, drive, court or circle. For the purpose of this Chapter, "streets" shall be classified as follows:

* 1. Arterial: This type of street serves the major traffic movements entering, leaving, or moving within an area. Its principal function is to move traffic, and in cases of high traffic volumes, requires limited access or controlled points of access. These streets are normally characterized by traffic controls and parking restrictions.
  2. Collector: Streets which provide for traffic movement between arterial and local streets, and provide direct access to abutting property.
  3. Local: The sole function of a local street is to provide access to immediately adjacent property. A cul-de-sac is classified as a local street.
  4. Marginal access street/service road: A local street parallel and adjacent to arterials, railroad rights of ways, or other barriers which provides access to abutting properties.

*STRUCTURE*: Anything constructed or manufactured, which required location on the ground or is attached to something having a location on the ground.

*SUBDIVIDER*: A person, firm, corporation, partnership, association, estate, or any other group or combination acting as a unit for the purpose of subdividing or re-subdividing or proposing to divide a lot, tract, or other subdivision of land that constitutes a subdivision as defined herein, for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines. The term "Subdivider" shall include any agent of a subdivider or developer.

*SUBDIVISION, MAJOR*: The division of a tract of land into three (3) or more lots, tracts, sites, parcels, or areas any one of which is less than three (3) acres in area and/or the division of a tract of land into any number of lots, tracts, sites, parcels, or areas or any size which includes improvements, new streets, easements, rights of way, rights of ingress and egress or provision for a public area or public facility. The term "Subdivision" shall also include all re-subdivisions of land or lots.

*SUBDIVISION, MINOR*: The division of land into not more than two (2) lots, tracts, sites, parcels, or areas for residential purposes, either of which is three (3) acres or less in area and each having a frontage of not less than seventy-five (75) feet on an existing City, State, or Federal highway or road dedicated or deeded to the public prior to January 13, 1992, provided that the proposed subdivision of land:

* 1. Does not include any new street, easements, rights of ways, rights of ingress or egress (except an approved sewer and water system);
  2. Does not include a provision for a public area or public facility;
  3. Conforms to the setback line requirements and other requirements contained in the Zoning Ordinance;
  4. Conveys the right of way necessary for road widening and maintenance of City roads, where the granting of such right of way can be given without undue hardship.

Where a minor subdivision is proposed that fronts upon an existing City maintained street or State maintained highway that is scheduled for widening in the State's five (5) year program or in any applicable City street plan or program, the developer shall convey the necessary right of way, or post bond or escrow, to insure that the right of way shall be provided when the road widening is started. The bond escrow agreement, therefore, need not provide a termination date.

*SURETY COMPANY*: An insurance company qualified and acting under the provisions of Chapter 379, Revised Statutes of Missouri, which has met the requirements of Section 379.020 thereof and which is approved by the City Attorney.

*TITLE COMPANY*: A corporation qualified and acting under the Missouri Title Insurance Law or a corporation which is an issuing agency for an insurance company insuring land titles.

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

*YARD*: Any open space located on the same lot with a building or structure, unoccupied and unobstructed from the ground up, except for any accessory building or projections as are permitted on the lot.

*YARD, FRONT*: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the front lot line and the front building line.

*YARD, REAR*: A yard extending along the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and rear building line.

*YARD, SIDE*: A yard extending along each side of a lot between the front yard and the rear yard line and being the minimum horizontal distance between the side lot line and the side building line.

*ZONING DISTRICT MAP*: A map entitled "Zoning District Map for the City of Marble Hill, Missouri," dated, and any amendments thereto.

*ZONING ORDINANCE*: The part of the Comprehensive Plan, now or hereafter adopted, which includes an ordinance and map dividing the City into zoning districts with regulations, requirements, and procedures for the establishment of land use controls within the City. (Ord. No. 92-02 Article II, 1-13-92)

SECTION 415.030: GENERAL REGULATIONS AND JURISDICTION

1. It shall be unlawful for any person being the owner, agent, or person having control of any land within the City of Marble Hill, Missouri, to subdivide or lay out such land in lots unless by a plat, in accordance with the regulations contained herein. No lots shall be sold, nor any plat recorded, until such plat has been approved as herein provided.
2. No lot, parcel, or tract of land within any subdivision shall be offered for sale, contract for sale, or option be given until said subdivision plans have been officially approved by the City Planning Commission and Board of Aldermen and recorded in the Office of the County Recorder.
3. No improvements shall be made within any subdivision by any owner or owners, or his or their agent, or by any public service corporation at the request of said owner or owners, or by his or their agent, until the Final Plans have been officially approved by the City Planning Commission and Board of Aldermen and recorded in the Office of the County Recorder.
4. The City of Marble Hill shall not accept, lay out, open, improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers, connections or other utilities in any street within the City unless the street has received the legal status of a public street prior to the adoption of the Comprehensive Plan; or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board of Aldermen or on a street plan made by and adopted by the Planning Commission. The Board of Aldermen may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the City Planning Commission for its approval and approved by the Commission or, if disapproved by the Commission, is passed by the affirmative vote of not less than two-thirds (2/3) of the entire membership of the Board of Aldermen.
5. Where a tract of land is proposed to be subdivided in two (2) or more stages over a period of years, and the subdivider requests approval in parts, he shall, at the time of submission of the first part, submit a detailed plan of the entire tract to be eventually developed with appropriate sectioning to demonstrate to the City Planning Commission that the total design as proposed for the entire subdivision is feasible. The City Planning Commission shall give preliminary approval or disapproval to the overall plan and final approval or disapproval on parts as submitted from time to time. In the event of disapproval of the overall plan or any part or parts thereof, the City Planning Commission shall act in accordance with this Chapter and the reason for refusal of any plan or part thereof shall be written upon the record of the City Planning Commission stating the specific regulation or regulations of non-conformance.
6. Excluded from these regulations are:
   1. The division of land into not more than two (2) lots or parcels in which both lots or parcels are three (3) or more acres in area is exempted from the provisions for preparing and filing a plat, but shall be certified by the City Planning Commission;
   2. The division of land for cemetery usage;
   3. The division of land and distribution of land held by a bonafide partnership in existence for two (2) or more years upon dissolution thereof;
   4. The sale or exchange of parcels of land between owners of adjoining property for the purpose of correcting or adjusting lines or increasing the size of property already owned by one (1) of the parties, provided that additional lots are not thereby created and that the original lots are not reduced below the minimum size required by the Zoning Ordinance. The exchange of such land shall be certified by the Planning Commission.
   5. The transfer, exchange, or sale of adjoining property to improve ingress or egress to existing lots, tracts, and areas.
7. The provisions of this Section shall be held to be the minimum requirements necessary for land subdivision within the jurisdiction of this Chapter. (Ord. No. 92-02 Article III, 1-13-92)

SECTION 415.040: PROCEDURE

1. The subdivider shall submit preliminary plans in accordance with the specifications of Article II hereof. A preliminary plan shall first be submitted to the Planning Commission for approval. After the preliminary plans are approved by the Planning Commission in accordance with this Chapter, such preliminary plans shall be submitted to the Board of Aldermen for its approval or disapproval.
2. Upon the recommendation of the Planning Commission, the Board of Aldermen may waive the requirements for the submission of detailed final plats or plans for minor subdivisions and resubdivisions of no more than two (2) lots of record. In such case, however, the, subdivider will be required to submit a survey plat including, at a minimum, the metes and bounds of the proposed subdivision which accurately depicts the subdivision intended and the lots therein. The Board may also require any additional information it deems necessary to be included on the survey plat submitted.
3. Not less than thirty (30) days before preparing and submitting the preliminary plans to the Planning Commission, the developer or his engineer shall consult with the Planning Commission, while the plan is in sketch form, to ascertain the location of proposed highways, primary or secondary thorou hfares, collector streets, parkways, parks, playgrounds, school sites and other community facilities or planned developments, and to acquaint himself with the Commission's requirements. The pre-application time period may be reduced by the Commission at their discretion. During pre-application proceedings, the general features of the subdivision, its layout, facilities and required improvements shall be determined to the extent necessary for preparation of the preliminary plan. Pre-application proceedings shall be properly documented by minutes of conferences and memoranda, as may be necessary, and copies of such documentation shall be furnished the developer.
4. The subdivider shall submit preliminary plans in accordance with the specifications of Article II hereof at least two (2) weeks prior to the meeting of the Planning Commission at which action is desired. After the preliminary plans are approved by the Planning Commission in accordance with this Chapter, such preliminary plans shall be submitted to the Board of Aldermen for its approval or disapproval.
5. The preliminary plan shall be checked by the Planning Commission as to its conformity to the City Plan, and as to the plan's compliance with the standards, requirements and principles hereinafter prescribed; and the Planning Commission shall cause said preliminary plan to be checked by the Planning Commission's representative to ascertain compliance with all applicable additional requirements of Municipal, County, State and Federal Departments and agencies concerned with applicable regulations of public utility companies.
6. Following approval of the preliminary plan, the subdivider shall
   1. Install the minimum improvements;
   2. Furnish a bond to cover the cost of the improvements; or
   3. Provide for an assessment guaranteeing such installations, in accordance with Article V hereof. Upon approval of improvement installations or arrangement therefor, the final plat shall be submitted to the Planning Commission and Board of Aldermen in accordance with the provisions of Article III hereof. (Ord. No. 92-02 Article IV, 1-13-92)

ARTICLE II. PRELIMINARY PLAN

SECTION 415.050: PRELIMINARY PLAN--GENERALLY

The subdivider shall submit six (6) black line or blue line prints, prepared by a Registered Missouri Land Surveyor, of the preliminary plan of the proposed subdivision. It shall accompany an application in writing with filing fee as required by Article WI to the Planning Commission. The horizontal scale of the preliminary plan shall be one (1) inch equal to fifty (50) or one hundred (100) feet. The horizontal scale of the plans portion of the plans and profiles shall be one (1) inch equals twenty (20), forty (40), or fifty (50) feet. The vertical scale of the profile portion of the plans and profiles shall be one (1) inch equal to five (5), ten (10), or twenty (20) feet. All applications and plans shall be submitted to the Zoning Administrator of the City of Marble Hill. (Ord. No. 92-02 Article V §1, 1-13-92)

SECTION 415.060: PRELIMINARY PLAN REQUIREMENTS

The Preliminary Plan shall show:

* 1. The location of present property lines, streets, buildings, watercourses, all sinkholes or potential sinkhole areas, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto.
  2. The proposed location of streets (with their widths and names), alleys, lots (with their numbers), building and setback lines and easements within the tract and within one hundred (100) feet thereof.
  3. Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plan.
  4. The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract, and the name and registration number of the preparer.
  5. The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of any adjoining parcels of unsubdivided land.
  6. Sufficient contour data to indicate the slope and drainage of the tract and the elevation of the high and low points thereof. Contour data shall extend one hundred (100) feet beyond the property limits of the tract. In no case shall the contour intervals be more than five (5) feet.
  7. North point, scale of drawings, and date of preparation.
  8. Plans and profiles of streets, sewer and water lines, or written and signed statements regarding the grades and manner of construction of proposed streets, sewer and water lines, and the width and type of pavement, location, size and type of sanitary sewer and other sewage disposal facilities; water mains and other utilities, facilities for storm water drainage; and other proposed improvements such as sidewalks, planting and parks. These plans or written statements for all proposed improvements shall be certified by a Professional Engineer registered in the State of Missouri.
  9. The layout of lots showing the approximate dimensions and numbers.
  10. All parcels of land proposed to be dedicated or reserved for public schools, parks, playgrounds, or other public, semipublic or community purposes.
  11. A preliminary outline of all deed restrictions and covenants that will be placed upon the subdivision.
  12. Zoning boundary lines if any; proposed uses of property.
  13. If the developer intends to subdivide any portion of the parcel into a multiple dwelling unit subdivision, then the preliminary plan shall, in addition, include the following data:
      1. Gross area of tract.
      2. Area in street.
      3. Net area of tract.
      4. Maximum number of units allowed.
      5. Maximum number of units proposed.
      6. Parking ratio.
      7. Distance between structures. (Ord. No. 92-02 Article V §2, 1-13-92)

SECTION 415.070: APPROVAL OF PRELIMINARY PLAN

After the preliminary plan has been approved by the Planning Commission, it shall be submitted to the City Board of Aldermen for its approval or disapproval. Approval of the preliminary plan by the Board of Aldermen does not constitute an acceptance or approval of the subdivision plat. One (1) copy of the approved plan, signed by the Mayor, shall be retained in the office of the City Clerk. One (1) signed copy will be given to the subdivider. (Ord. No. 92-02 Article V §3, 1-13-92)

ARTICLE M. FINAL PLAT REQUIREMENTS

*Cross Reference — Refer to Article V. for minimum improvements required prior to filing of final plat.*

SECTION 415.080: GENERALLY

In addition to all of the standard requirements for a preliminary plan as indicated in Article II of this Chapter the altered or additional requirements contained below will be required as a part of the final plat unless specifically waivered by the Board of Aldermen upon the recommendation of the Planning Commission. (Ord. No. 92-02 Article VI, 1-13-92)

SECTION 415.090: FILING PROCEDURE

For final plat approval the subdivider shall submit to the Zoning Administrator, City of Marble Hill:

* 1. The final plat on reproducible positive and five (5) blueprint or black line copies of the final plat, together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat.
  2. Six (6) certified copies of the improvement plans containing all profiles and specifications, certified by a Professional Engineer registered in the State of Missouri.
  3. The filing fee as required by Article VII.
  4. A certificate from the Zoning Administrator that the final plat is in accordance with the preliminary plan as approved by the Planning and Zoning Commission and Board.
  5. A performance guarantees as required by Article VII and approved by the City Attorney. (Ord. No. 92-02 Article VI §1, 1-13-92)

SECTION 415.100: FILED WHEN

The final plat shall be filed with the Bollinger County Recorder of Deeds, by the City, within fifteen (15) days after approval by the Board of Aldermen. (Ord. No. 92-02 Article VI §2, 1-13-92)

SECTION 415.110: INFORMATION ON FINAL PLAT

The final plat is to be drawn at a scale of not more than one hundred (100) feet to the inch from an accurate survey and on one (1) or more sheets whose maximum dimensions are eighteen (18) inches by twenty-four (24) inches. In certain unusual instances where the subdivided area is of unusual size or shape, the Zoning Administrator may permit a variation in the scale or size of the record plat. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one (1) sheet and the areas shown on the other sheets. The final plat shall show and be accompanied by the following information:

* 1. The boundary lines of the area being subdivided with accurate distances and bearings.
  2. The lines of all proposed streets, their widths and names, and the line of all alleys.
  3. The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names.
  4. All plot lines together with an identification system for all lots and blocks.
  5. The location of all building lines and easements provided for public use, services or utilities.
  6. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and any other area for public or private use. Linear dimensions are to be given to at least the nearest one-tenth (1/10) of a foot.
  7. The radii, arc length, location of the curve, and central angle for all curvilinear streets and radii for rounded corners.
  8. A detailed description of the location and physical nature of all survey monuments and bench marks, indicating whether monuments were existing or set, and the reference datum.
  9. The name of the subdivision, the scale of the plat, a north arrow, and a statement as to the method used to determine north.
  10. The certificate of the Surveyor attesting to the accuracy of the survey and the correct location of all monuments shown.
  11. Private restrictions and their periods of existence. Should these restrictions be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
  12. Notarized certification by the owner of the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
  13. Spaces provided for signatures of approval by the Chairman of the Planning and Zoning Commission, the Mayor, and attested by the City Clerk, as well as spaces for Bill and Ordinance Numbers accepting the plat. (Ord. No. 92-02 Article VI §3, 1-13-92)

ARTICLE IV. SUBDIVISION DESIGN STANDARDS

SECTION 415.120: GENERALLY

1. No final plat for a subdivision shall be approved unless the improvement plans conform to the minimum design standards set forth within this regulations.
2. The recommendations of the City Comprehensive Plan for streets, drainage rights of way, school sites, public parks and recreational areas, and other public services and facilities shall be considered in the approval of the final plat. (Ord. No. 92-02 Article VII §1, 1-13-92)

SECTION 415.130: STREET AND BLOCK LAYOUT

1. Street classification shall be limited to four (4) categories in accordance with their use functions:

Arterial

Collector

Local (includes cul-de-sac)

Marginal Access (service roads)

1. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projections where adjoining land is not subdivided).
2. The angle of intersection between all streets shall not vary more than ten (10) degrees from a right angle, except by variance in cases of exceptional conditions. Streets in alignment with existing streets shall bear the same name of the existing street. All proposed street names shall be checked against duplication of other street names.
3. Except as otherwise provided herein, temporary dead-end streets may be approved where necessitated by the layout of the subdivision or staging of development, provided that temporary unpaved turnarounds shall be constructed where lots are fronting on such temporary dead-end streets. The additional width of the right of way required for said temporary turnarounds shall be the same as required for permanent turnarounds. The extra right of way shall be vacated upon extension of the temporary street and the reconditioning of said street and front yards shall be at the expense of the subdivider.
4. The street layout of the subdivision shall be in general conformity with the Major Street Plan and provide the most advantageous and aesthetically pleasing development of the entire neighborhood and adjoining streets. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned, or platted streets with which they are to connect.
5. The street and alley layout shall provide access to all lots and parcels of land within the subdivision. Alleys shall be discouraged in residential areas, but may be included in commercial and industrial areas where needed for loading and unloading or access purposes. All alleys, where platted, shall have a minimum right of way width of twenty (20) feet.
6. The proposed location of an intersection of any new street with an existing City street or State highway shall be subject to approval of the Missouri State Highway Department or the City Board of Aldermen as applicable.
7. Intersections shall be designated and constructed to the current standards and specifications of the Missouri State Highway Department or the City Board of Aldermen as applicable.
8. The intersection of more than two (2) streets at one (1) point will not be permitted, nor will street jogs with centerline offsets of less than one hundred twenty-five (125) feet, except by variance in cases with exceptional conditions.
9. Horizontal visibility on curved streets and vertical visibility on all streets shall be maintained along the centerline as follows:

Arterial 500 feet

Collector 300 feet

Marginal Access 300 feet

Local 200 feet

1. Between reversed curves there shall be a tangent of not less than one hundred (100) feet on arterial and marginal access streets.
2. Blocks shall be of sufficient width to provide for two (2) tiers of lots of an appropriate depth. The Commission may approve block widths providing for a single tier of lots where lots would otherwise front on a major street or where topographic conditions or size of the property prevents two (2) tiers. In the event that a single tier of lots is permitted by the Commission and approved by the Board of Aldermen, an adequate buffer area shall be provided and access from any abutting major street prohibited.
3. The length of blocks shall be such as may be appropriate, in the opinion of the Planning Commission, for the locality and the type of development contemplated, but shall not exceed one thousand five hundred (1,500) feet where the average size of the lot does not exceed two (2) acres in area.
4. Each lot shall be provided with direct ingress and egress to a public street or highway, to provide adequately for the layout of utilities, garbage and waste removal, fire and police protection, and other services, and to protect and further the public health and safety generally. Subdivisions intended for commercial and industrial occupancy shall have access to a collector street under all circumstances, except in the case of appropriately separated planned retail centers. (Ord. No. 92-02 Article VII §2, 1-13-92)

SECTION 415.140: LOT DIMENSIONS, SHAPES AND POSITIONS

The size, shape and orientation of lots shall be appropriate for the location and physical character of the proposed subdivision and for the type of development contemplated in compliance with applicable zoning ordinances or regulations.

* 1. Depth. Excessive depth in relation to width shall be avoided. (A proportion of one (1) to one (1) or two (2) to one (1) will normally be considered.)
  2. Street access. Every lot shall abut on a street, subject to the requirements of street and block layout as described above.
  3. Width. Lots for residential purposes shall have sufficient width at the building setback lines to permit compliance with side yard or distance requirements or the applicable zoning ordinances or regulations and still be adequate for a building of practicable width.
  4. Double-frontage. Except as otherwise provided herein, double-frontage lots shall be prohibited.
  5. Side lot lines. Where practicable, side lot lines shall be approximately at right angles to the right of way line of the street on which the lot faces.
  6. Corner lots. Corner lots for residential uses shall be platted wider than interior lots to permit compliance with the yard and setback requirements of the applicable zoning regulations.
  7. Minimum lot size. Where not otherwise determined by applicable zoning ordinances or regulations, the minimum lot size for residential purposes shall be seven thousand five hundred (7,500) square feet with a minimum width of seventy-five (75) feet at the required building setback line, a minimum side yard of eight (8) feet on each side, a rear yard of twenty-five (25) feet, except for accessory structures, and a front yard of thirty (30) feet.
  8. No utilities. Where public sanitary facilities and/or water are not accessible, the lot size shall be determined in accordance with the requirements of Article V. (Ord. No. 92-02 Article VII §3, 1-13-92)

SECTION 415.150: PRESERVATION OF NATURAL FEATURES, HISTORIC SITES AND AMENITIES

1. Existing features which would add value to residential development or maintain the historic distinction of the City of Marble Hill shall be retained whenever feasible. Features such as watercourses or falls, historic sites, trees or similar irreplaceable assets, shall be preserved in the design of the subdivision. No significant natural feature, historic site or similar amenity shall be moved, altered, demolished or rerouted, nor shall any change in grade of the land be effected unless approval o\_f the preliminary plan has been granted by the Planning Commission.
2. All existing sinkholes shall be protected by being walled up or by an alternate procedure approved by the Planning Commission, and easements providing access to and including the sinkhole area shall be provided as required in Section 415.160 below.
3. No existing trees shall be removed from any subdivision until approval of the, preliminary plan has been granted. All trees on the plat marked for retention shall be preserved, and all trees shall be welled and protected against change of grade where required. (Ord. No. 92-02 Article VII §4, 1-13-92)

SECTION 415.160: EASEMENTS

1. Where alleys are not provided, easements for utilities shall be provided. Such easements shall have a minimum width of twenty (20) feet, one-half ('h) of the width taken from each of the abutting lots. Where necessary, a twenty (20) foot easement may extend from the front to the rear lot lines between lots with one-half (1/2) of the required easements from each abutting lot.
2. Whenever a stream, watercourse, drainage way, channels, or sinkhole is located in an area which is being subdivided, the subdivider shall provide an easement along each side of the above for the purpose of widening, deepening, sloping, improving or protecting the above. The width of the easement shall be adequate for any necessary channel relocations and straightening, and shall be approved by the City Engineer. (Ord. No. 92-02 Article VII §5, 1-13-92)

SECTION 415.170: CHARACTER OF DEVELOPMENT

1. The Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision.
2. Deed restrictions or covenants, when included by the subdivider, shall provide for the proper protection and maintenance of the development in the future; however, such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereon of the terms of the restrictions or covenants.
3. Where the subdivision contains sewers, sewage treatment plants, a water supply system, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and are not, or cannot be, satisfactorily maintained by an existing public agency, provision shall be made by trust agreement, made a part of the deed restrictions acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities. (Ord. No. 92-02 Article VII §6, 1-13-92)

SECTION 415.180: PARKS, SCHOOL SITES, ETC.

Where an area being subdivided includes lands proposed to be used for parks or schools, under the duly adopted Comprehensive Plan of the City and environs, the subdivider shall not plat such lands as a part of the subdivision plat; and shall confer with the appropriate public agency regarding the time, method and amount of payment for the agency to acquire the land. If no agreement has been reached upon the acquisition of the area within two (2) years from the date of the submission of the preliminary plan, the subdivider may then plat the balance of the area. (Ord. No. 92-02 Article VII §7, 1-13-92)

SECTION 415.190: STREET CROSS-SECTION STANDARDS

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Minimum  R.O.W. | Cross Section Widths | | | | Full  Pavement  Width | No. of  Traffic  Lanes | Lane Widths | |
| 1 | 2 | 3 | 4 | Traffic | Parking |
| Arterial  (4-lane) | 80 ft. | 2 ft. | 4 ft. | 10 ft. | 24 ft. | 48 ft. | 4 | 12 ft | None |
| Arterial  (2-lane) | 80 ft. | 2 ft. | 4 ft. | 12 ft. | 22 ft. | 44 ft. | 2 | 12 ft. | 10 ft. |
| Collector | 60 ft. | 2 ft. | 4 ft. | 4 ft. | 20 ft. | 40 ft. | 2 | 12 ft. | 8 ft. |
| Local (paved) | 50 ft. | 1 ft. | 4 ft. | 4 ft. | 16 ft. | 32 ft. | 2 | 16 ft. | Combined |
| Local (unpaved) | 50 ft. | 7 ft. | 0 ft. | 0 ft. | 18 ft. | 36 ft. | 2 | None | Specified |
| Marginal Access | 40 ft. | 8 ft. | 0 ft. | 0 ft. | 12 ft. | 24 ft. | 2 | 12 ft. | None |

Note: If sidewalks are not constructed, the dimensions shown for Items 1, 2 and 3 for paved streets shall be combined. (Ord. No. 92-02 Article VII §9, 1-13-92)

SECTION 415.200: DESIGN CHARACTERISTICS FOR STREET PAVEMENT

1. Concrete Surface

Type of Street Minimum Uniform Thickness

Arterial 7.25 inches to 8.25 inches

Collector 6.50 inches

Local 6.00 inches

Marginal 6.00 inches

Alley 6.00 inches

The crown of the street, in cross-section, shall be a minimum of one and five tenths percent (1.5%) incline toward the center of the pavement. All intersections shall be of uniform thickness one (1) inch greater than the maximum thickness of the thickest intersecting street.

Portland cement concrete 27-day compressive strength shall be a minimum of 4,000 psi, water-cement ratio not exceeding 6.0 gals./sack, 6 sacks of cement per cubic yard of concrete, four percent (4%) to six percent (6%) entrained air with maximum aggregate size of one (1) inch; or as required to meet Missouri State Highway Commission Standards, where applicable. Expansion material shall be placed every one hundred (100) feet, with saw joints every twenty (20) feet.

1. Flexible Surface

|  |  |  |  |
| --- | --- | --- | --- |
|  | Base Surface | | Base/Surface |
| Type of Street | Grade B\* Base | Asphalt Surface | Water-Bound Macadam  (Grade B\*) |
| Arterial | 5 in. | 4 in. | 8 in. |
| Collector | 5 in. | 3 in. | 6 in. |
| Local | 5 in. | 2 in. | 6 in. |
| Marginal | 5 in. | 2 in. | 6 in. |
| Alley | 5 in. | 2 in. | 5 in. |

Gradation:

Grade B maximum Crushed Stone.

100% through 1 inch sieve

65% through 3/8 inch sieve

5 – 25% through #10 sieve

Base material to be aggregate containing 5-25% fines, maximum aggregate size one (1) inch, or good subbase soil, if approved by the City Engineer; or as required to meet Missouri State Highway Commission Standards, where applicable.

The crown of the street, in cross-section, shall be a minimum of two percent (2.0%) incline toward the center of the pavement. All intersections shall be of the maximum thickness of the two (2) intersecting streets as shown in the table, plus one (1) inch of additional water-bound macadam, if it is used or one-half (1/2) inch of additional base if asphalt surface is used. (Ord. No. 92-02 Article VII §10, 1-13-92)

SECTION 415.210: ALPHABETICAL MASTER LIST OF STREET NAMES FOR THE CITY OF MARBLE HILL

**Old Marble Hill Area**

Allen Street Gilmore Street

Bidewell Drive Mary Court

Boundary Street Mayfield Street

Broad Street Mill Street

Broadway Street Missouri Highway 34

Chandler Street Missouri Highway 34 & 51

Clyde Street Missouri Highway 51

Conrad Street North Street

Crest Street Oak Street

Deer Path Lane Pine Street

Elm Street. Plutarch Street

Estes Street Poplar Street

Exit Street Presnell Street

Foreman Street Rock Street

Fox Croft Drive Tippett Street

Graham Street Vine Street

Henry Street Walnut Street

High Street Main Street

Hopkins Street Williams Street

Kaiser Street Zimmerman Street

**Old Lutesville Area**

Bass Street Missouri Highway 51

Central Street Mound Street

Church Street Myers Street

Cleveland Street\* Opossum Creek Road

Crown Street Orchard Street

Ellen Street Phelps Street

Englehart Lane Prospect Street

First Street Railroad Street

\*Streets platted but not in public use. (Ord. No. 92-02 Article VII § 12, 1-13-92)

SECTION 415.220: SUBDIVISION DESIGN STANDARDS

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | **Residential Density** | |  |
|  | **Block & Lot Requirements** | **Low Density Over  20,000 Sq. Ft. of  Lot Area Per  Dwelling Unit** | **High Density  Under 20,000 Sq.  Ft. of Lot Area Per  Dwelling Unit** | **Business-  Industrial** |
| (1) | Maximum block length (ft.) | 1,500 | 1,500 | 2,000 |
| (2) | Minimum block length (ft.) | 300 | 300 | 300 |
| (3) | Minimum building setback (ft.) | 30 | 30 | 30 |
| (4) | Minimum lot width at building setback line (ft.) | 75 | 75 | None |
| (5) | Minimum lot dept (ft.) | 100 | 100 | 100 |
| (6) | Maximum lot depth | 3 times width | 3 times width | 3 times width |
| (7) | Minimum average lot width for corner lots (ft.) | 85 | 85 | None |
|  | **Rights of Ways** |  |  |  |
| (8) | Local street right of way width (ft-) | 50 | 50 | 60 |
| (9) | Alley width, if provided (ft.) | 20 | 20 | 24 |
| (10) | Utility easement width (ft.) | 20 | 20 | 20 |
| (11) | Minimum cul-de-sac radium (ft.) | 50 | 50 | 60 |
| (12) | Corner radius at intersection of streets (ft.) | 20 | 20 | 30 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Street Design Standards** | **(Residential)  Low Density Over  20,000 Sq. Ft. of  Lot Area Per  Dwelling Unit** | **(Residential)  High Density  Under 20,000 Sq.  Ft. of Lot Area Per  Dwelling Unit** | **Business-  Industrial** |
| (13) | Maximum cul-de-sac length (ft.) | 1,000 | 1,000 | 1,500 |
| (14) | Maximum street grade (%) |  |  |  |
|  | 1. Local | 12 | 10 | 8 |
|  | 1. Collector | 10 | 10 | 6 |
|  | 1. Arterial | 10 | 10 | 6 |
|  | 1. Intersection | 5 | 4 | 3 |
| (15) | Minimum street grade (%) | 1 | 1 | 1 |
| \*(16) | Minimum sight distance at intersections (ft.) | 75 | 75 | 75 |
| \*\*(17) | Street pavement width with curbs and gutters (ft.) |  |  |  |
|  | 1. Local | 32 | 32 | 32 |
|  | 1. Collector | 40 | 40 | 40 |
|  | 1. Arterial | 44 | 44 | 44 |
| (18) | Minimum pavement radius on cul-de-sac (ft.) | 40 | 40 | 50 |
| (19) | Minimum centerline radius on horizontal curves (ft.) |  |  |  |
|  | 1. Local | 150 | 150 | 200 |
|  | b) Collector | 300 | 300 | 300 |
|  | 1. Arterial | 500 | 500 | 500 |
| (20) | Minimum tangent length on horizontal curves (ft.) | 30 | 30 | 40 |
| + (21) | Minimum length of vertical curves (ft.) |  | \_ |  |
|  | 1. Local | 100 | 100 | 100 |
|  | b) Collector | 100 | 100 | 100 |
|  | 1. Arterial | 200 | 200 | 200 |
| ++(22) | Minimum sidewalk width (ft.) | 4 | 4 | 4 |

\* Back from intersection, across corners.

\*\* Pavement widths are from inside curb lip to inside curb lip.

+ Not less than twenty (20) feet for each algebraic difference in grade.

++ Located as per the cross-sections in Section 415.190. (Ord. No. 92-02 Art VII §13, 1-13-92)

ARTICLE V. MINIMUM IMPROVEMENTS REQUIRED

SECTION 415.230: GENERALLY

1. Receipt of the signed copy of the preliminary plan is authorization for the subdivider to proceed with the preparation of the plans and specifications for the following minimum improvements and with the preparation of the fmal plat. Prior to the construction of any improvements required or to the submission of a bond in lieu thereof, or to the provision for any assessment for such construction, the subdivider shall furnish the City Engineer, or an individual designated by the Board of Aldermen, all plans, information and data necessary to determine the character of said improvements. These plans shall be examined by the City Engineer, or an individual designated by the Board of Aldermen, and will be approved, if in accordance with the requirements of this Section. Following this approval, construction can be started or the amount of a bond determined, or an assessment provided for, as appropriate.
2. No final or official plat of any subdivision shall be approved unless:
   1. The subdivider agrees with the Board of Aldermen upon an assessment whereby the City is put in an assured position to install the improvements listed below at the cost of the owners of property within the subdivision, or
   2. The improvements listed below have been installed prior to such approval, or
   3. The subdivider files with the Board of Aldermen a surety bond, cashier's check, or a certified check upon a solvent bank located in Bollinger County conditioned to secure the construction of the improvements listed below in a satisfactory manner and within a period specified by the Board of Aldermen, such period not to exceed two (2) years. No such bond or check shall be accepted unless it be enforceable by, or payable to, the City in a sum at least equal to the cost of constructing the improvements as estimated by the City Engineer, or an individual designated by the Board of Aldermen, and in form with surety and conditions approved by the City Attorney.
3. The owner of a tract may prepare and secure approval of a preliminary subdivision plan of an entire area and may install the above improvements only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plat is approved for recording; provided however, that trunk sewers and any sewage treatment plants shall be designed and built in such a manner that they can easily be expanded or extended to serve the entire area. (Ord. No. 92-02 Article VIII, 1-13-92)

SECTION 415.240: STREETS

1. Street plans, profiles, and specifications shall be prepared by a registered professional engineer and approved by the City Engineer, or an individual designated by the Board of Aldermen; Planning Commission; and Board of Aldermen.
2. Surfaced streets shall be of portland cement concrete, flexible pavement, or crushed stone, and shall be constructed in accordance with design characteristics at least equal to those required in Article IV, and approved by the City Engineer, or an individual designated by the Board of Aldermen.
3. The streets shall be graded, surfaced, and improved to the dimensions required in Article IV. The work shall be performed in the manner prescribed in the current edition of the Missouri State Highway Department specifications.
4. Paved streets, with curbs and gutters, shall be surfaced to the following minimum widths, as measured from inside curb lip to inside curb lip:

Arterial (four lane) Forty-eight (48) feet

Arterial (two lane) Forty-four (44) feet

Collector Forty (40) feet

Local Thirty-two (32) feet

Marginal Access Twenty-four (24) feet

Alleys, within a business district, shall be surfaced to a minimum of sixteen (16) feet. Cul-de-sac turnarounds shall be paved within ten (10) feet of the right of way. In instances where parking will be restricted, the above dimensions can be varied with prior approval of the Planning and Zoning Commission and the Board of Aldermen.

1. Street surfacing or pavement type shall be restricted to the following three (3) types:

Portland cement concrete surface with curb and gutter.

Asphalt pavement with curb and gutter.

Crushed stone constructed to City specifications.

1. Prior to the placement of street or alley pavements, adequate surface and subsurface (if required) drainage facilities shall be installed by the subdivider. Pipe used for drainage purposes shall be of corrugated metal, bituminous-coated corrugated metal, reinforced concrete, or extra strength vitrified clay of an approved design, size, and strength to meet the requirements of the specified conditions which may be encountered. Minimum diameters of pipe to be used shall be as follows:

Roadway Cross Drains 15 inches

Property Entrance Culverts 12 inches

Perforated Under drains 6 inches

1. All construction shall be completed in accordance with the specific conditions in the agreement for street improvements within the Improvement Plans and in a manner acceptable to the authorities having jurisdiction.
2. When changes from the accepted plans and specifications become necessary during construction, written approval from the authorities having jurisdiction shall be secured prior to the execution of said changes.
3. Adequate provision for the maintenance of all street improvements shall be made by dedication to and acceptance for maintenance by the local authorities having jurisdiction or by other suitable means. (Ord. No. 92-02 Article VIII §1, 1-13-92)

SECTION 415.250: CURBS AND GUTTERS

1. Curbs and gutters shall be made of Portland cement concrete containing five and one-half (51/2) bags of cement per cubic yard of concrete, and shall be three percent (3%) to five percent (5%) air entrained.
2. Curb construction for concrete pavements may be integral. The roll type curbs may be permitted where approved by the Planning Commission and Board of Aldermen.
3. In accordance with Section 71.365, Revised Statutes of the State of Missouri, when sidewalks are required as provided for in Section 415.260 of this Article, curbs shall be constructed so as to enable persons using wheelchairs to travel freely and without assistance.
4. All new curbs and any existing curbs which are a part of a reconstruction shall comply with these requirements.
5. At each crosswalk a ramp shall be built into the curb so that the sidewalk and street blend to a common level. Such ramps shall be not less than thirty-six (36) inches wide and shall not have a slope greater than one (1) inch rise per twelve (12) inches length eight and three-tenths percent (8.3%). For all ramps there shall be a gradual rounding at the bottom of the slope.
6. An exception may be granted where, because of surrounding buildings or other restrictions, it is impossible to conform the slope of the ramp with these requirements. In this event, the ramp shall contain a slope with as shallow a rise as possible not to exceed ten percent (10%).
7. Driveway ramps shall not extend past the vertical face of the curb; and ramps shall be built into the curb so that the ramp and street blend to a common level. For all ramps there shall be a gradual rounding at the bottom of the slope.
8. In the event of development on existing roadways with curbing, the developer shall submit, as a part of the Preliminary Plan, a curb cutting request for all proposed driveway ramps which shall be subject to approval by the City Engineer or similar official, Commission, and Board of Aldermen.
9. All plans for the installation of curbs and gutters shall be subject to approval by the City Engineer, Planning Commission, and Board of Aldermen. (Ord. No. 92-02 Article VIII §2, 1-13-92)

SECTION 415.260: SIDEWALKS

1. The construction of sidewalks is not normally required in subdivisions, but may be required if the subdivision includes, or is within three hundred (300) feet of existing or proposed schools, playgrounds, or other features which would attract children.
2. The extent of sidewalks within subdivisions shall be determined by the Commission and approved by the Board of Aldermen. In all subdivisions, the space as specified in Article IV shall be included in the cross-sectional drawings of streets.
3. When constructed, sidewalks shall be of Portland cement concrete four (4) inches thick, six (6) inches across driveways, with a minimum width of four (4) feet. "Dummy" control joints shall be placed every five (5) feet and expansion joints shall be placed every forty (40) feet. Concrete shall contain five and one-half (5 1/2) sacks of cement per cubic yard and shall have three percent (3%) to five percent (5%) entrained air. Finish shall be by wood float or broom with all edges and joints tooled. The location of sidewalks shall be as shown in Article IV.
4. Where sidewalks are not required, the street grade shall be completed so that additional grading shall not be necessary for any future construction of sidewalks. (Ord. No. 92-02 Article VIII §3, 1-13-92)

SECTION 415.270: SEWERAGE COLLECTION SYSTEM AND WATER SUPPLY SYSTEM

1. The subdivider shall provide for the disposal of sewage within the subdivision in accordance with Chapters 270 and 700 of this Code, which regulate the use of public and private sewers within the City, or any future ordinances which may supersede those now in effect. Where a public sanitary sewer main is reasonably accessible, the subdivider shall provide the subdivision with a complete sanitary sewer system, including the lateral connection for each lot, connected to said sewer main. All necessary construction requirements, such as lift stations, shall be the responsibility of the subdivider and approved by the City Engineer, City Planning Commission, and Board of Aldermen and shall comply with the regulations of the Missouri Department of Natural Resources.
2. Where a public sanitary sewer system is not reasonably accessible, but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Missouri Clean Water Commission, the subdivider shall install sewers in conformity with said plans. Where immediate connection is not possible, and until such connection with the sewer system in the district can be made, the use of private sewage treatment facilities may be permitted, provided said disposal facilities are installed and maintained in accordance with the regulations and requirements of the Missouri Department of Natural Resources and approved by the City Engineer, City Planning Commission, and Board of Aldermen.
3. Where no sanitary sewer system is accessible and no plans for a sewer system have been prepared and approved, the developer may, upon approval by the Missouri Clean Water Commission, City Engineer, City Planning Commission, and Board of Aldermen, install individual disposal devices on individual lots within the subdivision. All such individual devices shall be constructed and maintained in accordance with the regulations and requirements of the Missouri Department of Natural Resources and the Board of Aldermen.
4. The subdivider shall provide the subdivision with a complete loop-type water distribution system adequate to serve the area being platted. The system shall include a connection for each lot, water mains a minimum of six (6) inches in diameter, and fire hydrants spaced a maximum of five hundred (500) feet apArticle The City Planning Commission shall not approve the Final Plan until the Missouri Department of Natural Resources certifies to the Commission that said water supply system is in compliance with the applicable regulations of the State of Missouri and is in accordance with Chapters 270 and 700 of this Code or any further amendments thereto. (Ord. No. 92-02 Article VIII §4, 1-13-92)

SECTION 415.280: STORM DRAINAGE

1. Adequate surface and subsurface drainage ways for the removal of storm water shall be provided by the subdivider. The extent to which storm drainage facilities shall be required shall be based upon an analysis of need prepared by a registered professional engineer who is licensed to carry out engineering in Missouri. The analysis shall be based upon a rational method of computing storm water runoff, using the maximum of one (1) hour rainfall to be expected within a ten (10) year period. Times of concentration, soil infiltration rates, and other variable factors to be used in the analysis shall be discussed with, and approved by, the City Engineer during the preliminary consideration of the subdivision.
2. A storm sewer system, with surface inlets, shall be provided by the subdivider in all cases where curb and, gutter are to be installed and whenever available evidence indicates that such a system is necessary as a result of natural surface drainage. No surface water drainage will be allowed to enter the sanitary sewer system.
3. In the absence of a storm sewer system, a water-retarding grass shall be planted in the strip between the sidewalk and the surfaced edge of the street.
4. Any person proposing to locate a structure or a use within one hundred (100) feet of any stream, main drainage channel, or sinkhole shall include a statement by a registered professional engineer, based on a study of the watershed area and the probable runoff, that the structure or use in the location proposed will leave adequate space for the flow of flood water; provided however, that no building shall be permitted within fifty (50) feet of the top of the bank of any stream, drainage channel, or sinkhole.
5. A water-retarding grass shall be planted by the subdivider along any stream, open drainage channel, or sinkhole in an area extending a minimum of fifteen (15) feet on either side of the top of the bank of any stream, drainage channel, or sinkhole within or adjacent to a proposed subdivision.
6. All sinkholes, or similar depressions, are to be retained to dispose of surface drainage, and such features shall be provided with suitable inlet structures to prevent clogging or filling of the openings to be used and to provide maximum storm drainage capacity. (Ord. No. 92-02 Article VIII §5, 1-13-92)

SECTION 415.290: PUBLIC UTILITIES

1. All public utility lines shall be installed in accordance with the provisions specified in this Section.
2. Where gas, telephone, and electric service lines are placed underground throughout the subdivision, the mains, lines, cables, and conduits shall be located within easements or public rights of way in separate trenches and in a manner which will not conflict with other underground services. All controls, valves, transformers, and terminal boxes shall be located so as not to be hazardous to the public.
3. When carried on overhead poles, all utility lines for telephone and electric service shall be provided with rear and/or side lot line easements.
4. All excavations for public utilities made under paved areas shall be properly backfilled with approved granular materials thoroughly compacted in place, and street repairs shall be completed to restore the street surface. All such repairs or reconstruction shall be at the expense of the developer or utility involved. No excavation of any street may be undertaken until all necessary permits are obtained. (Ord. No. 92-02 Article VIII §6, 1-13-92)

SECTION 415.300: STREET LIGHTING

1. Street lighting shall be installed by the subdivider.
   1. In a subdivision, a street lighting unit shall be installed at each intersection and cul-de-sac turnaround.
   2. Lighting specifications for major streets and commercial and industrial areas:
      1. Lighting standards shall be evenly spaced and staggered longitudinally, maximum of two hundred fifty (250) feet apart;
      2. Each lighting unit shall be set back and centered on a point three (3) feet from the rear curb line;
      3. Mounting height shall be a minimum of twenty-five (25) feet from pavement to luminaire;
      4. Lamp posts shall be round tube type of aluminum alloy, and a minimum of twenty-seven (27) feet in length. Lighting brackets or mast arms shall be a minimum of eight (8) feet in length and made of aluminum alloy;
      5. Lamps or luminaries shall be of the type recommended by the City Engineer or similar official.
2. Lighting unit design for local streets and residential areas shall be determined by the Planning Commission on a case by case basis. Generally, units shall be designed to provide visibility without disrupting the aesthetic appeal of the development or subdivision. This will generally require a fourteen (14) foot pole with a more decorative lighting unit and adjustment in staggered longitudinal spacing. (Ord. No. 92-02 Article VIII §7, 1-13-92)

SECTION 415.310: LANDSCAPE DEVELOPMENT

1. All unpaved or otherwise unimproved areas within the public rights of way, or public use areas, shall be landscaped in a manner approved by the Commission.
2. In informal types of street patterns, informal plantings of trees in accordance with an approved landscape development plan may be permitted. In no case shall trees be planted in an area where they may cause damage to underground service utilities. (Ord. No. 92-02 Article VIII §8, 1-13-92)

SECTION 415.320: MONUMENTS

1. All property surveys shall be conducted according to the current Minimum Standards for Property Surveys, as set out by the State Land Survey Authority.
2. All monuments shall be established and installed to meet the requirements for monumentation of the Missouri Land Survey Authority.
3. Monuments shall be provided by the subdivider and so placed that the center point shall coincide with the intersection of the lines to be marked, with the top of the monuments level with the surface of the ground (or underground where necessary after final grading.
4. All permanent monuments required by the State Land Survey Authority shall be of a type and installed according to the requirements of the State Land Survey Authority. All other markers shall consist of galvanized steel, wrought iron pipe, or steel bars at least twenty-four (24) inches in length and one-half (1/2) of an inch in diameter.
   1. Markers shall be set by a registered land surveyor hired by the subdivider:
   2. At the intersection of all lines forming angles in the boundary of the subdivision.
   3. At the intersection of street right of way lines at the beginning and end of all curves along street property lines.
   4. At all points where lot lines intersect street right of way lines.
   5. At all angles in the lot property lines.
   6. At all other lot comers. (Ord. No. 92-02 Article VIII §9, 1-13-92)

SECTION 415.330: GAS

If the developer proposes that natural gas be provided as fuel for home heating, the developer shall provide each lot to be so served within the subdivided area with a connection to the natural gas system. All connections shall comply with applicable regulations and requirements of the owner(s) of the natural gas system. (Ord. No. 92-02 Article VIII §10, 1-13-92)

SECTION 415.340: PLANTINGS

All landscaped strips, parkways, and screening areas dedicated to the public shall be graded, seeded and planted in an appropriate manner. Where shrubs are required for the purpose of screening, specimen, density and other pertinent features shall be approved by the City Planning Commission. (Ord. No. 92-02 Article VIII §11, 1-13-92)

ARTICLE VI. NON-RESIDENTIAL SUBDIVISIONS

SECTION 415.350: GENERALLY

1. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Commission and Board of Aldermen may require.
2. A non-residential subdivision shall also be subject to any requirements of site plan approval set forth in the Zoning Ordinance (Chapter 405). Site plan approval and non-residential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Planning Commission and Board of Aldermen and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance of the City of Marble Hill. (Ord. No. 92-02 Article IX, 1-13-92)

SECTION 415.360: STANDARDS

1. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission and Board of Aldermen that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.
2. The following principles and standards shall be observed:
   1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission and Board of Aldermen for prospective use.
   2. Street rights of way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
   3. Special requirements may be imposed by the Board of Aldermen and Planning Commission with respect to street, curb, gutter, and sidewalk design and construction.
   4. Special requirements may be imposed by the Board of Aldermen and Planning Commission with respect to the installation of public utilities, including water, sewer, and storm water drainage.
   5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
   6. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.
   7. All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses. (Ord. No. 92-02 Article IX §2, 1-13-92)

ARTICLE VII. FEES

SECTION 415.370: FILING FEE FOR PRELIMINARY PLAN

Upon the filing of a Preliminary Plan for a subdivision, or any portion thereof, the subdivider shall pay a filing fee of twenty-five (25) dollars. (Ord. No. 92-02 Article X §1, 1-13-92)

SECTION 415.380: FILING FEE FOR FINAL PLAT

Upon the filing of the Final Plat for a subdivision or any portion thereof, the subdivider shall pay a filing fee of twenty-five dollars ($25.00) plus one dollar ($1.00) for each lot shown on the Final Plat. (Ord. No. 92-02 Article X §2, 1-13-92)

SECTION 415.390: PERFORMANCE GUARANTEE

1. The subdivider shall be required to furnish a performance guarantee to guarantee actual construction and installation of all improvements within two (2) years after the approval of the Final Plat. The performance guarantee shall not be less than the estimated cost of the improvements as determined by the City Engineer.
2. If the required improvements are not completed within the time allowed, the City shall enforce the performance guarantee by all appropriate legal and equitable remedies, collect said money, and complete the required improvements in behalf of the City. Renewal of the performance guarantee may be made upon the approval of the Board of Aldermen for an additional period of time specified by the Board of Aldermen, provided that the application for renewal is made at least thirty (30) days prior to the expiration of said bond.
3. The performance guarantee shall be made in one of the following manners:
   1. A performance bond issued by a surety company, a title insurance company, or a financially reliable corporate security engaged in the business of signing bonds in the State of Missouri, approved by the City Attorney and Board of Aldermen; or
   2. An escrow agreement, to be held in a special escrow account, subject to the audit of the City, approved by the City Attorney and Board of Aldermen, in one of the following forms: cash, or an irrevocable letter of credit or commitment from a lending institution to the escrow agent guaranteeing to said escrow agent the availability of escrow funds, from time to time upon demand, or certificates of deposit, treasury bills, or other readily negotiable instruments endorsed by the escrow agent.
   3. In lieu of posting a performance bond or escrow agreement as specified in the above, the subdivider may elect to deposit, in an escrow account, the amount required. The escrow agreement shall provide that the escrowed funds are held by a qualified escrow depository, approved by the City Attorney and Board of Aldermen, in a special account to be dispersed by the escrow holder solely for the payment of labor and materials used in the construction and installation of the improvements guaranteed as the work progresses and as approved by the Board of Aldermen. In no event shall an authorization be given for the release of, nor shall the escrow holder release, more than ninety percent (90%) of the escrow fund until the improvements have been completed in a satisfactory manner in accordance with this Article and approved by the Board of Aldermen. (Ord. No. 92-02 Article X §3, 1-13-92)

SECTION 415.400: MAINTENANCE GUARANTEE

1. Unless the Board of Aldermen provides by either ordinance, resolution, or other procedure, the subdivider shall submit as a part of the Final Plat, a maintenance agreement setting forth the person, corporation, trustees, or other agency responsible for the assessment and collection of monies for the maintenance of all improvements within the subdivision.
2. The subdivider shall maintain and keep in repair the streets and curb and gutter improvements for a period of one (1) year from the date of completion of said improvements. To guarantee this maintenance, a maintenance bond may be accepted by the Board of Aldermen in the amount of the contract price of the improvements against defects in workmanship and materials for the one (1) year period. The bond, if accepted, shall be filed with the City Clerk and be from a surety company licensed to do business in the State of Missouri and approved by the City Attorney and Board of Aldermen. (Ord. No. 92-02 Article X §4, 1-13-92)

ARTICLE VIII. VARIATIONS AND EXCEPTIONS

SECTION 415.410: VARIANCE AND EXCEPTIONS

1. When a subdivider can show that a provision of this Chapter would cause unnecessary hardship if strictly adhered to, and when, in the opinion of the Planning Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may recommend a variance or modification to the Board of Aldermen. The subdivider shall apply in writing for such variance or modification. Any variance thus recommended shall be entered in writing in the minutes of the City Planning Commission and the reasoning on which the departure was justified shall be set forth. Any variance or modification authorized by the Board of Aldermen shall be made by resolution and a copy thereof shall be attached and made a part of the Final Plat.
2. No variance shall be granted unless the Commission finds that no detriment will be caused to the public welfare and no damage will be caused to other public property in the area in which the property for which the variance is requested is situated, and that the variance will not substantially impair the intent and purpose of this Chapter. (Ord. No. 92-02 Article XI §1, 1-13-92)

SECTION 415.420: GROUP DEVELOPMENTS

The Commission may approve a comprehensive group development, including residential neighborhood units, cluster developments, and condominium types, if it finds that the variations from these regulations will not adversely affect the health, welfare, safety, and convenience of the individuals occupying said development. In a comprehensive group development, the allowable percentage of land which is to be set aside for various types of dwelling, commercial, and/or industrial uses shall not exceed the amount specified in the Zoning Ordinance for the district for which the development is proposed to be located. (Ord. No. 92-02 Article XI §2, 1-13-92)

ARTICLE IX. PERMITS AND INSPECTION

SECTION 415.430: CONSTRUCTION PERMIT AND INSPECTION CERTIFICATES

1. Prior to the installation of any improvements, the subdivider shall obtain a construction permit from the City Clerk. The permit shall authorize the construction of only those improvements contained within the improvement plans. During the installation of any or all improvements, the City shall retain the right to inspect the installation as deemed necessary to ensure compliance with the approved improvement plans. If any installation of improvements is deemed inadequate to meet the requirements of the approved improvement, plans, the City Engineer shall have the right to order a suspension of construction until compliance is achieved.
2. All inspections required under this Chapter will be performed by the City Engineer or his authorized representative. Upon completion of the installation of any or all improvements, the City Engineer shall file with the City Clerk notification that he has inspected the installation and that it is in compliance with the approved improvement plans, as far as he is able to determine. This shall not relieve the developer of his responsibility in cases of improper or faulty construction, substitution of inferior materials, or unapproved deviations from the improvement plans approved by the Board of Aldermen.
3. The subdivider shall pay for and arrange for inspections performed by an registered professional engineer in his employ, and any inspections that may be required by ordinances and regulations of other agencies having jurisdiction. (Ord. No. 92-02 Article XII §1, 1-13-92)

SECTION 415.440: BUILDING PERMITS

1. No building permit shall be issued by any governing official for the construction of any building, structure, or improvements to the land, or to any lot within a subdivision, which has been approved for platting or replatting until all requirements of this Chapter have been fully complied with.
2. No building permit shall be valid unless construction is started within six (6) months of the date of issue.
3. Any building or structure for which a building permit is issued shall conform to any building, electrical, plumbing, utility, or safety code now in force by ordinance or which may be enacted in the future for the health, safety, and welfare of the City. (Ord. No. 92-02 Article XII §2, 1-13-92)

SECTION 415.450: PERMIT NOT ISSUED--WHEN

No building permit shall be issued and no building shall be erected on any lot within the territorial jurisdiction of the City of Marble Hill unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements of the Major Street Plan of the City of Marble Hill, as provided in Section 89.460 and Section 89.470, Revised Statutes of the State of Missouri. (Ord. No. 92-02 Article XII §3, 1-13-92)

ARTICLE X. ENFORCEMENT AND PENALTY

SECTION 415.460: ENFORCEMENT

No County Recorder shall receive for filing or recording any subdivision plat required to be approved by the Board of Aldermen or the City Planning Commission unless the plat has endorsed upon it the approval of the Board of Aldermen under the hand of the Clerk and the Seal of the City, or by the Secretary of the Planning Commission. (Ord. No. 92-02 Article XIII, 1-13-92)

SECTION 415.470: RECORD OF PLATS

A copy of the Final Plat of the subdivision shall be filed in a book of plats by the City of Marble Hill. (Ord. No. 92-02 Article XIV, 1-13-92)

SECTION 415.480: VIOLATION AND PENALTY

1. No owner, or agent of the owner, of any land located within the platting jurisdiction of the City of Marble Hill, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board of Aldermen or the City Planning Commission and recorded in the office of the County Recorder. Any person violating the provisions of this Chapter shall forfeit and pay to the City a penalty not to exceed three hundred dollars ($300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. The City may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.
2. Any person violating the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by confinement in the County Jail for not more than one (1) year, or by both such fine and confinement. (Ord. No. 92-02 Article XV, 1-13-92)

SECTION 415.490: CHANGES AND AMENDMENTS

Any regulations or provisions of this Chapter may be changed and amended from time to time by the Board of Aldermen, provided however, that such changes or amendments shall not become effective until after a study and report by the Planning Commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation at least fifteen (15) days prior to such hearing. (Ord. No. 92-02 Article XVI, 1-13-92)

CHAPTER 420: FLOOD DAMAGE PREVENTION

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES SECTION

SECTION 420.010 STATUTORY AUTHORIZATION

The Legislature of the State of Missouri has in RSMo 79.110 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of Aldermen of the City of Marble Hill, Missouri ordains as follows: (Ord. No. 93-16 Article I §A, 9-27-93; Repealed and Replaced by Ord. 2012-32, 11-19-12)

SECTION 420.020: FINDINGS OF FACT

1. Flood Losses Resulting from Periodic Inundation

The special flood hazard areas of the City of Marble Hill, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

1. General Causes of the Flood Losses

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

1. Methods Used to Analyze Flood Hazards

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

1. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this ordinance It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated August 15, 1990 as amended, and any future revisions thereto.
2. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
5. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

SECTION 420.030: STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in Article 1, Section B (1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this ordinance to:

1. restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
2. require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

ARTICLE 2 GENERAL PROVISIONS

SECTION 420.040: LANDS TO WHICH ORDINANCE APPLIES

This ordinance shall apply to all lands within the jurisdiction of the City of Marble Hill, Missouri identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Maps (FIRMs) on map panel number 290032 0001 B dated August 15, 1990 and on map panel 290787 0050 B for Bollinger County, dated August 15, 1990, as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

SECTION 420.050 FLOODPLAIN ADMINISTRATOR

The Administrative Assistant is hereby designated as the Floodplain Administrator under this ordinance.

SECTION 420.060 COMPLIANCE

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

SECTION 420.070 ABROGATION AND GREATER RESTRICTIONS

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

SECTION 420.080 INTERPRETATION

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

SECTION 420.090 WARNING AND DISCLAIMER OF LIABILITY

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

SECTION 420.100 SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

ARTICLE 3 ADMINISTRATION

SECTION 420.110 FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED)

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

SECTION 420.120 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Administrative Assistant is hereby appointed to administer and implement the provisions of this ordinance.

SECTION 420.130 DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Administrative Assistant shall include, but not be limited to:

1. review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
2. review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. issue floodplain development permits for all approved applications;
5. notify adjacent communities and the Missouri State Emergency Management Agency (MO SEMA) to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
7. verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
9. when floodproofing techniques are utilized for a particular non-residential structure, the Administrative Assistant shall require certification from a registered professional engineer or architect.

SECTION 420.140 APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
2. identify and describe the work to be covered by the floodplain development permit;
3. indicate the use or occupancy for which the proposed work is intended;
4. indicate the assessed value of the structure and the fair market value of the improvement;
5. specify whether development is located in designated flood fringe or floodway;
6. identify the existing base flood elevation and the elevation of the proposed development;
7. give such other information as reasonably may be required by the Administrative Assistant;
8. be accompanied by plans and specifications for proposed construction; and
9. be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 420.150 GENERAL STANDARDS

1. No permit for floodplain development shall be granted for new construction, substantial- improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
5. design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
6. construction with materials resistant to flood damage;
7. utilization of methods and practices that minimize flood damages;
8. all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
9. new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
10. subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
11. all such proposals are consistent with the need to minimize flood damage;
12. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
13. adequate drainage is provided so as to reduce exposure to flood hazards; and
14. all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. Storage, material, and equipment

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

Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

1. Accessory Structures

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

SECTION 420.160 SPECIFIC STANDARDS

1. In all areas identified as numbered and unnumbered A zones and AE zones, where base floodelevation data have been provided, as set forth in Article 4, Section A(2), the following provisions are required:
2. Residential Construction

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

1. Non-Residential Construction

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 3, Section C(9).

1. Require, for all new construction and substantial-improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and

(2) the bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

SECTION 420.170 MANUFACTURED HOMES

1. All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the community's FIRM on sites:
3. outside of manufactured home park or subdivision;
4. in a new manufactured home park or subdivision;
5. in an expansion to and existing manufactured home park or subdivision; or
6. in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C(2) of this ordinance, be elevated so that either:

1. the lowest floor of the manufactured home is at one (1) foot above the base flood level; or
2. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

SECTION 420.180 FLOODWAY

Located within areas of special flood hazard established in Article 2, Section A are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. If Article 4, Section D(2) is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Article 4.
4. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article 4, Section A(2).

SECTION 420.190 RECREATIONAL VEHICLES

1. Require that recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM either:
2. be on the site for fewer than 180 consecutive days,
3. be fully licensed and ready for highway use\*; or
4. meet the permitting, elevation, and the anchoring requirements for manufactured homes of this ordinance

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

ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION 420.200 ESTABLISHMENT OF APPEAL BOARD

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

SECTION 420.210 RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Administrative Assistant, the applicant may apply for such floodplain development permit or variance directly to the Board of Aldermen, as defined in Article 5, Section A.

The Board of Aldermen shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Administrative Assistant in the enforcement or administration of this ordinance.

SECTION 420.220 FURTHER APPEALS

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

SECTION 420.230 FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Board of Aldermen shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

1. the danger to life and property due to flood damage;
2. the danger that materials may be swept onto other lands to the injury of others;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity to the facility of a waterfront location, where applicable;
6. the availability of alternative locations, not subject to flood damage, for the proposed use;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

SECTION 420.240 CONDITIONS FOR APPROVING FLOODPLAN MANAGEMENT VARIANCES

1. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance

SECTION 420.250 CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.
6. The agricultural structures must meet all National Flood Insurance Program (NEW) opening requirements. The NFU' requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article 4, Section B (1)(c) of this ordinance.
7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section D(2) of this ordinance. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
8. Major equipment, machinery, or other contents must be protected from any flood damage.
9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
10. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
11. Wet-floodproofmg construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

SECTION 420.260 CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.
3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article 4, Section A (4)(a) of this ordinance All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article 4, Section B (1)(c) of this ordinance.
6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section D(2) of this ordinance. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery, or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

ARTICLE 6 PENALTIES FOR VIOLATION

SECTION 420.270

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

ARTICLE 7 AMENDMENTS

SECTION 420.280

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Marble Hill. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this ordinance are in compliance with the National Flood Insurance Program (NFTP) regulations.

ARTICLE 8 DEFINITIONS

SECTION 420.290

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

"**100-year Flood**" see "*base flood*"

"**Accessory Structure**" means the same as "*appurtenant* *structure*."

"**Actuarial** **Rates**" see "*risk* *premium* *rates*."

"**Administrator**" means the Federal Insurance Administrator.

"**Agency**" means the Federal Emergency Management Agency (FEMA).

"**Agricultural** **Commodities**" means agricultural products and livestock.

"**Agricultural** **Structure**" means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

"**Appeal**" means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

"**Appurtenant** **Structure**" means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

"**Area of Special Flood Hazard**" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"**Base Flood**" means the flood having a one percent chance of being equaled or exceeded in any given year.

"**Basement**" means any area of the structure having its floor subgrade (below ground level) on all sides.

"**Building**" see "*structure*."

"**Chief Executive Officer**" or "**Chief Elected Official**" means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

"**Community**" means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

"**Development**" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"**Elevated Building**" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"**Eligible Community**" or "**Participating Community**" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NAP).

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

"**Existing Manufactured Home Park or Subdivision**" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community

"**Expansion to an Existing Manufactured Home Park or Subdivision**" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"**Flood**" or "**Flooding**" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"**Flood** **Boundary and Floodway Map (FBFM)**" means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

"**Flood Elevation Determination**" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"**Flood Elevation Study**" means an examination, evaluation and determination of flood hazards.

"**Flood Fringe**" means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

"**Flood Hazard Boundary Map (FHBM)**" means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

"**Flood Insurance Rate Map (FIRM)**" means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community

"**Flood Insurance Study (FIS)**" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"**Floodplain**" or "**Flood-prone Area**" means any land area susceptible to being inundated by water from any source (*see "flooding"*)*.*

"**Floodplain Management**" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"**Floodplain Management Regulations**" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

"**Floodproofing**" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

"**Floodway**" or "**Regulatory Floodway**" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"**Floodway Encroachment Lines**" means the lines marking the limits of floodways on Federal, State and local floodplain maps.

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

"**Functionally Dependent Use**" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

"**Highest Adjacent Grade**" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

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

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

"**Manufactured Home Park or Subdivision**" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

"**Market Value**" or "**Fair Market Value**" means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

"**Mean Sea Level**" means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

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

"**New Manufactured Home Park or Subdivision**" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

"**(NFIP)**" means the National Flood Insurance Program (NFIP).

"**Participating Community**" also known as an "*eligible community*," means a community in which the Administrator has authorized the sale of flood insurance.

"**Person**" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

"**Principally Above Ground**" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

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

"**Remedy A Violation**" means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

"**Repetitive Loss**" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

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

"**Special Flood Hazard Area**" see "*area of special flood hazard*."

"**Special Hazard Area**" means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A and AE.

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

"**State Coordinating Agency**" means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

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

"**Substantial-Damage**" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition).

For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

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

"**Substantial Improvement**" means any combination of reconstruction, alteration, or improvement to a building, taking place during a 10 year period, in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work done.

The term does not apply to:

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

b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure." Or

c. Any building that has been damaged from any source or is categorized as repetitive loss.

\* Recommend development of written and adopted policy and procedure.

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

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

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

"**Water Surface Elevation**" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.