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TITLE IV. LAND USE

CHAPTER 400: PLANNING AND ZONING

COMMISSION

SECTION 400.010: COMPOSITION–TERMS–VACANCY–REMOVAL

There is hereby established within and for the City a Planning and Zoning Commission which shall consist of not more than fifteen (15) nor less than seven (7) members, including the Mayor, if the Mayor chooses to be a member; a member of the Board of Aldermen selected by the Board, if the Board chooses to have a member serve on the Commission; and not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first (1st) appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

SECTION 400.020: COMPENSATION

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

SECTION 400.030: OFFICERS

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

SECTION 400.040: MEETINGS–RULES–RECORDS

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

SECTION 400.050: EXPENDITURES

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

SECTION 400.060: DUTY OF PUBLIC OFFICIALS TO FURNISH

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

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SECTION 400.070: GENERAL POWERS

In general, the Planning and Zoning Commission shall have the power necessary to enable it to perform its functions and promote City planning. The Planning and Zoning Commission shall have the power to perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have and perform all of the functions of a Planning Board as outlined in such Chapter.

CHAPTER 405: ZONING REGULATIONS

ARTICLE I. GENERALLY

SECTION 405.010: DEFINITIONS

In the construction of this Chapter, the following words and phrases shall have the indicated meanings:

ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.

ALLEY OR LANE: A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

BASEMENT: A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

BOARD OF ALDERMEN: The Board of Aldermen of the City of Bernie, Missouri.

BOARDING OR LODGING HOUSE: A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for three (3) or more persons for compensation by previous arrangement but not transients.

BUILDING: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided.

BUILDING, HEIGHT OF: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

BUILDING LINE: The line beyond which no building or part thereof shall project, except as otherwise provided by this Chapter.

CELLAR: That portion of a building between floor and ceiling partly underground but having half or more than half of its clear height below the adjoining finished grade.

COMMISSION: The Planning and Zoning Commission of the City of Bernie, Missouri.

DWELLING: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more persons but not including a tent, cabin, trailer or trailer coach, boarding or rooming house, hotel or motel.

DWELLING, MULTI-FAMILY: A building or portion thereof designed for or used by three (3) or more families or housekeeping units.

DWELLING, SINGLE-FAMILY: A building designed for or used exclusively for residence purposes by one (1) family or housekeeping unit.

DWELLING, TWO-FAMILY: A building designed for or used exclusively by two (2) families or housekeeping units.

DWELLING UNIT: One (1) room, or suite of two (2) or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

FAMILY: A person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.

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

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

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 an automotive body repair shop nor the rebuilding, dismantling or 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 centerline of the wall adjoining the street shall be grade.

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

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

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

HOUSE TRAILER: See "TRAILER".

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

LAUNDROMAT: A business that provides home-type washing, drying or ironing machines for hire to be used by customers on the premises.

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

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

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

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

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

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

MOBILE HOME OR HOUSE TRAILER: Any structure used for living or sleeping purposes, and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place.

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

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on the lot and designed, used or intended wholly or in part for the accommodation of automobile transients.

NON-CONFORMING USE: Any building or land lawfully occupied by a use at the time of passage of this Chapter or amendment thereto which does not conform after the passage of this Chapter or amendment thereto with the use regulation of the district in which it is situated.

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

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

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

ROOMING HOUSE: A dwelling occupied by a resident family or resident occupant and space made available for three (3) or more rent-paying persons. See "*LODGING HOUSE*".

STORY: That portion of a building 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, FIRST: The lowest story or the ground story of any building, the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes shall be deemed the first (1st) story.

STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story; provided however, that any partial story used for residence purposes shall be deemed a full story.

STREET: A public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property, or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Chapter. The term "*street*" shall include avenue, drive, circle, court, road, parkway, boulevard, highway, way, trafficway, thoroughfare, or any other similar term.

STRUCTURAL ALTERATION: Any change in the structural members of a building, such as walls, columns, beams or girders.

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

TRAILER (INCLUDING AUTOMOBILE TRAILER AND TRAILER COACH): Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery and as designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

TRAILER PARK OR CAMP: Any lot or part thereof or any parcel of land which is used or offered as a location for two (2) or more trailers used for any purpose set forth in the definition of trailer above.

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

YARD: An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this Chapter.

YARD, FRONT-HOW MEASURED: Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan or on the "Official Map of the City of Bernie" differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designed on said Thoroughfare Plan or Official Map.

YARD, REAR: A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot.

YARD, SIDE: A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

ZONING CERTIFICATE: A document issued by the Zoning or Building Inspector authorizing buildings, structures or uses consistent with the terms of this Chapter and for the purpose of carrying out and enforcing its provisions.

ZONING INSPECTOR: The City Engineer of the City of Bernie or his/her authorized representative.

ZONING MAP: The Zoning Map of the City of Bernie, together with all amendments subsequently adopted. (CC 1988 §42.010)

SECTION 405.020: DIVISION OF THE CITY INTO DISTRICTS

For the purpose of this Chapter, the City of Bernie, Missouri, is divided into seven (7) districts as follows:

11 *Agriculture.*

A.1.a. "A-1" Agriculture District.

A.2. *Residential.*

A.2.a. "R-1" Single-Family Residential.

A.2.b. "R-2" Multiple-Family Residential.

A.2.c. "R-3" Mobile Homes.

A.3. *Commercial.*

A.3.a. "C-1" General Business District.

A.3.b. "C-2" Highway Commercial District.

A.4. *Industrial.*

A.4.a. "I-1" Light Industrial District (CC 1988 §42.020)

SECTION 405.030: INCORPORATION OF THE ZONING MAP

Said districts are bounded and defined as shown on a map entitled "Zoning Map of the City of Bernie, Missouri" and said map and all its notations, references and other information shown thereon shall be as much a part of this Chapter as if the notations, references and other matters set forth by said map were all fully described herein. Where uncertainty exists as to the boundaries of the districts as shown on the Zoning Map, the following rules shall apply:

- .1. Boundaries indicated as approximately following the centerline of streets, highways, alleys or other public rights-of-way shall be construed to be said boundary.
- .2. Boundaries indicated as approximately following platted lot lines shall be construed to be said boundary.
- .3. Boundaries that divide a lot or parcel of property, location of any such boundary shall be determined by the use of the scale appearing on such map. (CC 1988 §42.030; Ord. No. 632 §§I-II, 3-3-92)

SECTION 405.040: CONFORMANCE

Except as hereafter provided, no building or land shall hereafter be used or occupied and no building nor part thereof shall be erected, converted, enlarged, reconstructed or structurally altered which does not comply with all the district regulations established by this Chapter for the district in which the building or land is located. (CC 1988 §42.040)

SECTION 405.050: NON-CONFORMING USES

The continuance of non-conforming uses or structures shall be subject to the following limitations:

- .1. *Continuation.* The use of any land or structure existing at the time of the enactment of this Chapter may be continued even though such use may not conform with the regulation of this Chapter for the district in which it is located. With special permission of the Planning and Zoning Commission and Zoning Board, any non-conforming use in existence at the time of the enactment of this Chapter may continue as the use of right, exercising all privileges of this Chapter pertaining to the use district in which it would normally be included, with the exception of item (c) in Subsection (2) below and all of the provisions in Subsection (3).

- .2. *Restoration.* Ordinary repairs, alterations or modernization may be made to any structure or portion thereof devoted to a non-conforming use, provided that:
 - .2.a. No structural alterations may be made to such structure except those required by the law or other regulations.
 - .2.b. No non-conforming use is extended or enlarged.
 - .2.c. A structure that is devoted to a non-conforming use which is destroyed or damaged in any manner or from any cause whatsoever, to the extent that the cost of restoration to the condition it was before the occurrence shall exceed fifty percent (50%) of the cost of reconstructing the entire structure, shall not be restored unless such structure when restored shall comply with all provisions of this Chapter.
- .3. *Abandonment.* Whenever a non-conforming use has been discontinued for a period of one (1) year, such use shall not thereafter be re-established and any subsequent use shall be in conformity with the provisions of this Chapter.
- .4. *Substitution.* If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. (CC 1988 §42.050)

SECTION 405.060: STREET FRONTAGE

No lot shall contain any building used in whole or in part for any purpose unless such lot abuts for at least twenty (20) feet on at least one (1) street, or unless it has an exclusive, unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street; and there shall not be more than one (1) single-family dwelling or one (1) non-residential land use for such frontage or easement. (CC 1988 §42.060)

SECTION 405.070: ACCESSORY BUILDINGS

No accessory buildings shall be erected in any required court or in any yard other than a rear yard except as provided hereinafter. Accessory buildings shall be at least two (2) feet in distance from alley lines and from lot lines of adjoining lots which are in residential "R" Districts and on a corner lot they shall conform to the setback regulations of the principal building, or at least six (6) feet therefrom, may be connected thereto by a breezeway or similar structure, provided all yard requirements for the principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than thirty percent (30%) of the rear yard and shall not exceed twelve (12) feet in height; however, this regulation shall not be interpreted to prohibit the construction of a garage with maximum size four hundred forty (440) square feet on a minimum rear yard. (CC 1988 §42.070)

SECTION 405.080: CORNER LOTS

For corner lots platted or of record after the effective date of this Chapter, the front yard regulations shall apply to each street side of the corner lot. On corner lots platted or of record prior to the

official date of the enactment of this Chapter, the side yard regulations shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case there shall be a side yard on the longer street side of the corner lot of not less than fifty percent (50%) of the front yard required on the lots to the rear of such corner lots and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street and of record or as shown by existing contract of purchase prior to the official date of the enactment of this Chapter to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building. (CC 1988 §42.080)

SECTION 405.090: REQUIRED YARD REDUCTION

No yard shall be reduced in area so as to make any yard or any other open space less than the minimum required by this Chapter. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Chapter shall be included as part of a yard or other open space required under this Chapter for another building or structure. (CC 1988 §42.090)

SECTION 405.100: YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN THE LESS RESTRICTED DISTRICT

Along any zoning boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this Chapter, shall have a minimum width and depth equal to the average of the required minimum width or depth for such side yards, rear yards or courts in the two (2) districts on either side of such zoning boundary line. In cases where the height of a proposed structure on such lot in the less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum depth or width of the side yard, rear yard or court for such structure shall be determined by increasing the minimum width or depth for the highest structure permitted in such more restricted district by one (1) foot for each two (2) feet by which the proposed structure exceeds the maximum height permitted in said more restricted district. (CC 1988 §42.100)

SECTION 405.110: BUILDING LINES ON APPROVED PLATS

- A. Whenever the plat of a land subdivision approved by the Planning and Zoning Commission and on record in the office of the County Recorder shows a setback building line along the frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Chapter unless specific yard requirements in this Chapter require a greater setback.
- B. *Zoning Districts Dividing Property.* Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in respective zoning classification and for the purpose of applying the regulations of this Chapter, each portion shall be considered as if in separate and different ownership. (CC 1988 §42.110)

SECTION 405.120: ANNEXATION OF LAND

- A. In the event that new territory becomes a part of the area of jurisdiction of this Chapter by reason of annexation, consolidation or detachment from any municipal corporation or otherwise, such territory shall automatically be classified as an "A-1" District, until and unless otherwise rezoned in accordance with the amendment proceedings hereof, provided however, that any zoning classification in effect prior to such annexation or other extension of jurisdiction shall remain in full force and effect until changed or amended in accordance with the procedures and requirements prescribed for such change or amendment by this Chapter.
- B. *Territory Not Included.* In case any territory subject to the jurisdiction of this Chapter has not been specifically included in any of the aforesaid districts, such territory shall automatically be classified as an "A-1" District, until and unless otherwise rezoned in accordance with the amendment proceedings hereof; provided however, that any zoning classification in effect prior to the enactment of this Chapter shall remain in full force and effect until changed or amended in accordance with the procedures and requirements prescribed for such changes or amendments by this Chapter. (CC 1988 §42.120)

SECTION 405.130: "A-1" AGRICULTURAL ZONING DISTRICT

The "A-1" Agricultural District is designed to prevent haphazard development in areas set aside under the sketch plan as reserved for future orderly urban development.

.1. *Permitted uses.*

- .1.a. Agriculture, horticulture, nurseries, greenhouses, orchards, general farming and dairy operations.
- .1.b. Wildlife areas, open space, country clubs, regional or County recreational areas and other such pastoral uses.
- .1.c. Riding stables and riding paths, provided the stables shall be located not less than one (1) hundred (100) feet from any property line.
- .1.d. Fur farming for the raising of fur-bearing animals, provided buildings and pens shall be located not less than one hundred (100) feet from any property line.
- .1.e. Kennels, provided that buildings and pens shall be located not less than two hundred (200) feet from any property lines; and fish hatcheries, apiaries and aviaries.
- .1.f. Agricultural accessory uses, including repair shops, sheds, garages, barns, silos, bunkhouses, incidental dwellings, buildings and structures commonly required for any of the above uses.
- .1.g. Rural non-farm single-family dwellings are permitted on lots or other parcels of property ownerships of two and one-half (2½) acres or more.

.2. *Permitted accessory uses.*

.2.a. Any building or structure customarily incidental to any of the aforesaid permitted uses.

- .2.b. Temporary produce stands on any premises used for agricultural purposes.
 - .2.c. Parking facilities, garages, carports or other parking spaces for the exclusive use of residences on the premises.
 - .2.d. Swimming pools exclusively for the use of the residents.
 - .2.e. Professional offices such as artists, lawyers, doctors, engineers, etc., but not including beauty parlors, barbershops, schools of any kind with organized classes or similar activity.
 - .2.f. Customary home occupation, such as handicrafts, dressmaking, millinery, preserving and home cooking, provided that such occupations shall be conducted exclusively by resident occupants.
 - .2.g. Summer houses and living quarters, used by persons employed on the premises, without kitchen facilities and not rented or otherwise used as a separate dwelling.
- .3. *Area regulations.* In District "A-1", all regulations concerning the height of buildings; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Section 405.200 unless otherwise stated more restrictively in other Sections of this Chapter. (CC 1988 §42.130)

SECTION 405.140: "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

The "R-1" District is intended and designed to provide for low density residential development. This district is designed to protect residential areas now developed with single-family detached dwellings and adjoining vacant areas likely to be developed for such purposes. The regulations are designed to stabilize such areas and to promote a suitable environment for family life. For these reasons, the following regulations shall apply:

- .1. *Permitted uses.*
 - .1.a. One-family detached dwellings.
 - .1.b. Public elementary schools and nursery schools.
 - .1.c. Public secondary schools located on major thoroughfares.
 - .1.d. Private and parochial schools on property which abuts on major thoroughfares.
 - .1.e. Public, private or country club golf courses of not less than forty (40) acres.
 - .1.f. Customary accessory buildings.
 - .1.g. Public parks, playgrounds, swimming pools, community centerlines, athletic fields and recreation building therein.

- .1.h. Temporary buildings to house offices, equipment storage or other functions incidental to construction and development activities, provided that such buildings shall be removed within eleven (11) months from date of permit for their erection.

- .1.i. Churches or other places of worship, including religious education, buildings or other associated structures, fronting or siding on major thoroughfares or collector streets as designated on the Major Thoroughfare Plan.
 - .1.j. Fire stations only on major thoroughfares.
 - .1.k. Electric substations, natural gas regulator stations and public utility pumping stations and devices for the metering of electrical gas or water services to dwellings.
 - .1.l. House trailers or other mobile homes for a period not to exceed seventy-two (72) hours.
 - .1.m. Funeral homes on property with all points of access and egress on major streets.
 - .1.n. Agricultural uses, including nurseries, truck gardening and greenhouses, provided that no offensive odors or dust are created and, provided further, that no retail sales shall be permitted on the premises nor the raising of livestock.
 - .1.o. *Group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
- .2. *Permitted accessory uses.*
- .2.a. Private garage or carport.
 - .2.b. Temporary buildings for use during the construction of a specific permitted use which upon completion or abandonment of the construction work shall be removed.
 - .2.c. One (1) sign not exceeding thirty-six (36) square feet of an area referring to the construction, lease, hire or sale of a building, premise or subdivision lot which sign shall refer to property on which the sign is located and shall be removed as soon as the premises are sold or leased or construction is completed.
 - .2.d. The professional office or studio in the residence of an architect, artist, dentist, engineer, lawyer, physician, planner, scientist, teacher, or other member of a recognized profession, but not including beauty parlors, barbershops, schools of any kind with organized classes or similar activity except preschool nurseries, provided that not more than one-half (½) of the floor area of one (1) floor of the dwelling is devoted to such accessory use, that not more than one (1) person not a resident of the premise is employed, that no such use shall require structural alterations or involve construction features not customarily in dwellings, and that the entrance to such office or studio shall be from within the dwelling. An unlighted name plate of not more than one (1) square foot in area, attached flat against the building, shall be permitted.
 - .2.e. Customary home occupations such as handicraft, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupant, that not more than one-quarter (¼) of the area of one (1) floor of said residence shall be used for such purposes, that no structural alterations or constructions involving features not customarily found in dwellings are required and that

the entrance to the space devoted to such use shall be from within the dwelling. An unlighted sign of not more than one (1) square foot in area and attached flat against the building shall be permitted.

- .3. *Area regulations.* In District "R-1", all regulations concerning the height of buildings; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Section 405.200 unless otherwise stated more restrictively in other Sections of this Chapter. (CC 1988 §42.140)

SECTION 405.150: CREATION OF "R-3" ZONE

A "R-3" Zone is designed to allow mobile homes, apartments or modular homes along with all "R-1" and "R-2" usages on such lots. Mobile homes may be located on a "R-3" lot subject to the following conditions:

- .1. All setback requirements for other type residences are met and all new lots shall have the minimum of a "R-2" lot setback, side and rear lots footages.
- .2. Said mobile home is anchored with approved straps to concrete anchors as required by law or approved by the City Utility Superintendent.
- .3. Said mobile home shall be permanently underpinned by a solid foundation with mortared joints.
- .4. Trailer is set on approved pad and entrance slab of a minimum of six (6) feet by ten (10) feet of masonry construction is poured.
- .5. Minimum trailer size that is allowed will be ten (10) feet by forty-eight (48) feet.
- .6. City services will not be extended to trailers not meeting these specifications. (CC 1988 §42.150)

SECTION 405.160: "R-2" MULTIPLE-FAMILY RESIDENCE DISTRICT

The "R-2" Multiple-Family Residence District is designed to allow a high density residential development designed specifically for duplexes or single-family dwellings in clusters or groups, commonly referred to as "row houses" or "town houses" and for trailer parks or mobile home courts when in conformance with the standards of Section 405.210.

- .1. *Permitted uses.*
 - .1.a. All uses in the "R-1" Residence District.
 - .1.b. Duplex dwelling units.

- .1.c. Single-family dwelling groups or clusters that do not collectively exceed the total area regulations of this Section.
- .1.d. Multiple-family dwellings for any number of families or housekeeping units including row houses, provided that the minimum width of each individual dwelling unit in any row

house measured from interior wall to interior wall along the exterior front wall shall not be less than eighteen (18) feet.

- .1.e. Barber shops, beauty parlors, and schools of any kind with organized classes and similar activity. Also, offices, professional offices, and offices of financial, insurance, real estate, civic, educational, religious and philanthropic organization for single and multiple occupance, but excluding any display of merchandise or retail activity. All buildings shall be bona fide home office buildings with the exception that any person may maintain an office or may carry on a customary home occupation in the dwelling used by him/her as his/her private residence provided such does not provide an extension or modification of said dwelling which will alter its outward appearance as a dwelling and provided such use does not involve any outward evidence of such use other than an unlighted sign not over one (1) square foot in area attached flat against the building.
- .1.f. Funeral homes and mortuaries only on premises which front on a street officially designated as a major thoroughfare on the Official Thoroughfare Plan.
- .1.g. Clubs, sororities, fraternities, lodges and meeting places for other organizations not including any use that is customarily conducted as a gainful business.
- .1.h. Institutional uses to include hospitals for human care, sanitariums, rest homes, or nursing homes for convalescent patients, children's nurseries and similar uses, provided that any lot or tract of land in such use shall be not less than twenty thousand (20,000) square feet in area and provided that any building in which patients are housed shall be at least fifty (50) feet distant from any lot line and provided that buildings that are used for drug addicts, the feeble-minded or insane shall be at least two hundred fifty (250) feet distance from any lot line in the "R-2" District.
- .1.i. Trailer parks or mobile home courts when in conformance with Section 405.210.

.2. *Permitted accessory uses.*

- .2.a. Any accessory use or structure permitted and as regulated in the "R-1" District and any accessory use or structure customarily incident or accessory to a principal or conditional use in the "R-2" District.
- .2.b. Roomers not to exceed four (4) roomers or boarders by resident family. (CC 1988 §42.160; Ord. No. 959 §1, 9-8-03)

SECTION 405.170: "C-1" GENERAL BUSINESS DISTRICT

The "C-1" General Business District is designed primarily to accommodate those business districts and retail center which are not designed according to an overall plan or are not under a single entity. The Central Business District is an example of the type of commercial activity normally associated with the "C-1" District. The "C-1" District should provide for a variety of retail activities and could act as a banking and financial centerline, as an entertainment and hotel centerline, or as a centerline for professional and business offices.

.1. *Permitted uses.*

.1.a. Grocery store, supermarkets.

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- .1.b. Drug stores.
- .1.c. Clothing or wearing apparel shops.
- .1.d. Barbershops.
- .1.e. Beauty shops.
- .1.f. Restaurants.
- .1.g. Shoe repair shops.
- .1.h. Public and private parking lots.
- .1.i. Offices.
- .1.j. Appliance stores.
- .1.k. Banks and savings and loan companies.
- .1.l. Laundry and dry cleaning pickup stations.
- .1.m. Bakeries whose products are sold at retail on the premises.
- .1.n. Self-service laundries.
- .1.o. Gasoline service stations and repair and service of automobiles.
- .1.p. Store or shop for the conducting of a convenience type retail business.
- .1.q. Any other retail use.
- .1.r. Hotels.
- .1.s. Theaters.
- .1.t. Bowling alleys.
- .1.u. Bus terminal facilities.
- .1.v. Post offices.
- .1.w. Other retail and service establishments to include mail order houses, used merchandise stores, roadside stands, funeral homes and mortuaries and similar uses.
- .1.x. Wholesale and warehousing establishments.
- .1.y. Trade or business schools, provided that the machinery used for instruction is not objectionable due to noises, fumes, smoke, odor or vibration; commercial art studios, animal hospitals, veterinary clinics.

- .1.z. Commercial recreation establishments, provided such establishments shall be at least one hundred (100) feet from any "R" District.
- .1.aa. Bottling works of soft drinks or milk, provided buildings used for processing and distribution shall be at least two hundred (200) feet from any "R" District.
- .1.bb. Parking lots.
- .1.cc. Building and related trades, shops, not including contractors' yards, providing such establishments are at least one hundred (100) feet from any "R" District.
- .1.dd. Miscellaneous trades and businesses such as sheet metal shops, sign paint shops, monument service shops, providing such establishments are at least one hundred (100) feet from any "R" District.
- .1.ee. Contractors' yards and related establishments, such as building material yards, excluding concrete mixing; including contractors' equipment, storage yard or plant, storage yard for rental of equipment commonly used by contractors; trucking or motor freight stations or terminals; retail lumberyards, including incidental millwork; storage and sales of grain, livestock feed or fuel; carting, express or hauling establishments, including storage of vehicles, provided such uses are conducted either (a) wholly within a completely enclosed building or buildings, except for storage of vehicles, which building shall be at least one hundred (100) feet distance from any "R" District, unless such building has no openings other than stationary windows and required five (5) exits within such distance, but not within fifty (50) feet of any "R" District in any case; or (b) when conducted within an area completely enclosed on all sides with a solid wall or uniformly painted solid board fence not less than six (6) feet high, but not within two hundred (200) feet of any "R" District; provided further, that all storage yards related to the uses in this paragraph shall be enclosed. All the uses included within this paragraph are not applicable to "C-1" Business Districts in the Central Business District unless specifically approved by the Planning and Zoning Commission.
- .1.ff. Printing, publishing and related trades when not within one hundred (100) feet of any "R" District. Any other use which is determined by the Planning and Zoning Commission to be of the same general character as the above permitted uses, but not including any use which is first permitted in the "I-1" District or which is prohibited in the "R-1" District.
- .1.gg. Trailer parks or mobile home courts, when specifically approved by the Planning and Zoning Commission and in accordance with the provisions of Section 405.210.
- .2. *Permitted accessory uses.*
 - .2.a. Accessory uses in structures customarily accessory to and incidental to any of the foregoing permitted "C-1" District uses.
 - .2.b. Outdoor advertising for service stations or parking lots and other predominantly open commercial land uses to the extent that it will include one (1) freestanding identification sign not to exceed twenty (20) feet in height. Such sign shall setback not less than twelve (12) feet from any right-of-way line and shall not project over any such right-of-way.

.2.c. Residential uses in multi-story buildings that are in existence and have operated as residential establishments prior to the enactment of this Chapter and only then when

specifically authorized by the Zoning Administration Officer in compliance with the provisions of Sections 405.260 through 405.300.

.3. *Excluded uses.*

.3.a. Residential uses.

.3.b. Industrial uses of all types.

.4. *Area regulations.* In District "C-1", all regulations concerning the height of buildings; lot area; lot width, front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Section 405.200 unless otherwise stated more restrictively in other Sections of this Chapter. (CC 1988 §42.170)

SECTION 405.180: "C-2" HIGHWAY COMMERCIAL DISTRICT

It is the purpose of the "C-2" District to encourage the functional grouping of those commercial enterprises catering primarily to either "local" or "through" highway travelers and to prevent therein location of other uses incompatible with these.

.1. *Permitted uses.*

.1.a. Motels and motor-hotels in conformance with Section 405.210.

.1.b. Restaurants and drive-in eating and drinking establishments, provided that the premises shall be enclosed by a solid wall or fence at least six (6) feet high where it abuts in the rear or beside any "R" District, public park, church or school.

.1.c. Automotive services and automatic car wash establishments.

.1.d. General retail uses, such as groceries, delicatessens, gift shops.

.1.e. Drive-in theaters with a minimum lot area of ten (10) acres and with special permission from the Planning and Zoning Commission.

.1.f. Circus and amusement park only with special permission from the Planning and Zoning Commission.

.1.g. Gun clubs and rifle ranges not less than two hundred (200) feet from any "R" District only with special permission from the Planning and Zoning Commission.

.1.h. Race courses of any kind, including horse racing and automobile racing, only with special permission of the Planning and Zoning Commission and not less than two thousand (2,000) feet from any "R" District.

.1.i. Stadiums, arenas and other places of assembly.

.1.j. Mobile home parks subject to Planning and Zoning Commission approval and in conformance with the provision of Section 405.210.

.2. *Permitted accessory uses.*

.2.a. Any accessory use or structure customarily accessory and incidental to any of the foregoing permitted "C-2" District uses.

.3. *Area regulations.* In District "C-2", all regulations concerning the height of buildings; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Section 405.200 unless otherwise stated more restrictively in other Sections of this Chapter. (CC 1988 §42.180)

SECTION 405.190: "I-1" INDUSTRIAL DISTRICT

The "I-1" Industrial District is intended to provide sites for heavy commercial and light industrial activities requiring some heavy machinery which under control would minimize the effect on nearby residential districts. New dwellings are not permitted. Heavy truck traffic, loading and unloading operations are expected to be a part of this district.

.1. *Permitted uses.*

.1.a. Truck terminals.

.1.b. Cold storage structures.

.1.c. Wholesale establishments.

.1.d. Warehouses and grain storage.

.1.e. Laundries and dry cleaning establishments.

.1.f. Trade shops, such as plumbing and electrical shops.

.1.g. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including electroplating and manufacture of small parts only, such as coils, condensers, transformers, crystal holders.

.1.h. Assembly of agricultural or farm implements, aircraft and aircraft parts, automobile, trucks, trailers and motorcycles.

.1.i. Boat manufacture.

.1.j. Printing and publishing plants.

.1.k. Bottling plants.

.1.l. Only those retail commercial establishments which are a necessary convenience to the industries and their employees, such as restaurants.

.1.m. Living quarters for bona fide caretakers and/or watchmen and their families. All other dwelling or living quarters are expressly prohibited.

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- .1.n. Blacksmith shop, welding shop and machine shop.
- .1.o. Ice manufacturing plant.
- .1.p. Lumberyards.
- .1.q. Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating ventilating ducts and equipment, cornices, eaves and similar products.
- .1.r. Manufacture, compounding, processing, packaging to treatment of such products as bakery goods, candy, cosmetics, dairy products, gelatin, perfumes, pharmaceuticals, toiletries and food products, except the following: fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
- .1.s. Manufacture of musical instruments, toys, novelties and rubber or metal stamps.
- .1.t. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
- .1.u. Stonework.
- .1.v. Tinsmith and roofing service.
- .1.w. Public utility buildings and major structures, including radio and television broadcasting stations.
- .1.x. Industrial research laboratories.
- .1.y. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.
- .1.z. Automobile and truck service stations.
 - .1.z.(1) Any other use which is determined by the Planning and Zoning Commission to be of the same general character as the above permitted uses.
 - .1.z.(2) Any use permitted and regulated in the "C-1" or "C-2" Commercial Districts, except as herein prohibited or modified.
- .2. *Permitted conditional uses.* The following manufacturing uses shall be permitted only if specifically authorized by the Planning and Zoning Commission:
 - .2.a. Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.
 - .2.b. Acid manufacture.
 - .2.c. Asbestos manufacturing.
 - .2.d. Automobile or truck assembly.

- .2.e. Bleaching, cleaning and dyeing plant.
- .2.f. Boiler shops, including repair, metal working shops employing reciprocating hammers or presses.
- .2.g. Brewing or distilling of liquors.
- .2.h. Brick, pottery, tile and terra cotta manufacturing.
- .2.i. Bulk station.
- .2.j. Candle or sperm oil manufacturing.
- .2.k. Cooperage works.
- .2.l. Dextrine, starch or glucose manufacturing.
- .2.m. Disinfectant, insecticide or poison manufacturing.
- .2.n. Enameling, lacquering or japanning; varnishing.
- .2.o. Emery cloth or sandpaper manufacturing.
- .2.p. Felt manufacturing.
- .2.q. Fish products.
- .2.r. Flour or grain mill.
- .2.s. Forge or foundry works.
- .2.t. Grain drying or poultry feed manufacturing from refuse, mash or grain.
- .2.u. Hair or hair products manufacturing.
- .2.v. Incinerators.
- .2.w. Jet engine manufacturing or testing.
- .2.x. Lime or lime products manufacturing.
- .2.y. Linoleum, oil cloth or oiled goods manufacturing.
- .2.z. Match manufacturing.
- .2.aa. Meat packing.
- .2.bb. Paper and pulp manufacturing.
- .2.cc. Perfume manufacturing.

- .2.dd. Pickle, sauerkraut, vinegar or yeast manufacturing.
 - .2.ee. Plaster manufacturing.
 - .2.ff. Poultry slaughterhouse, including packing and storage for wholesale.
 - .2.gg. Printing ink manufacturing.
 - .2.hh. Radium extraction.
 - .2.ii. Sandblasting or cutting.
 - .2.jj. Sawmill, the manufacture of excelsior, wood fiber or sawdust products.
 - .2.kk. Shoddy manufacturing.
 - .2.ll. Shoe blacking or polish or stove polish manufacturing.
 - .2.mm. Steam power plant, except where accessory to a permitted principal use.
 - .2.nn. Stone and monument works.
 - .2.oo. Slag piles.
 - .2.pp. Other uses which in the opinion of the Planning and Zoning Commission and Board are of similar character with respect to the emission of dangerous and offensive elements to the uses listed above.
3. *Prohibited uses.*
- .3.a. Dwelling and residences of any kind except where they are incidental to a permitted principal use, provided however, that any of the aforesaid uses legally existing in the "I-1" District at the time of the adoption of this Chapter, or any amendment thereto, shall not be classified as a non-conforming use as defined in Section 405.010 and be subject to the provisions of Section 405.050.
 - .3.b. Retail businesses and personal service establishments except when incidental and accessory to a permitted principal use and except automobile and truck service stations, restaurants and motels.
4. *Area regulations.* In District "I-1", all regulations concerning the height of buildings; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Section 405.200 unless otherwise stated more restrictively in other Sections of this Chapter. (CC 1988 §42.190)

SECTION 405.200: AREA REGULATIONS

All regulations concerning the height of buildings; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking and off-street loading in all zoning districts shall be as stated in

the following chart unless otherwise stated more restrictively in other Sections of this Chapter. The following restrictions apply as to minimum yard requirements in commercial and industrial districts.

- .1. *Front yard transition.* When this district abuts a residential district along a street line, there shall be provided for any development or structure a distance of fifty (50) feet from the district boundary line into said district plus a front yard equal in depth to one-half ($\frac{1}{2}$) of the required front yard for such residence district.
- .2. *Side and rear yard transition.* On every lot in the required district that abuts directly a residence district, there shall be provided side and rear yards equal to that in the abutting residence district or of suitable dimensions to provide for adequate circulation of light, air and traffic as the district may require.
- .3. *Transition yard requirements.* When this district abuts in the rear or on the sides of any "R" District, the rear yard or side yard requirements, whichever the case may be, of any building or structure on the premises of this district shall be setback from its side or rear lot line, whichever the case may be, a distance of two (2) linear feet for each one (1) foot of building or structure height, this will then determine the minimum yard requirements, except as otherwise provided herein. (CC 1988 §42.200)

Cross Reference—See Table I, Zoning District Area Regulations on next page.

Table I to §405.200
Table I to §405.200

Bernie City Code

TABLE I

ZONING DISTRICT AREA REGULATIONS

District	Maximum Building Height in Feet	Minimum Lot Size		Minimum Yard Requirements in Feet				Off-Street Parking Spaces	Off-Street Loading Spaces
		Area in Square Feet	Lot Width in Feet	Front Yard	One Side	Both Sides	Rear Yard		
"A-1"	35 feet	2½ acres	150 feet	30 feet	15 feet	30 feet	30 feet	N/A	N/A
"R-1"	35 feet	10,000 feet	100 feet	30 feet	8 feet	20 feet	35 feet	N/A	N/A
"R-2"	40 feet	One-family 7,500 feet Multi-family 8,000 feet	75 feet 80 feet	 30 feet	 8 feet	 20 feet	 35 feet	1½ per dwelling	N/A
"C-1"	40 feet			*	*	*	*	1 per 3 employees plus 1 per 400 sq. ft. of floor space	1 per each 10,000 sq. ft. of floor space
"C-2"	50 feet			*	*	*	*	1 per 3 employees plus 1 per 400 sq. ft. of floor space or 1 per definable unit (e.g., motel)	1 per each 10,000 sq. ft. of floor space or as otherwise required
"I-1"	50 feet			*	*	*	*	1 per 3 employees per shift or 1 per 1,200 sq. ft. of floor space, whichever is greater	1 per each 10,000 sq. ft. of floor space or as otherwise required

* See Section 405.200 Subsections (1), (2) or (3) for appropriate requirements.

SECTION 405.210: TRAILER PARKS OR MOBILE HOME COURTS

- General Requirements.* The Board of Adjustment may authorize establishment of a trailer park in any "R-2", "C-1" or "C-2" District in accordance with the provisions of this Section. The sanitary regulations prescribed by the authority having jurisdiction and as may be otherwise required by law, shall be complied with in addition to the following regulations:
- .1. *Area and yard requirements.* Trailer or mobile home parks, motels and camps shall comply with all area and yard requirements prescribed for such uses in the district in which located.
 - .2. *Parking.* All areas used for automobile access and parking shall comply with the applicable provisions of this Chapter, provided that there shall be at least one (1) off-street parking space for each trailer park lot and one (1) additional space for each four (4) such lots to accommodate guests.
 - .3. *Entrance to trailer parks.* No vehicular entrance to or exit from any trailer park, wherever such may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
 - .4. *Landscaping—unused areas.* All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten (10) feet in width shall be established and maintained within the trailer park along its exterior boundaries.
 - .5. *Enclosure.* Trailer parks shall be enclosed on the sides and in the rear by appropriate privacy fences not less than six (6) feet high or by a combination of landscaped screens and other suitable fences acceptable to the Board.
- A. *Enlargement—Permit.* Any enlargement or extension to any existing tourist camp, trailer camp or mobile house park shall require application for a zoning certificate, as if it were a new establishment.
- A.1. *Enlargement—existing facilities to comply.* No enlargements or extensions to any tourist camp, trailer camp or mobile house park shall be permitted unless the existing facility is made to conform substantially with all the requirements for new construction for such an establishment.
 - A.2. *Trailers prohibited—except.* Except as provided in Subsection (B)(3) below, no person shall park or occupy any trailer on any premises in any district outside an approved trailer park. The parking of an unoccupied trailer in an accessory private garage building or in a rear yard shall be permitted in any district, provided no living quarters shall be maintained or any business conducted in such trailer while so parked or stored.
 - A.3. *Emergency parking—eight (8) hours.* Emergency or temporary stopping or parking of a trailer shall be permitted on any street, alley or highway for not longer than eight (8) hours, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for such street, alley or highway.
 - A.4. *Wheels not to be removed.* In any district, the wheels or any similar transporting devices of any trailer or camp car shall not be removed except for repairs, nor shall any trailer or camp car

be otherwise permanently fixed to the ground in a manner that would prevent removal of said trailer or camp car.

- B. *Trailer Parks—Submission Of Plans.* An application for the establishment of a trailer park shall be filed with the Zoning Inspector and must be accompanied by a plat, drawn to scale and certified by a bona fide land surveyor, civil engineer, landscape architect or architect. The Zoning Inspector shall check the plat and if he/she finds the same to be in compliance with the requirements of this Section, forward the same to the Board of Adjustment. The Zoning Inspector shall also advise the Planning and Zoning Commission of the pending application and the Planning and Zoning Commission shall review the same and submit its recommendation thereon to the Board of Adjustment. The Board shall hold a public hearing on the application giving ten (10) days' notice thereof in a newspaper of general circulation. Upon completion of said hearing, the Board shall approve, conditionally approve or deny the application. The plat shall contain the following information:
- B.1. Accurate dimensions of the proposed trailer park;
 - B.2. All roads and approaches and the method of ingress and egress from public highways;
 - B.3. The complete electric service installation, wire service outlets and lighting facilities;
 - B.4. The complete location of any natural gas facilities to serve the trailer park;
 - B.5. A complete layout of unit parking spaces and the number of square feet therein, together with the dimensions thereof; and
 - B.6. The location of electric power or gas distribution systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities—washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leeching beds—fire protection stalls and other buildings or structures contemplated to be used by such applicant in connection with said business.
- C. *Trailer Parks—Minimum Standards And Requirements.* Trailer parks shall be designed and maintained in accordance with the following requirements:
- C.1. *Park area.* The minimum trailer park area shall be one (1) acre.
 - C.2. *Lot area.* The minimum lot area per trailer unit site within the trailer park shall be two thousand five hundred (2,500) square feet. (See Section 405.210 Subsection (A)(1))
 - C.3. *Lot width.* The minimum width per trailer unit within the trailer park shall be thirty (30) feet. Each lot shall be clearly defined by a permanent marker in the ground.
 - C.4. *Access.* Each trailer park shall abut upon a public street and each trailer lot shall have direct access to a private hard-surface road.
 - C.5. *Distance between trailers.* The minimum distance between neighboring trailers shall not be less than twenty (20) feet.
 - C.6. *Concrete slab.* Each trailer unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of eight (8) feet by ten (10) feet and a minimum thickness of four (4) inches.

C.7. *Utilities.* Each trailer unit shall be equipped with one (1) electric outlet. A municipal sanitary sewer and municipal water system shall be installed in accordance with City specifications.

Trailer units not equipped with water and sewer facilities shall be located not more than two hundred (200) feet from a community utility building which shall provide separate toilet and shower facilities for each sex. Fire hydrants shall be located in accordance with the specifications of the National Board of Fire Underwriters.

- C.8. *Interior streets.* The minimum roadway width of interior one-way streets with parking permitted on one (1) side shall be twenty-one (21) feet. The minimum roadway width of two-way streets with parking permitted on one (1) side shall be thirty (30) feet. The minimum width of two-way streets without parking permitted shall be twenty (20) feet. Such streets shall be paved according to City specifications for residential streets and maintained in good condition and lighted at night.
- C.9. *Recreation areas.* There shall be provided within each trailer park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of one hundred (100) square feet for each trailer space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.
- C.10. *Length of occupancy.* No trailer shall remain in a trailer park for a period exceeding fifteen (15) days without connection to the permanent sanitary sewer system of the park.
- D. *Additional Requirements.* In addition to the foregoing, the Board may impose such other conditions, requirements or limitations concerning the design, development and operation of such trailer parks as it may deem necessary for the protection of adjacent properties and the public interest.
- E. *Fees.* Each application for a trailer park shall be accompanied by a check payable to the Treasurer of the City of Bernie or cash payment in an amount to be set by City ordinances. (CC 1988 §42.210)

SECTION 405.220: EXCEPTIONS AND MODIFICATIONS

A. *Lots Of Record.*

- A.1. *Dwelling on any lot of record.* In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record at the effective date of this Chapter, irrespective of its area or width, provided the applicable yard and other open space requirements are complied with as nearly as possible.
- A.2. *Minimum yards.* In no case shall the width of any side yard be less than ten percent (10%) of the width of the lot; and provided that on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or thirty percent (30%) of the frontage, whichever is the greater. In no case shall the depth of the rear yard be less than ten (10) feet. Front, side or rear yard encroachments as specified in Subsection (4) below shall be prohibited in the case of substandard lots of record and the yard width of such lots shall be measured from the edge of any projection or overhang to the lot line.

B. *Height Modifications.*

B.1. *Height limitations not applicable.* The height limitations stipulated elsewhere in this Chapter shall not apply to the following:

- B.2. *Farm buildings, architectural features, et cetera.* Barns, silos, or other farm buildings or structures on farms; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flagpoles, radio towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.
- B.3. *Places of public assembly.* Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first (1st) floor of such buildings and provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- B.4. *Elevator penthouses, water tanks, et cetera.* Elevator penthouses, water tanks, monitors and scenery lofts, provided no linear dimension of any such structure exceeds fifty percent (50%) of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures where the manufacturing process requires a greater height.
- B.5. *Minimum requirements.* All such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five percent (25%) of the area of the lot and shall be distant not less than fifty (50) feet in all parts from every lot line not a street lot line.
- C. *Yard And Frontage Modifications In Residence Districts.*
- C.1. *Average depth of front yards.* In any "R" District, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Chapter, the required depth of the front yard on such lot shall be modified. In such cases, this shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided however, that the depth of a front yard on any lot shall be at least ten (10) feet and need not exceed fifty (50) feet; and provided further that in no event shall the depth of a front yard of a corner lot be less than twenty-five (25) feet.
- C.2. *Double frontage lots.* Buildings on lots having frontage on two (2) non-intersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided however, on both streets.
- C.3. *Rear and side yards—how computed.* In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half (½) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be. However, in no event shall any building or structure be erected closer than five (5) feet from any lot line.
- C.4. *Side yard increased.* Each side yard, where required, shall be increased in width by two (2) inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet.
- C.5. *Side yard—corner lot.* A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another lot in an "R" District,

shall have a width of not less than one-half ($\frac{1}{2}$) the required depth of the front yard on such other lot fronting the side street.

- C.6. *Frontage modifications.* In the case of curvilinear streets and cul-de-sacs, the Board may authorize reductions of the otherwise specified lot frontage in "R" Districts, provided that:
- C.6.a. The lot width measured at the building line shall equal the frontage required in the district where located;
 - C.6.b. The front lot line shall be not less than forty (40) feet in any event; and
 - C.6.c. Such reduction of frontage shall not result in a reduction of the required lot area.
- D. *Yard Projections In "R" Districts.* Certain architectural features may project into required yards or courts as follows:
- D.1. Cornices, canopies, eaves or other architectural features may project a distance not exceeding two (2) feet, six (6) inches.
 - D.2. Fire escapes may project a distance not exceeding four (4) feet, six (6) inches.
 - D.3. An uncovered stair and necessary landings may project a distance not to exceed six (6) feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three (3) feet in height.
 - D.4. Bay windows, balconies, uncovered porches and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy in the aggregate more than one-third ($\frac{1}{3}$) of the length of the building wall on which they are located.
- E. *Yards Other Than Front Yard.*
- E.1. *Interior side yards.* Subject to the limitations in Section 405.220(D), the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth ($\frac{1}{5}$) of the required least width of such side yard but not exceeding three (3) feet in any case.
 - E.2. *Rear yards.* Subject to the limitation in Subsection (4) above, the features named therein may project into any required rear yards the same distances they are permitted to project into a front yard.
 - E.3. *Fences, walls and hedges.* May be located in required yards as follows:
 - E.3.a. *Under four (4) feet.* If not exceeding at any point four (4) feet in height above the elevation of the surface of the ground at such point, such may be located in any yard.
 - E.3.b. *Under six (6) feet.* If not exceeding at any point six (6) feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard, provided that on a corner lot abutting in the rear the side lot line of another lot in an "R" District, no such fence, wall or hedge within twenty-five (25) feet of the common lot line shall be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street.

E.3.c. *Barbed wire fence.* All fences or walls having wire or metal prongs, spikes, cutting points or edges of any kind whatsoever shall be prohibited except six (6) foot chain link fencing

may have three (3) strands of barbed wire on top when in commercial or industrial districts.

E.3.d. *Electric fences.* All electric fences of any type are prohibited within the City limits of Bernie, Missouri.

F. *Lot Area Requirements—Private Sanitary Facilities.* Any other regulations of this Chapter notwithstanding, in any district, except "A-1", where public water and sanitary facilities are not accessible, the lot area per family and lot frontage requirements otherwise specified for residential uses shall be increased as follows:

F.1. *Sewerage and/or water not available.* Where public sewerage and/or public water supply are not accessible, wells and sewerage disposal systems shall be installed in strict accordance with State of Missouri Division of Public Health, Soil Conservation Service and Water Pollution Board specifications. On-site percolation test results, site gradient and subsurface geology shall directly affect the type, design and method of installation of those systems.

F.2. *"A-1" standards prevail.* Where public water supply and sewerage are accessible in the "A-1" District, the lot area and frontage requirements specified for "A-1" District shall still apply as set forth in Section 405.130 of this Chapter. (CC 1988 §42.220)

SECTION 405.230: ENFORCEMENT

A. *Enforcement By Zoning Inspector.* There is hereby established the office of Zoning Inspector and for the purposes of this Chapter, the office of City Engineer or his/her delegate of the City of Bernie is hereby designated as said Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this Chapter in accordance with the administrative provision of this Chapter. All departments, officials and public employees of the City of Bernie, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Chapter and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this Chapter. Any permit or license issued in conflict with the provisions of this Chapter shall be null and void.

B. *Filing Plans.*

B.1. Every application for a zoning clearance permit shall be accompanied by plans in duplicate, drawn to scale on the form, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure or proposed alteration of an existing building or structure as would substantially alter its appearance, drawings or sketches showing the front, side and rear elevations of the proposed building or structure or of the structure as it will appear after the work for which a permit is sought shall have been completed; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Chapter.

B.2. One (1) copy of such application and plans shall be returned to the applicant when such plans shall have been approved by the Zoning Inspector, together with such zoning clearance permit

as may be granted. All dimensions shown on these plans related to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building hereon shall be staked out on the ground before construction is started.

- C. *Certificate Of Utility Approval.* In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by certificate of approval by the Zoning Inspector of the proposed method of water supply and/or disposal of sanitary wastes and proof of conformance to State and Federal public health and water pollution codes.
- D. *Zoning Clearance Permit.* It shall be unlawful for any owner, lessee or tenant to use or to permit the use of any structure, building or land or part thereof hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning clearance permit shall have been issued by the Zoning Inspector. Such zoning permit shall show that such building or premises or a part thereof and the proposed use thereof are in conformity with the provisions of this Chapter. It shall be the duty of the Zoning Inspector to issue a zoning clearance permit, provided he/she is satisfied that the structure, building or premises and the proposed use thereof and the proposed methods of water supply and disposal of sanitary wastes conform with all the requirements of this Chapter.
- E. *Building Plat Required—Fee.* All applications for zoning clearance permits shall be accompanied by a plat drawn to scale showing the actual dimensions of the lots to be built upon, the size and location of the building to be erected and such other information as may be necessary to provide for the enforcement of these regulations. No zoning clearance permit shall be issued until a fee as set by City ordinance shall have been paid.
- F. *Certificate Of Occupancy.* It shall be unlawful for any owner, lessee or tenant to occupy any structure, building or land or part thereof hereafter erected, created, changed, converted or enlarged until an endorsement of the certificate of occupancy shall have been accomplished by the Zoning Inspector after inspection. Such certificate of occupancy shall show and certify that such building, structure or premises has been constructed, altered or improved in compliance with the provisions of this Chapter and all other applicable codes or ordinances and all conditions and requirements, if any, stipulated by the Board of Adjustment or other proper authority.
- G. *Inspector To Act Within Thirty (30) Days.* The Zoning Inspector shall act upon all such applications on which he/she is authorized to act by the provisions of this Chapter within thirty (30) days after they are filed in full compliance with all the applicable requirements. He/she shall either issue a zoning clearance permit within said thirty (30) days or shall notify the applicant in writing of his/her refusal of such certificate and the reasons therefore. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a zoning clearance permit unless the applicant consents to an extension of time. (CC 1988 §42.230)

SECTION 405.240: ZONING BOARD OF ADJUSTMENT

- A. *Appointment.* A Board of Adjustment is hereby created. The Board shall consist of five (5) members, who shall be residents of the City, appointed by the Mayor and approved by the Board of Aldermen, each to be appointed for a term of five (5) years, excepting that when the Board shall first be created, one (1) member shall be appointed for a term of five (5) years, one (1) for a term of two (2) years and one (1) for a term of one (1) year. Members shall be removable for cause by the

Mayor and the Board of Aldermen upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

- B. *Procedure.* 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.
- C. *Appeals.* An appeal may be taken to the Board of Adjustment by any person, group or organization, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person, public or private, affected by a decision of the Zoning Inspector. Such appeal shall be taken within such time as prescribed by the Board by general rule by filing with the Zoning Inspector a notice of appeal specifying the grounds thereof. A fee as set by the Board of Aldermen by ordinance shall accompany all notices of appeal. The Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- D. *Powers.* The Board of Adjustment shall have the following powers subject to appeals to the Circuit Court of this County.
- D.1. *Decide appeals.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Chapter and may affirm or reverse, in whole or part, said decision of the enforcement officer.
- D.2. *Hear variances.* 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 variance to insure compliance and to protect adjacent property.
- D.3. *Hold public hearings.* To hold public hearings on and decide the exceptions to or variations of this Chapter.
- D.4. *Permit extensions.* 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.
- D.5. *Interpret ordinance.* 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.
- D.6. *Permit reconstruction.* Permit reconstruction of a non-conforming building otherwise prohibited by another Section where such action would not constitute continuation of a monopoly.
- D.7. *Yard variances.* 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.

D.8. *Parking variances.* 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. (CC 1988 §42.240)

SECTION 405.250: VIOLATIONS AND PENALTIES

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 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 any 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). (CC 1988 §42.245)

SECTION 405.260: BOARD MAY AMEND ORDINANCE

- A. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Aldermen may by ordinance, after recommendation thereon by the City Planning and Zoning Commission and subject to the procedure provided in this Chapter, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Chapter or amendments thereof. It shall be the duty of the Planning and Zoning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by this amendment.
- B. *Change In Regulations, Restrictions And Boundaries—Procedure.* Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the legislative body of such municipality. The provisions of Section 89.050, RSMo., relative to public hearing and official notice shall apply equally to all changes or amendments. (CC 1988 §42.250)

SECTION 405.270: PROCEDURE FOR CHANGE

- A. Applications for any change of district boundaries or classifications of property as shown on the Zoning Map and for regulation amendments shall be submitted to the Planning and Zoning

Commission at its public office upon such forms and all shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include in any event a plat or map drawn to a scale of not less than two hundred (200) feet to the inch showing the land in question, its location, the length and location of each boundary thereof, the location of properties within three hundred (300) feet of such land. Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be reclassified attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments or district changes initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.

- B. *List Of Property Owners.* Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within three hundred (300) feet of any part of the exterior boundaries of the premises the zoning classification of which is proposed to be changed. (CC 1988 §42.260)

SECTION 405.280: COMMISSION HEARING NOTICE

- A. Before submitting its recommendations to the Board of Aldermen, the Planning and Zoning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given by one (1) publication in a newspaper of general circulation in the City at least fifteen (15) days before the date of such hearing.
- B. *Commission—Recommendation.* The Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application be denied. These recommendations shall then be certified to the Board of Aldermen. (CC 1988 §42.270)

SECTION 405.290: BOARD HEARING

- A. After receiving from the Commission the certification of said recommendations on the proposed amendment or supplement and before adoption of such amendment, the Board shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by publication in a newspaper of general circulation in the City.
- B. *Board Of Aldermen—Final Action.* Following such hearing and after reviewing the recommendations of the Commission thereon, the Board of Aldermen shall consider such recommendations and vote on the passage of the proposed amendment to the text of the ordinance or the Zoning Map. The Board may overrule the recommendations of the Commission by three-fourths ($\frac{3}{4}$) vote of the full membership of the Board of Aldermen. (CC 1988 §42.280)

SECTION 405.300: MAP CHANGE PENDING—ZONING CERTIFICATE, BUILDING PERMIT

Whenever the Board of Aldermen has taken under advisement a change or amendment of the Zoning Map from a less restricted district to a more restricted district classification as evidenced by resolution of record, no zoning certificate or building permit shall be issued within sixty (60) days

from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become non-conforming under the contemplated redistricting plan. (CC 1988 §42.290)

ARTICLE II. ADULT ENTERTAINMENT

Cross Reference—As to adult entertainment business, ch. 625 of this Code.

SECTION 405.310: ADULT BUSINESS

Adult businesses are permitted in only districts zoned "C-1" and "C-2" by special use permit subject to the following conditions and in no other areas:

- .1. *Definitions.* All words and terms used in this Section shall have the meaning ascribed to such word or term in Section 625.010 of this Code.
- .2. *Special conditions.*
 - .2.a. No adult business shall be permitted within one thousand (1,000) feet of any religious institution, school or public park or any property zoned for residential use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the religious institution, school or public park or the property zoned for residential use.
 - .2.b. No adult business shall be allowed to locate or expand within three hundred (300) feet of any other adult business or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult business. The distance between any two (2) adult businesses or between an adult business and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
 - .2.c. Direct access to and from the adult business shall not be provided from a residential street.
 - .2.d. The property on which such use is located shall have a minimum of one hundred (100) feet of street frontage.
 - .2.e. The facility on which the use is located and the parking for such facility shall have a front yard setback of twenty (20) feet, a side yard setback of ten (10) feet and a rear yard setback of ten (10) feet.
 - .2.f. All off-street parking shall conform to the Code. Off-street parking shall be provided at a ratio equal to that required for other comparable commercial businesses.
 - .2.g. All landscaping and screening requirements of the Code shall be observed.

.2.h. The facility in which the use is located shall be designed in such a fashion that all openings, entries and windows prevent view into such facilities from any pedestrian, sidewalk, walkway, street or other public area. No adult entertainment activity shall take place partially or totally outside the adult business.

- .2.i. The facility in which such a use is located shall be limited to one (1) wall-mounted sign no greater than one (1) square foot of sign per linear foot of wall length, not to exceed a total of fifty (50) square feet; said sign shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted.
- .2.j. Lighting in the parking area must provide a minimum light level of twenty-five hundredths (0.25) foot-candles over the entire parking area, but in no point shall the light level exceed three (3) foot-candles, nor shall any increase in light levels or visible glare be permitted at the lot line.
- .2.k. An application for adult business license shall be submitted simultaneously with the application for special use permit.
- 3. *Site plan required.* Each application for a special use permit shall require the submission of an accompanying site plan. The site plan shall include, as a minimum, the following information:
 - .3.a. The site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or larger.
 - .3.b. The site plan shall delineate the property lines of the proposed project and shall indicate the zoning and present use of abutting properties.
 - .3.c. The site plan shall delineate existing rights-of-way and easements.
 - .3.d. The site plan shall delineate the general location and width of all proposed streets and public rights-of-way, such as alleys, pedestrian ways and easements.
 - .3.e. The site plan shall delineate the proposed building layout with the front, side and rear building setbacks as required in Subsection (2)(e) of this Section.
 - .3.f. The site plan shall characterize the proposed usage of the building and description of the proposed use by type, character and intensity.
 - .3.g. The site plan shall delineate the location, number of parking spaces and the proposed parking and loading ratio and its location and requirements in accordance with Subsection (2) of this Section.
 - .3.h. The site plan shall delineate all points of access and egress in accordance with Subsection (2)(c) of this Section.
 - .3.i. The site plan shall present in tabular form the proposed net density of the use providing the number of seats, employees or other applicable unit of measure.
 - .3.j. The site plan shall delineate the gross floor area of the building or structure.
 - .3.k. The site plan shall detail the proposed states of construction for all land in development and improvements within the proposed district.

- .3.l. The site plan shall describe the landscaping to be provided.
- .3.m. The site plan shall delineate the proposed exterior lighting in accordance with Subsection (2)(j) of this Section.
- .3.n. The site plan shall delineate the proposed architectural details of the facility in accordance with Subsection (2)(h) of this Section.
- .3.o. The site plan shall indicate the signage in accordance with Subsection (2)(i) of this Section.
- .3.p. The site plan shall set forth any other information necessary for determination of the suitability of the proposed use for the site.
- .3.q. The site plan shall show that the measurements from the building to surrounding structures and property lines comply with this Section. (Ord. No. 951 §42.300, 6-2-03)

ARTICLE III. PORTABLE CARPORTS

SECTION 405.320: PORTABLE CARPORTS

Portable carports shall only be erected in side yards and rear yards except as provided hereinafter. Before erecting a portable carport, the owner thereof shall obtain a building permit from the City Superintendent. Portable carports erected in side yards and rear yards shall comply with all footage requirements set forth in Section 405.070 of this Chapter.

- .1. *Exceptions.* In the event neither the side yard nor rear yard are of sufficient width for a portable carport, the owner thereof may place a portable carport in the front yard only after receiving approval from the Board of Aldermen. The owner shall be responsible for presenting said request to the Board of Aldermen at the next regular Board meeting and the Board of Aldermen shall advise the owner of its decision within thirty (30) days thereof. In the event the owner receives approval from the Board of Aldermen to erect a portable carport in the front yard, the requirements set forth below must be followed in addition to any other requirements and/or conditions of the Board of Aldermen:
 - .1.a. The ends and sides of the portable carport may not be enclosed;
 - .1.b. The portable carport must be properly maintained and kept neat in appearance;
 - .1.c. The portable carport may not extend closer than two (2) feet of any sidewalk;
 - .1.d. The portable carport may not be used to store anything other than an automobile; and
 - .1.e. If the portable carport is located on a corner lot, all requirements of Section 405.080 of this Chapter relating to regular setback for visibility must be followed. (Ord. No. 943 §42.075, 12-2-02)

CHAPTER 410: SUBDIVISION REGULATIONS

SECTION 410.010: DEFINITIONS

For the purpose of interpreting this Chapter, certain terms are defined as follows:

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.

LOT: A parcel of land occupied or intended for occupancy by a building, together with its accessory buildings, including open space for light and air as required by the zoning ordinance.

OPEN SPACE, PUBLIC: Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreation areas, school sites, community or public building sites and other lands.

PLANNING AND ZONING COMMISSION: The Bernie Planning and Zoning Commission.

STREETS: A way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, land, alley or other way; and for the purpose of this Chapter, "Streets" are divided into the following categories:

- .1. Major streets and highways are those which are used primarily for fast or heavy through traffic.
- .2. Collector streets are those which provide for traffic movement between major streets and highways and local streets including principal entrance streets of residential developments and streets for circulation within such developments.
- .3. Local streets are those used primarily to provide direct access to individual lots and for local traffic movements.
- .4. Alleys are passageways affording generally secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- .5. Cul-de-sacs are neighborhood streets with only one (1) outlet, sometimes called "dead-end" streets.

SUBDIVISION: The division of a parcel of land into two (2) or more lots or other divisions of land; it includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. (CC 1988 §43.010)

SECTION 410.020: PLATTING AUTHORITY

From and after the passage of this Chapter, the Planning and Zoning Commission shall be the official platting authority and no plat of a land subdivision lying within the municipality shall be filed or recorded by the appropriate County Recorder unless the plat has been indorsed by the Planning and Zoning Commission. The filing or recording of a plat of a subdivision without the

approval of the Planning and Zoning Commission as required by this Chapter is declared to be a misdemeanor punishable by law. (CC 1988 §43.020)

SECTION 410.030: USE OF

The transfer of, sale of, agreement to sell or negotiation to sell land by reference to or exhibition of or other use of a subdivision that has not been given final approval by the Planning and Zoning Commission and recorded in the office of the appropriate County Recorder is prohibited and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties. (CC 1988 §43.030)

SECTION 410.040: OPENING AND IMPROVING PUBLIC STREETS

The Governing Body of the City shall not accept, lay out, open, improve, grade, pave or light any street or lay any utility lines in any street, which had not attained the status of a public street prior to the effective date of this Chapter, unless such street corresponds to the street location shown on an approved subdivision plat or on an official street map adopted by the Planning and Zoning Commission. The Governing Body may accept, lay out, open and improve any street not so platted after review and comment by the Planning and Zoning Commission on such action. (CC 1988 §43.040)

SECTION 410.050: ERECTION OF BUILDINGS

No building permit shall be issued and no building shall be erected on any lot in the City unless the street giving access thereto has been accepted as a public street in accordance with this Chapter or unless such street has been accepted as a public street prior to the effective date of this Chapter. (CC 1988 §43.050)

SECTION 410.060: PRE-APPLICATION PROCEDURE

Whenever a subdivision of a tract of land within the City of Bernie is proposed, the subdivider is urged to consult early and informally with the Secretary or a designated member of the Planning and Zoning Commission. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the pre-application review and no formal application shall be required. (CC 1988 §43.060)

SECTION 410.070: APPLICATION FOR PRELIMINARY PLAT APPROVAL

Following the pre-application review of a proposed subdivision, the subdivider shall submit to the Chairman of the Planning and Zoning Commission, at least fifteen (15) days prior to the next regular meeting of the Planning and Zoning Commission, the following:

1. A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of the hearing by the Planning and Zoning Commission on the preliminary plat shall be sent;

- .2. Five (5) copies of the preliminary plat and other documents as specified in Section 410.090;
and
- .3. A preliminary plat filing fee shall be required, as set by City ordinance. (CC 1988 §43.070)

SECTION 410.080: REVIEW OF PRELIMINARY PLAT

The Planning and Zoning Commission shall check the plat for conformance to the rules and regulations of this Chapter and shall afford a hearing on the preliminary plat, notice of the time and place of which shall be sent by the Secretary of the Planning and Zoning Commission to a newspaper of general circulation in the City and by registered or certified mail to the person designated in the letter requesting preliminary plat review and approval not less than ten (10) days prior to the date of the hearing.

- .1. Thereafter, the Planning and Zoning Commission shall give to the subdivider or his/her agent written tentative approval or disapproval to the preliminary plat, including a statement of the reasons for disapproval if the preliminary plat is disapproved. However, such tentative approval shall not be entered on the preliminary plat.
- .2. Tentative approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval shall expire and be null and void after a period of one (1) year unless an extension of time is applied for by the subdivider or his/her representative and approved by the Planning and Zoning Commission.
3. If action on a preliminary plat is not taken by the Planning and Zoning Commission within sixty (60) days of the date of submittal, the preliminary plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time. (CC 1988 §43.080)

SECTION 410.090: SCALE

The preliminary plat or final plats and other drawings or maps shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch. (CC 1988 §43.090)

SECTION 410.100: SHEET SIZE

Sheet size shall be twenty (20) inches by twenty (20) inches or shall be the sheet size required by the appropriate County Recorder for recording purposes. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size. (CC 1988 §43.100)

SECTION 410.110: GROUND ELEVATIONS

The preliminary plat shall show ground elevations, based on the datum plane of the U.S. Coast and Geodetic Survey or a datum plane approved by the City Engineer as follows:

- .1. For land with slopes less than approximately two percent (2%), show spot elevations at all breaks in grade, along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions;

- .2. For all slopes more than approximately two percent (2%):
 - .2.a. If the ground slope is irregular, show contours with an interval of not more than two (2) feet; and
 - .2.b. If the ground slope is regular, show contours with an interval of not more than five (5) feet; and
- .3. A tie to one (1) or more bench marks shall be shown. (CC 1988 §43.110)

SECTION 410.120: INFORMATION TO BE PROVIDED ON PRELIMINARY PLAT

The preliminary plat shall contain the following information:

- .1. Title;
- .2. Name and address of owner of record and of subdivider;
- .3. Proposed name of subdivision and its acreage;
- .4. North point and graphic scale and date;
- .5. Vicinity map showing location and acreage of subdivision;
- .6. Exact boundary lines of the tract by bearing and distances;
- .7. Names of owners of record of adjoining land;
- .8. Existing streets, utilities and easements on and adjacent to the tract;
- .9. Proposed design, including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses and any land to be used for purposes other than single-family dwellings;
- .10. Block numbers and lot numbers;
- .11. Provisions for water supply, sewerage and drainage;
- .12. Minimum building front yard setback lines;
- .13. Such street cross-section and centerline profiles as may be required by the City Engineer; and
- .14. Present zoning classification. (CC 1988 §43.120)

SECTION 410.130: APPLICATION FOR FINAL PLAT APPROVAL

After the preliminary plat of a proposed subdivision has been given tentative approval by the Planning and Zoning Commission, the subdivider may, within one (1) year from tentative approval, submit to the Planning and Zoning Commission:

- .1. A letter requesting review and approval of a final plat, giving the name and address of the person to whom the notice of the hearing by the Planning and Zoning Commission on the final plat shall be sent;
- .2. Five (5) copies of the final plat and other documents, as specified in Section 410.070, plus the original which shall be drawn in permanent ink on permanent reproducible material, equal to the standards required by the appropriate County Recorder; and
- .3. A final plat filing fee and a recording fee as set by ordinance. (CC 1988 §43.130)

SECTION 410.140: REVIEW OF FINAL PLAT

- A. The Planning and Zoning Commission shall check the final plat for conformance with the tentatively approved preliminary plat and with the rules and regulations of this Chapter and shall afford a hearing on the final plat, notice of the time and place of which shall be sent by the Secretary of the Planning and Zoning Commission to a newspaper of general circulation in the City and by registered or certified mail to the person designated in the letter requesting final review and approval not less than ten (10) days prior to the date of the hearing.
- B. Thereafter, the Planning and Zoning Commission shall approve or disapprove the final plat. A notation of the action of the Planning and Zoning Commission shall be made on the original drawing and all copies of the final plat, including a statement of the reasons for disapproval if the final plat is disapproved. If action on a final plat is not taken by the Planning and Zoning Commission within sixty (60) days of the date of submittal, the final plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent to an extension of time. (CC 1988 §43.140)

SECTION 410.150: COPY OF OFFICIAL ACTION BY GOVERNING BODY

A copy of the ordinance or resolution adopted by the Governing Body accepting streets, improvements, easements and any other property dedicated by the owner for public use as indicated on the final plat shall be attached to the final plat before recording. (CC 1988 §43.210)

SECTION 410.160: RECORDING OF FINAL PLAT

Upon approval of a final plat, the Chairman of the Planning and Zoning Commission shall have the final plat recorded in the office of the appropriate County Court. The subdivider shall be responsible for the payment of the recording fee at the time of submitting the final plat as provided in Section 410.130. (CC 1988 §43.150)

SECTION 410.170: FINAL PLAT SPECIFICATIONS

The final plat shall conform to and meet the specifications of the preliminary plat (Sections 410.090, 410.100, 410.110 and 410.120) with the following additions:

- .1. Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three (3)) shall be accurately described on the plat;

- .2. Municipal, County and land-lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision;
- .3. Exact boundary lines of the tract, determined by an engineering field survey, giving distances to the nearest one-tenth (1/10) foot and angles to the nearest minute, which shall be balanced and closed with an error closure not to exceed one thousand (1,000) to five thousand (5,000);
- .4. Name of subdivision, exact location, widths and names of all streets and alleys within and immediately adjoining the tract;
- .5. Street centerline showing angles of deflection, angles of intersection, radii and lengths of tangents;
- .6. Lot lines with dimensions to the nearest one-tenth (1/10) foot and bearings;
- .7. Lots numbered in numerical order and blocks lettered alphabetically;
- .8. Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use;
- .9. Accurate location, material and description of existing and proposed monuments and markers; and
- .10. A statement, either directly on the plat or in an identified attached document, of any private covenants. (CC 1988 §43.160)

SECTION 410.180: ENGINEER'S OR SURVEYOR'S CERTIFICATION

An engineer's or surveyor's certification shall be placed directly on the final plat as follows:

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; and that all monuments shown hereon actually exist or are marked as "Future", and their location, size, type and material are correctly shown; and that all engineering requirements of the subdivision regulations of the City of Bernie, Missouri, have been fully complied with." (CC 1988 §43.170)

SECTION 410.190: OWNER'S CERTIFICATION

An owner's certification shall be placed on the final plat as follows:

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies this plat was made from an actual survey, that all State, City and County taxes or other assessments now due on this land have been paid." (CC 1988 §43.180)

SECTION 410.200: CERTIFICATION OF THE CITY ENGINEER, COUNTY HEALTH OFFICER OR CITY ATTORNEY

- A. The City Engineer or other responsible official shall certify that the streets, drainage, utilities and other improvements indicated on the plat have been completed to proper specifications and per design standards. Where the required improvements have not been completed, the City Attorney shall certify that approved bond or security has been posted to insure their completion.
- B. Where septic tanks are to be used in lieu of public sewerage, the County Health Officer or local health authority shall certify that adequate septic tanks have been installed to specifications and that lot areas shown on the plat are adequate to accommodate individual septic tanks. (CC 1988 §43.190)

SECTION 410.210: CERTIFICATE OF DEDICATION

A certification by the owner setting forth the description of the areas and improvements he/she dedicates to the public and the extent of the title which he/she is dedicating should be attached to the final plat. This certificate should be approved as to form by the City Attorney. (CC 1988 §43.200)

SECTION 410.220: A CERTIFICATE OF APPROVAL OF THE FINAL PLAT BY THE PLANNING AND ZONING COMMISSION

The Chairman of the Planning and Zoning Commission shall include a certificate of approval of the final plat directly on the plat as follows:

"All the requirements of approval having been fulfilled pursuant to the subdivision regulations of the City of Bernie, Missouri, this final plat was given final approval by the Planning and Zoning Commission effective _____20_____.

Date

Chairman

Bernie Planning and Zoning Commission

(CC 1988 §43.220)

SECTION 410.230: SUITABILITY OF LAND

Land subject to flooding, improper drainage, erosion or that is, for topographical or other reasons, unsuitable for residential use shall not be platted for residential use nor for any other use that will increase the danger of health, safety or property destruction, unless the hazards can be and are corrected. (CC 1988 §43.230)

SECTION 410.240: NAME OF SUBDIVISION

The name of the subdivision must have the approval of the Planning and Zoning Commission. The name shall not duplicate or closely approximate the name of an existing subdivision. (CC 1988 §43.240)

SECTION 410.250: ACCESS

Access to every subdivision shall be provided over a public street. (CC 1988 §43.250)

SECTION 410.260: CONFORMANCE TO ADOPTED MAJOR THOROUGHFARE AND OTHER PLANS

All streets and other features of the Major Thoroughfare Plan of the City of Bernie, Missouri, shall be platted by the subdivider in the location and to the dimensions indicated on the Major Thoroughfare Plan adopted by the Planning and Zoning Commission.

- .1. When features of other plans adopted by the Planning and Zoning Commission (such as schools or other public building sites, parks or other land for public uses) are located in whole or in part in a land subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.
- .2. Whenever a plat proposes the dedication of land to public uses that the Planning and Zoning Commission finds not required or suitable for such public use, the Planning and Zoning Commission shall refuse to approve the plat and shall notify the Governing Body of the reasons for such action. (CC 1988 §43.260)

SECTION 410.270: LARGE-SCALE DEVELOPMENTS

The requirements of this Chapter may be modified in the case of a large-scale community or neighborhood units, such as a housing project or shopping centerline which is not subdivided into customary lots, blocks and streets, if the development is approved by the Planning and Zoning Commission and if it is in conformity with the purpose and intent of this Chapter. (CC 1988 §43.270)

SECTION 410.280: CONTINUATION OF EXISTING STREETS

Existing streets shall be continued at the same or greater width but in no case less than the required width. (CC 1988 §43.280)

SECTION 410.290: STREET NAMES

Street names shall require the approval of the Planning and Zoning Commission. Streets that are obviously in alignment with streets already existing and named shall be given the name of the

existing street. Names of new streets shall not duplicate or closely approximate those of existing streets. (CC 1988 §43.290)

SECTION 410.300: STREET JOGS

Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted. (CC 1988 §43.300)

SECTION 410.310: CUL-DE-SACS

Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs or dead-end streets shall not be greater in length than five hundred (500) feet. They shall be provided at the closed end with a turnaround having a property line radius of at least fifty (50) feet with an outside pavement radius of at least forty (40) feet. (CC 1988 §43.310)

SECTION 410.320: ALLEYS

Alleys may be required at the rear of all lots used for multi-family, commercial or industrial developments but shall not be provided in one- and two-family residential developments unless the subdivider provides evidence satisfactory to the Planning and Zoning Commission of the need for alleys. (CC 1988 §43.320)

SECTION 410.330: EASEMENTS

- A. Easements having a minimum width of ten (10) feet shall be provided along each side of rear lot lines and shall be provided, as required, for utility lines and underground mains and cables.
- B. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater or drainage right-of-way of adequate width. Parallel streets may be required by the Planning and Zoning Commission in connection therewith. (CC 1988 §43.330)

SECTION 410.340: STREET RIGHT-OF-WAY WIDTHS

The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

- B.1. Major streets, one hundred forty (140) feet;
- B.2. Secondary streets, sixty (60) feet;
- B.3. Neighborhood streets, fifty (50) feet; and
- B.4. Alleys, twenty (20) feet. (CC 1988 §43.340)

SECTION 410.350: STREET PAVEMENT WIDTHS

Street pavement widths shall be as follows:

.1. Secondary streets, thirty-six (36) feet;

- .2. Neighborhood streets, twenty-six (26) feet; and
- .3. Alleys, sixteen (16) feet. (CC 1988 §43.350)

SECTION 410.355: STREET SPECIFICATIONS

Underlay six (6) inches of compacted #1 chat or red gravel overlay of four (4) inches compacted asphalt.

SECTION 410.360: STREET GRADES

Maximum and minimum street grades shall be twelve percent (12%) and five-tenths percent (0.5%) respectively. (CC 1988 §43.360)

SECTION 410.370: HORIZONTAL CURVATURE

The minimum radii of centerline curvature shall be one hundred fifty (150) feet. (CC 1988 §43.370)

SECTION 410.380: TANGENTS

Between reverse curves, there shall be a tangent having a length not less than one hundred (100) feet. (CC 1988 §43.380)

SECTION 410.390: STREET INTERSECTIONS

Street intersections shall be at right angles when possible. No street intersections shall be at an angle of less than sixty degrees (60°) unless required by unusual circumstances. (CC 1988 §43.390)

SECTION 410.400: CURB LINE RADIUS

The curb line radius at street intersections shall be at least fifteen (15) feet. Where the angle of street intersection is less than ninety degrees (90°) a longer radius may be required. (CC 1988 §43.400)

SECTION 410.410: BLOCK LENGTHS AND WIDTHS

Block lengths and widths shall be as follows:

- .1. Blocks shall be no greater than one thousand five hundred (1,500) feet nor less than three hundred (300) feet in length, except in unusual circumstances.

- .2. Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets or where other situations make this requirement impracticable. (CC 1988 §43.410)

SECTION 410.420: LOT SIZES

Residential lots shall meet the lot width and lot area requirements of the zoning ordinance. In the absence of a zoning ordinance, residential lots shall not be less than seventy-five (75) feet wide at the building line.

- .1. Residential lots shall have a depth of not less than one hundred (100) feet and not greater than three (3) times the width of the lot at the building line, unless unusual circumstances make these limitations not practicable.
- .2. Where individual septic tanks are used, the Health Officer shall prescribe minimum lot sizes to conform to health standards which may be greater than the standards contained herein.
- .3. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable for use intended.
- .4. Residential corner lots shall have adequate width to meet building setback requirements from both abutting streets. (CC 1988 §43.420)

SECTION 410.430: LOT LINES

All lot lines shall be perpendicular or radial to street lines, unless not practicable because of topographic or other features. (CC 1988 §43.430)

SECTION 410.440: BUILDING LINES

A building line meeting the front yard setback requirements of the zoning ordinance shall be established on all lots. (CC 1988 §43.440)

SECTION 410.450: LOTS ABUTTING PUBLIC STREETS

Each lot shall abut upon a dedicated public street. (CC 1988 §43.450)

SECTION 410.460: DOUBLE AND REVERSE FRONTAGE LOTS

Double frontage and reverse frontage lots should be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planted screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other incompatible use. (CC 1988 §43.460)

SECTION 410.470: REQUIRED IMPROVEMENTS

- A. Prior to the approval of the final plat, an agreement shall be reached between the subdivider or his/her agent and the City Government with regard to the installation of any street improvements or utility construction called for on the subdivision plat. In certain cases where the City Government

deems necessary, the subdivider shall be required to have installed by appropriate City agency at his/her expense or with approval of the agency concerned, to install the following street improvements and utilities.

- A.1. Streets, including street grading, street paving and curbs and gutters;
 - A.2. Sanitary sewer lines and manholes, storm drainage facilities, sidewalks (when determined by the Planning and Zoning Commission to be essential for the safety of pedestrians) and monuments and markers; and
 - A.3. Water mains within the subdivision with connections to each lot.
- B. All required street improvements, utilities and monuments shall be built to standards specified by the agency responsible for each. All utilities to be installed in the streets shall be placed and compacted prior to paving.
 - C. If the required sanitary sewer line cannot be connected to a trunk line sewer at the time of the development of the subdivision, septic tanks shall be installed by and at the expense of the subdivider or lot purchaser for interim use in conformity with the requirements of the County Health Department or local health authority.
 - D. In lieu of the completion of such work and installations previous to the final approval of a plat, the Board of Aldermen shall accept a surety bond or escrow amount providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the Planning and Zoning Commission and expressed in the bond or escrow agreement. (CC 1988 §43.470)

SECTION 410.480: AMENDMENTS

- A. This Chapter may be amended from time to time by the City Government. However, no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall have thirty (30) days within which to submit its report. If the Planning and Zoning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendments.
- B. Before enacting an amendment to this Chapter, the City Government shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the City. (CC 1988 §43.480)