

## CHAPTER 405: ZONING REGULATIONS

*Editor's Note—The comprehensive plan dated December, 1997 and adopted by the board of aldermen as part of ord. no. 98-01 enacted February 9, 1998, is on file in the city offices.*

### ARTICLE I. GENERAL PROVISIONS

#### SECTION 405.010: TITLE

This Chapter, including the Zoning District Map incorporated by reference as if more fully set out herein, shall be known as, referred to, and cited as the "Zoning Code" for the City of Seligman, Missouri.

#### SECTION 405.020: PURPOSE

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, and general welfare of the citizens residing in Seligman by dividing such into zones and districts and prescribing regulations and restrictions on the location and use of buildings and the use of land within each district or zone. (Ord. No. 98-01 §2 Art. 1(B), 2-9-98)

#### SECTION 405.030: AUTHORITY

This Chapter is adopted under the authority granted by RSMo, 89.010 et. seq., of the Missouri Statutes and amendments thereto.

#### SECTION 405.040: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The rules for the interpretation of district boundaries are as follows:

1. Where district boundaries on the zoning map are indicated as approximately following the centerlines of streets, highways, or railroads, such boundaries shall be deemed to be located at such midpoints.
2. Where district boundaries are so indicated that they approximately follow lot lines or section lines, such lines shall be construed to be said boundaries.
3. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the City, unless otherwise indicated.

#### SECTION 405.050: INTENT

It is the general intent of this Chapter to:

1. Regulate the use of all structures and lands in the community;
2. Regulate lot coverage, population density and distribution, and the location, height and size of all structures;
3. Secure safety from fire, flooding, panic, and other dangers;
4. Provide adequate light, air, sanitation, and drainage;
5. Further the appropriate use of land and conservation of natural resources;
6. Obtain the wise use, conservation, development, and protection of the City's water, soil, wetland, woodland, and wildlife resources, and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses;

7. Stabilize and protect the beauty of the area;
8. Encourage orderly growth while integrating new urban areas into the fabric of the community, maintaining a high quality environment, and promoting fiscal responsibility;
9. Lessen congestion in and promote the safety and efficiency of the streets and highways;
10. Facilitate the adequate provision of public facilities and utilities; and
11. Bring about the gradual conformity of uses of land to the Comprehensive Plan and to the zoning regulations set forth in this Chapter, and to minimize the conflicts among uses of land and buildings.

#### SECTION 405.060: ANNEXATION OF LAND

The following factors should be considered as factors in finding a proposed annexation, voluntary and involuntary, reasonable and necessary:

1. There must be a need for residential, commercial or industrial sites within the proposed area;
2. The City is unable to meet its needs without expansion;
3. Only needs which are reasonably foreseeable and not visionary should be considered;
4. Past growth may be relied upon to show future necessity;
5. In evaluating future needs, the extent to which past growth has caused the City to spill over into the proposed area should be considered;
6. The beneficial effect of uniform application and enforcement of municipal zoning ordinances in the City and in the annexed area;
7. The need for or the beneficial effect of uniform application and enforcement of municipal Building Codes;
8. The need for or the beneficial effect of extending Police protection to the annexed area;
9. The need for or the beneficial effect of uniform application and enforcement of municipal ordinances or regulations pertaining to health;
10. The need for and the ability of the City to extend essential municipal services into the annexed area;
11. Enhancement in value by reason of adaptability of the land proposed to be annexed for prospective City uses; and
12. Regularity of boundaries.

#### SECTION 405.070: SEVERABILITY AND NON-LIABILITY

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

#### SECTION 405.080: ABROGATION AND GREATER RESTRICTIONS

A. Public Provisions. The provisions of this Zoning Code are not intended to interfere with, abrogate, or annul any other City rule, regulation, Statute, or other provision of law. Where any provision of this Chapter imposes restrictions different from those imposed by any other Statute, rule, regulations, or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.

B. Private Provisions. The provisions for this Zoning Code are not intended to abrogate any easement, covenant or a other private agreement, or restriction, provided that, where the provisions of this Zoning Code are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Zoning Code shall govern.

#### SECTION 405.090: INTERPRETATION

In their interpretation and application, the provisions of this Chapter shall be liberally construed in favor of the City and shall not be construed to be a limitation nor repeal of any other power granted by the Missouri Statutes.

#### SECTION 405.100: SAVING PROVISION

This Zoning Code shall not be construed as abating any action now pending under, or by virtue of, a prior existing ordinance, or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any Section or provision existing at the time of adoption of this Chapter, or as vacating or annulling any rights so obtained by any person, firm, or corporation, by lawful action of the City, except as follows: If the applicable regulations of this Chapter or any amendment to this Chapter after issuance of a building permit, granting of a variance or issuance of a special permit make the proposed use under such building permit, variance or special permit non-conforming as to the use and bulk regulations, and no substantial construction or substantial operations for non-building uses have been undertaken on the structure or foundation, or conducted for the non-building uses, within one hundred twenty (120) days after the effective date of the adoption of this Chapter and any amendments thereto, the building permit, special permit, or variance shall be invalid. If substantial construction or substantial operations have taken place and are continuing at the time, the proposed use may be completed.

#### SECTION 405.110: APPLICATION OF REGULATIONS

No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located, and unless it is on at least one (1) lot, as herein defined. Each lot may be divided into two (2) building sites by a lot split, provided each portion can meet all area, lot width, and setback regulations of the zoning district in which it is located. Each lot of record as herein defined may also support one (1) principal building so long as it complies with all applicable zoning regulations.

1. No building shall hereafter be erected or altered than is specified herein for the district in which such building is located.

- a. To exceed the height;
  - b. To accommodate or house a greater number of facilities;
  - c. To occupy a greater percentage of lot area; or
  - d. To have narrower or smaller rear yards, front yards, side yards, inner or outer courts.
2. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Chapter shall be included as a part of a yard or other open space similarly required for another building.
  3. Averaging setbacks. In any residential district, where the two (2) adjacent residences have a front yard which 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 may be modified. In such case, the front yard shall not be less than the average depth of the existing front yards on the two (2) adjacent lots. However, in no case shall the depth of the front yard be less than ten (10) feet and need not exceed fifty (50) feet; and in no case shall the depth of a front yard of a corner lot be less than twenty-five (25) feet.

#### SECTION 405.120: DEFINITIONS AND RULES OF INTERPRETATION

##### A. Rules for Interpretation.

1. Words and numbers used singularly shall include the plural and the plural, the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, trustee, receiver, agent or other representative.
3. The word "shall" is mandatory.
4. The word "use", "occupy", or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed" to be used or occupied.

##### B. Definitions. For the purpose of this Zoning Code, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise.

**ACCESSORY USE OR BUILDING:** A subordinate building or use which customarily is incidental to that of the main building or use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, garages, air conditioners, garden houses; children's play houses, barbecue ovens and fireplaces.

**ALLEY:** A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is twenty (20) feet or less in width.

**ALTERATION:** Alteration, as applied to a building or structure, is a change or rearrangement of the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.

**ANIMAL HOSPITAL OR CLINIC:** An establishment where animals are admitted principally for examination, treatment, board or care by a doctor of veterinary medicine. (This does not include open kennels or runs.)

**APARTMENT:** (See Dwelling, Multiple.)

**BASEMENT:** That portion of a building having more than one-half (V $\frac{1}{2}$ ) of its height below grade.

**BED AND BREAKFAST:** A family home, occupied as a permanent residence by the proprietor, in which lodging and meals are provided for time-limited duration to not more than four (4) groups of patrons in a twenty-four (24) hour period.

**BOARD OF ADJUSTMENT:** That Board which has been created by the Board of Aldermen having jurisdiction and which has the statutory authority to hear and determine appeals and variances to the zoning regulations.

**BOARD OF ALDERMEN:** That body having jurisdiction in the zoning area.

**BOARDING OR LODGING HOUSE:** A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons. Individual cooking facilities are not provided.

**BUILDING:** Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property.

**BUILDING HEIGHT:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; of the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

**CHURCH:** Any building(s) primarily used for public religious worship and associated religious functions, including synagogues and temples.

**CLINIC:** (See Medical, Dental or Health Clinic.)

**COMMON SPACE:** An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities, such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

**DAY CARE:** Care of a child away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Day care may be given in a day care home or a day care center.

**DAY CARE CENTER:** A facility other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children for any part of the twenty-four (24) hour day, as defined in regulations issued by the State of Missouri.

**DAY CARE FACILITY:** A day care home or a day care center, whether known or under another title or name.

**DAY CARE HOME:** A family home, occupied as a permanent residence by the day care provider, in which care is given to no more than ten (10) children, not related to the day care provider, for any part of the twenty-four (24) hour day, as defined in regulations issued by the State of Missouri.

**DISTRICT:** A section or sections of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards, and the intensity of use are uniform.

**DOG:** Any canine species over six (6) months of age.

**DWELLING:** Any building or portion thereof, except mobile homes for purposes of use regulations, which is designed and used exclusively for residential purposes.

**DWELLING, MULTIPLE:** A building having accommodations for and occupied by more than two (2) families, independently.

**DWELLING, SINGLE-FAMILY:** A building having accommodations for and occupied exclusively by one (1) family.

**DWELLING, TWO-FAMILY:** A building having accommodations for and occupied by two (2) families, independently.

**EXISTING STRUCTURE:** A structure in existence at the time of the adoption of these regulations.

**EXISTING USE:** A use in existence at the time of the adoption of these regulations.

**FAMILY:** One (1) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit. A family shall under no circumstances be construed as a boarding house, fraternity, or sorority house, club, lodging house, hotel or motel.

**FLOOR AREA:**

1. For computing off-street parking requirements: Shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings and shall include the following area:

- a. The useful basement floor area;
- b. The area of each floor of the structure; and
- c. Attic space having head room of seven (7) feet to ten (10) feet or more.

2. Floor area for determining floor area ratio: As used herein shall be computed as the sum of the following areas:

- a. The gross horizontal areas of the several buildings measured from the exterior faces of exterior walls or from the centerline of wall separating two (2) buildings which shall include floor area utilized for stairwells or elevator shafts and floor space used for mechanical equipment (except equipment open or enclosed, located on the roof);

- b. Basement floor area;
- c. Attic space having head room of seven (7) feet to ten (10) feet or more;
- d. Interior balconies and mezzanines;
- e. Enclosed porches;
- f. Floor area devoted to accessory uses; and
- g. Interior malls.

**FLOOR AREA RATIO:** The maximum percentage of allowable floor area of a building or complex (including both principal and accessory buildings) computed by dividing the floor area of said complex or buildings by the area of the building site.

**FOSTER HOME:** A residence or building occupied on a full-time basis by no more than four (4) children, two (2) or more of which are unrelated to the foster parent. Foster homes shall be permitted in all residential structures, the same as would a family.

**FRONTAGE:** The length of the property abutting on one (1) side of a street measured along the dividing line between the property and the street.

**GARAGE, PRIVATE:** An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

**GARAGE, PUBLIC:** A building or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing, motor-driven vehicles.

**GRADE:**

1. For buildings having walls facing one (1) street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.
2. For buildings having walls facing more than one (1) street, the grade shall be the average of the grades (as defined in (1) above) of all walls facing each street.
3. For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade. Any wall approximately parallel to and not more than five (5) feet from a street line is considered as facing the street.

**GROUP CARE HOME:** A residence or building in which eight (8) or fewer unrelated mentally retarded or physically handicapped persons reside, and may include two (2) additional persons as house parents or guardians. Provided, however, that any home meeting this definition (group care home) shall generally conform to the appearance within the neighborhood constructed and, in order to maintain reasonable densities, no group care home shall be permitted within eight hundred (800) feet of another group care home.

**HOTEL:** A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals and whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.

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

**KENNEL, BREEDING:** Any place, area, building, or structure where more than four (4) dogs are kept for purposes of breeding, raising, or as pets.

**KENNEL, BOARDING:** Any place, area, building, or structure where dogs (including those under one (1) year in age) are boarded, housed, cared for, fed, or trained by other than the owner.

**LODGING HOUSE:** (See Boarding House.)

**LOT:** A parcel of land occupied or intended for occupancy by one (1) main building or a complex of buildings together with the accessory structures and including the open spaces and parking required by this regulation, which may include more than one (1) lot of record or metes and bounds described tract having its principal frontage up on a public street or officially approved place.

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

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

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

**LOT, FRONT:** The front of a lot shall be that narrowest dimension abutting a street right-of-way. On corner lots which have two (2) equal sides which abut on a street right-of-way, either side may be considered the front of the lot.

**LOT, REAR:** The rear of a lot shall be that side opposite-the front of the lot.

**LOT OF RECORD:** A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the Recorder of Deeds prior to the adoption of these regulations.

**MANUFACTURED HOME:** A dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building, site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.

**MANUFACTURED HOME PARK:** Any area, piece, parcel, tract, or plot of ground equipped as required for support of mobile homes and offered for use by the owner or representative for mobile home park purposes and/or ground upon which three (3) or more mobile homes are parked, whether for compensation or not, including all accessory uses thereof. The term

"mobile home park" does not include sales lots of which unoccupied mobile homes are parked for the purpose of inspection and sale. See Supplementary District Regulations.

**MEDICAL, DENTAL, OR HEALTH CLINIC:** Any building designed for use by one (1) or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include an apothecary.

**MEDICAL MARIJUANA CULTIVATION FACILITY:** Any facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana-Infused Products Manufacturing Facility.

**MEDICAL MARIJUANA DISPENSARY FACILITY:** Any facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this section to qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

**MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY:** Any facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

**MEDICAL MARIJUANA TESTING FACILITY:** Any facility certified by the State of Missouri, to acquire, rest, certify, and transport marijuana.

**MOBILE HOME:** A transportable structure larger than three hundred twenty (320) square feet in floor area, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction on June 15, 1976.

**MOBILE HOME, DOUBLE-WIDE:** A mobile home that consists of two (2) or more sections that are transported separately and assembled at the site into one (1) structure of a width of not less than twenty (20) feet.

**MOBILE HOME, SINGLE-WIDE:** A mobile home that consists of one (1) section which the main body, exclusive of expansions or extensions, is not more than sixteen (16) feet in width.

**MODULAR HOME:** A manufactured residential structure built to a nationally recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard.

**NON-CONFORMING STRUCTURE:** A structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.

**NON-CONFORMING USE:** An existing use of a structure or land which does not conform with the regulations of the district in which it is situated as established by this regulation or any amendments hereto.

**NURSING HOME OR CONVALESCENT HOME:** An institution or agency licensed by the State for the reception, board, care, or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

**PARKING SURFACE:** An area surfaced for all-weather use including gravel, sand, or comparable material for the purpose of storing one (1) parked automobile. For the purpose of this regulation, one (1) parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. In computing off-street parking, additional space shall be required for access drives for each parking space.

**PERMANENT FOUNDATION:** A foundation system designed and constructed to provide long-term structural stability and support for a building or structure. It must be constructed in compliance with applicable state and local building codes and industry standards, and shall include concrete footings that extend below the frost line to prevent frost heave; be composed of durable materials such as poured concrete or masonry; fully enclose the perimeter of the structure, except for required access openings; securely anchor the structure to resist lateral and vertical forces, including those caused by wind or seismic activity; and accommodate connections to essential utility systems, including water, gas, electricity, and sewer or septic systems, where applicable.

**PLACE:** An open, unoccupied space, other than a publicly-dedicated street or alley, permanently reserved as the principal means of access to abutting property.

**PLANNING COMMISSION:** The Planning Commission for the City of Seligman.

**PROFESSIONAL OFFICE:** Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, engineering, or other occupation customarily considered as a profession.

**PUBLIC UTILITY:** Any business which furnishes the general public (1) telephone service, (2) telegraph service, (3) electricity, (4) natural gas, (5) water and sewer, or (6) any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State.

**RECREATIONAL VEHICLE:** A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted or drawn by another vehicle, and which has a body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet.

**RESTAURANT:** A public eating establishment at which the primary function is the preparation and serving of food.

**RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a street crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or for another special use.

**SALVAGE YARD:** An area of land with or without buildings, used for collection or storage, outside a completely enclosed building, of used or discarded materials such as waste paper, rags or scrap material; or used building materials, house furnishings, machinery, motor vehicles or parts thereof with or without the dismantling, processing, salvage, sale or other; use of disposition of the same. A deposit or die storage on a plot of two (2) or more wrecked or broken-down motor vehicles or parts of two (2) or more such motor vehicles for one (1) week in a residential district, or for three (3) weeks or more in any other district, shall be deemed a salvage yard.

**SANITARY LANDFILL:** A lot or parcel of land used primarily for the disposal and burial of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof, or other waste.

**SECRETARY OF THE PLANNING COMMISSION:** The Zoning Administrator or other individual appointed by the Planning Commission to perform prescribed administrative duties.

**SERVICE STATION:** A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; self-service pumps without buildings shall also be included. Such services shall include tire recapping, body repairs, or major overhaul.

**SCHOOL:** Any public or private elementary or secondary school where instruction is given to students on a regular basis.

**SIDEWALL HEIGHT:** Shall be measured from the bottom of the bottom plate to the top of the top plate.

**SIGN:** Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business but shall not include any display of official notice or official flag.

**SPECIAL USE PERMIT:** A special use permit is a written permit issued by the Zoning Administrator with the written authorization of the Planning Commission. This special use permit provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations.

**STORY:** That portion of a building, other than a basement, 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.

**STREET:** A right-of-way, dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties. Types of streets are:

1. State highway. A street which provides for through traffic movement between and around areas which direct access to abutting property, which is maintained by the Missouri State Highway and Transportation Department.
2. Collector: A street which provides for traffic movement between arterials and local streets, which direct access to abutting property.
3. Local: A street which provides direct access to abutting land, and local traffic movement whether in business, industrial, or residential areas.

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

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration:

1. Attachment of a new front where structural supports are not changed.
2. Addition of fire escapes where structural supports are not changed.
3. New windows where support walls are not materially changed.
4. Repair or replacement of non-structural members.

**TAVERN:** An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises.

**TRAVEL OR RECREATIONAL VEHICLE:** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples are travel trailers, camping trailers, truck campers, and motor homes. Mobile homes and modular homes shall not be considered trailers or recreational vehicles.

**TREATMENT FACILITY FOR DRUG AND ALCOHOL ABUSE:** Any facility which is certified by the State of Missouri Division of Alcohol and Drug Abuse of the Department of Mental Health for such treatment.

**YARD:** A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.

**YARD, FRONT:** A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building setback line.

**YARD, REAR:** A yard extending across the full width of the lot, the depth of which is the least distance between the rear lot line and the rear setback line.

**YARD, SIDE:** A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the side yard shall be measured horizontally, between the, side lot line and the furthest architectural projection of the structure.

**ZONE OR DISTRICT:** A section of the zoning area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open spaces about buildings are herein established.

**ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Board of Aldermen having direction to administer the requirements of these Zoning Regulations.

**ZONING REGULATIONS:** The term "Zoning Regulations" or "this or these regulations" or "Zoning Code" shall mean the requirements stipulated in this Chapter.

## ARTICLE II. AMENDMENTS

### SECTION 405.130: AUTHORITY

The Board of Aldermen of Seligman may, by ordinance, amend, supplement, change, modify or repeal these regulations and the district boundaries. No such amendment or change shall be adopted by the Board of Aldermen until the Planning Commission has held a public hearing and submitted its recommendation.

### SECTION 405.140: PROPOSAL OF AMENDMENTS

Amendments may be initiated by the Board of Aldermen, the Planning Commission, or, in the case of a map change, upon application by the owners of the property affected.

### SECTION 405.150: APPLICATIONS

When the owner of the property affected initiates an amendment to the regulations or the district boundaries, an application for such amendment shall be obtained from the Zoning Administrator.

Said application shall be completed in its entirety and filed with the Zoning Administrator so that a public hearing date can be established.

### SECTION 405.160: CERTIFIED OWNERSHIP LIST

The application for an amendment shall be accompanied by an ownership list, either certified by a registered abstractor or compiled by the applicant from County records, listing the legal description and name and address of the owners of all property located within one hundred eighty five (185) feet of the boundaries of the property for which the zoning change is requested.

### SECTION 405.170: DISPOSITION OF AMENDMENT PROPOSALS

Upon receipt of a proposed amendment from the Board of Aldermen or an application for an amendment from the owner of the property affected, the Planning Commission shall hold a public hearing on the proposed amendment, and forward to the Board of Aldermen its findings and recommendations with respect to the proposed amendment.

### SECTION 405.180: HEARINGS

A. **Public Hearing.** The Planning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by it. The Planning Commission shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within sixty (60) days

from the date on which the proposed amendment is referred to, filed with, or initiated by it. An applicant for an amendment may waive the requirement that such hearing be held within sixty (60) days.

B. Notice of Hearing. Public notice of a hearing on a proposed amendment shall be published once in the official City newspaper and at least fifteen (15) days shall elapse between the date of the publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions, or the zoning classification or zoning district boundaries of the property. If the proposed amendment would change the zoning classification of any property, or the boundaries of any zoning district, such notice shall contain the legal description and street address or general street location of such property, its present zoning classification, and the proposed classification. When a proposed amendment will affect the zoning classification of specific property, the applicant shall mail a written notice of the public hearing thereon, by certified mail containing the same information as the published notice thereof, to the owner of all property within one hundred eighty-five (185) feet of the boundaries thereof at least fifteen (15) days prior to the date of such hearing. The Planning Commission may give such additional notice to other persons as it may from time to time provide by its rules. Prior to the date of the public hearing, the applicant shall prepare a list of those owners acknowledging the receipt of the notice of public hearing and submit said list to the Secretary of the Planning Commission.

C. Conduct of Hearing. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested persons and shall be available for review in the offices of the Planning Commission at least three (3) days before the date set for the public hearing.

#### SECTION 405.190: ACTION BY THE PLANNING COMMISSION

A. Recommendations. Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the Board of Aldermen. Said recommendations may be for approval, disapproval or approval in part, and reasons for the recommendation shall be included.

B. Amendments to Text. When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the recommendation of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

1. Whether such change is consistent with the intent and purpose of these regulations;
2. The areas which are most likely to be directly affected by such change and in what way they will be affected; and

3. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected, or in the area of jurisdiction of such changed or changing conditions.

C. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning classification of any specific property, the report of the Planning Commission shall contain statements as to the present classification, the classification under the proposed amendment, and character of the neighborhood, the zoning and land uses of the properties nearby and findings to the following:

1. Whether the change in classification would be consistent with the intent and purpose of these regulations, with the City's adopted Comprehensive Plan and other adopted City policies, programs, ordinances, rules, and regulations;

2. Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity; and whether the subject property is suitable for the uses to which it has been restricted;

3. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

4. Whether the proposed amendment would correct an error in the application of these regulations; and

5. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions; and whether the proposed amendment provides a disproportionately great loss to the individual landowners relative to the public gain.

#### SECTION 405.200: ACTION BY THE BOARD OF ALDERMEN

A. Receipt of Planning Commission Report and Recommendation. The Board of Aldermen shall act only after the Planning Commission has submitted either a recommendation of approval or disapproval, or a "failure to recommend".

B. Consideration of the Planning Commission Recommendation. The Board of Aldermen shall consider the Planning Commission's recommendation at the next regularly scheduled Board of Aldermen meeting for which the agenda item can be docketed, except that no recommendation on a zoning district amendment shall be considered by the Board of Aldermen until fifteen (15) days after the close of the Planning Commission public hearing on such amendment.

C. The Board of Aldermen shall:

1. Approve the recommendation of the Planning Commission and adopt such recommendation by ordinance;

2. Take no further action thereon;

3. Disapprove the Planning Commission's recommendations. The Board of Aldermen may return such recommendations to the Planning Commission with a written statement specifying the

basis for disapproval, and such recommendation shall be reconsidered by the Planning Commission at its next regularly scheduled meeting; or

4. Take such action as it deems appropriate in the event the Planning Commission submits a "failure to recommend" to the Board of Aldermen.

D. Reconsideration by the Board of Aldermen. The Board of Aldermen, upon receipt of a second (2nd) recommendation from the Planning Commission, may adopt or may revise or amend and adopt such recommendation by ordinance; or it need take no further action thereon. If the Planning Commission fails to deliver its second (2nd) recommendation to the Board of Aldermen within fifteen (15) days after receipt of the Board of Aldermen's statement specifying disapproval, the Board of Aldermen shall consider such inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly.

E. Inaction by Governing Body. If a proposed amendment is considered by the Board of Aldermen but not acted upon finally within one hundred twenty (120) days of the date when the Planning Commission report and recommendation was considered, such proposed amendment shall be deemed to have been denied, unless the applicant for such amendment shall have consented to an extension of such period in time.

#### SECTION 405.210: PROTEST

In case of a protest against any amendment, 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 (%) of all the members of the Board of Aldermen of the City of Seligman.

#### SECTION 405.220: APPROVED ACTION

If the Board of Aldermen approves an application, it shall adopt an ordinance to that effect. If the official Zoning Map has been adopted by reference, the amending ordinance shall define the change or boundary as amended, shall order the official Zoning Map to be changed to reflect such amendment, and shall amend the section of the regulation incorporating the same and shall reincorporate such map as amended.

#### SECTION 405.230: FEES

For the purpose of wholly or partially defraying the costs of the amendment proceedings, including publication costs, a fee in the amount of one hundred dollars (\$100.00) shall be paid upon the filing of each application for a change of district boundaries or classifications.

### ARTICLE III. DISTRICTS AND BOUNDARIES

#### SECTION 405.240: DISTRICT CLASSIFICATIONS

In order to classify, regulate, and restrict the location of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open space surrounding buildings; and to regulate and restrict the density of population, the zoning area is hereby divided into districts designated as follows:

#### Zoning Districts:

"A-G" Agricultural District

"R-1" Single and Two-Family Dwelling District

"R-M" Single Family, Two Family Dwelling and Residential Manufactured Home District

"M-P" Manufactured Home Park District

"C-1" Central Business District

"C-2" General Commercial District

#### SECTION 405.250: DISTRICT ZONING MAPS

The boundaries of the districts are shown on the map and/or sections thereof attached hereto and made a part of this regulation, which map is designated as the District Zoning Map. The District Zoning Map and all the notations, references, and other information shown thereon are a part of this regulation and have the same force and effect as if said map and all the notations and references, and other information shown thereon, were all fully set forth or described herein. The District Zoning Map is properly attested and is on file in the office of the Clerk having jurisdiction.

#### SECTION 405.260: ANNEXATION RULE

Before final reading of an ordinance annexing any parcel or parcels of land to the City of Seligman, the Board of Aldermen shall approve on second (2nd) reading the zoning of said parcels in accordance with the amendment provisions of these regulations. The annexation ordinance may then be finally read and approved and shall be followed immediately by the final reading and approval of the Zoning Map amendment. No building permit shall be issued by the City until said annexed land is zoned in accordance with these regulations.

#### SECTION 405.270: RULES WHERE UNCERTAINTY MAY ARISE

Where uncertainty exists with respect to the boundaries of the various districts shown on the map accompanying and made a part of this regulation, the following rules apply:

1. The district boundaries are the centerline of either streets or alleys unless otherwise shown.
2. Where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the plot lines, and where the districts designated on the map accompanying and made a part of this regulation are bounded approximately by lot lines, the plot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.
3. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this regulation shall be determined by the use of the scale appearing on the map.

#### SECTION 405.280: EXEMPTIONS

The following structures and uses shall be exempt from the provisions of these regulations:

1. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephones and other communications, electricity, gas, or

water, or the collection of sewage or surface water operated or maintained by a public utility, but not including substations located on or above the surface of the ground.

2. Railroad tracks, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.

SECTION 405.290: "A-G" AGRICULTURAL DISTRICT

A. Intent and Purpose of District. It is the intent of the "A-G" Agricultural District to protect limited agricultural uses in the zoning district, including certain agricultural production and services, including livestock production, through control and density, land use, and land coverage.

B. District Regulations. In District "A-G", no structure or land shall be used, and no structure shall be altered, enlarged, or erected, which is arranged, intended, or designed for other than one (1) of the uses listed below in Subsection (C).

C. Permitted Uses.

1. General agricultural operations, but this shall not include or permit:

- a. The spreading, accumulation, feeding, or use of garbage in any manner on the open surface of the land.
- b. A use or activity engaged in within three hundred (300) feet of a residential or retail business structure if such use or activity results in continuous odor, dust, or noise.
- c. The construction of agricultural buildings or structures closer than ninety (90) feet to the centerline of a principal public way.
- d. Poultry production of more than one hundred (100) birds at any given time.
- e. Swine production. SEE 18-02

2. Dwellings, single-family.

3. Dwellings, two-family.

4. Public parks, playgrounds, recreation areas, and community buildings owned and operated by a public agency.

5. Churches, synagogues, and similar places of worship.

6. Farms and ranches.

7. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.

8. Greenhouses and nurseries.

9. Public buildings, including libraries and museums.

10. Stands for the sale, at retail, of agricultural products or commodities raised on the premises.

11. Accessory buildings and uses customarily incidental to any of the above.

12. Keeping of horses, cattle, sheep and goats subject to the following minimum sanitation and odor practices. (The intent is to establish a healthful environment around the boarding area.)

Operations:

- a. Horses or cows shall be kept at a density no greater than one (1) on one (1) acre of land. Sheep and goats shall be kept at a density no greater than three (3) on one (1) acre of land.
- b. Manure shall not be allowed to accumulate in barnyards and corrals so as to cause insect infestation or odor which is noticeable to neighbors.
- c. All ground surfaces within pens shall be so graded and compacted to ensure proper drainage.
- d. Surface runoff shall be so controlled that no appreciable amount of soil and manure is carried into any roadway ditch or drainage area where it will deposit and form sludge banks where flies and mosquitoes can breed.

13. The Board of Aldermen may authorize, upon recommendation from the Planning Commission, allow additional uses subject to such conditions as the Board deems necessary to include, but not limited to restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions, and other similar requirements.

D. Density of Use Regulations. Areas used for non-agricultural dwelling shall meet the following intensity requirements:

1. Minimum lot area. Three (3) acres.
2. Minimum lot width. Three hundred thirty (330) feet.
3. Minimum lot coverage. N/A

E. Height Regulations. No building or structure shall exceed the following height restrictions:

1. When the building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed thirty-five (35) feet in height.
2. When the building or structure is more than one hundred fifty (150) feet from a residential district zone, said building shall not exceed eighty (80) feet in height.
3. Public and semi-public buildings, public service and institutional buildings, hospitals, schools, churches, and similar places of worship are permitted two (2) feet of additional height for each one (1) foot of additional front building setback.

F. Yard Regulations.

1. Front yard. The front yard shall be a minimum of thirty (30) feet in depth measured from the front lot line on collector and local streets or measured eighty (80) feet from the centerline of the street; on State maintained highways, fifty (50) feet from the front lot line or measured one hundred (100) feet from the centerline of the street, whichever front yard setback would be greater.

2. Side yard. There shall be a side yard of not less than fifteen (15) feet on each side of every single-family dwelling and accessory use. Other permitted and conditional uses shall provide a minimum side yard of twenty-five (25) feet.

3. Rear yard. There shall be a rear yard of not less than forty (40) feet.

G. Mobile Home Regulations. No mobile or manufactured homes are allowed in this district. Modular homes are allowed so long as they meet the other requirements of this district.

H. Square Footage and Foundations. No structure, except accessory use buildings, shall be allowed in this district unless it meets the following minimum requirements:

1. It shall have at least eight hundred (800) square feet of floor area.

2. It shall have a pitched roof with a slope of at least 5/12.

3. Its width cannot be less than forty percent (40%) of its length or its length cannot be less than forty percent (40%) of its width.

4. It must have a permanent foundation.

#### SECTION 405.300: "R-1" SINGLE-FAMILY AND TWO-FAMILY DWELLING DISTRICT

A. Intent and Purpose of District. The "R-1" Single-Family and Two-Family Dwelling District is established for the purpose of low-density, single-family and two-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to interfere with the health, safety, order, or general welfare of persons residing in the district or to devalue property for residential purposes. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes. This district varies from "R-M" primarily by not allowing manufactured homes, except as stated in Paragraph I.

B. District Regulations. In District "R-1", no structure or land shall be used, and no structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one (1) of the uses listed below in Subsection (C).

C. Permitted Uses.

Dwelling, single-family.

Dwelling, two-family.

Churches.

Publicly owned and operated community buildings.

Public parks and playgrounds.

Public schools and private schools.

Gardens (non-commercial).

Accessory use and buildings, as defined.

Multiple-family dwellings (only by special use permit).

Home occupations, as set forth in Article IV, Section 405.370.

Day care home.

Day care center (only by special use permit).

Manufactured homes are prohibited in this district (except as stated in Paragraph I below) however, modular homes are allowed as single family dwellings only.

- D. Intensity of Use Regulations. Every lot or tract of land shall have an area of not less than seven thousand five hundred (7,500) square feet with an average width of not less than sixty (60) feet. (Corner lots shall be not less than eighty (80) feet in width.)
- E. Height Regulations. No building shall exceed thirty-five (35) feet in height.
- F. Yard Regulations.
1. Front yard.
    - a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front lot line on any street.
    - b. Where lots have double frontage, the required yard shall be provided on both streets.
    - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.
  2. Side yard.
    - a. There shall be a side yard having a width of not less than eight (8) feet on each side of the principal and accessory residential buildings.
    - b. Whenever a lot of record existing at the time of the passage of this regulation has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than three (3) feet.
  3. Rear yard. There shall be a rear yard having a depth of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller.
- G. Parking Regulations. Off-street parking is not required in this district for existing structures. Any new structures shall have at least two (2) off-street parking spaces.
- H. Square Footage, Foundations and Age. No structure, except accessory use buildings, shall be allowed in this district unless it meets the following minimum requirements: (Manufactured

homes as allowed under Paragraph I below have their own minimum requirements and do not fall under these requirements)

1. It shall have at least eight hundred (800) square feet of floor area.
  2. It shall have a pitched roof with a slope of at least 5/12.
  3. Its width cannot be less than forty percent (40%) of its length or its length cannot be less than forty percent (40%) of its width.
  4. It must have a permanent foundation.
- I. Grandfather Act. R-1 lots which already have manufactured homes or mobile homes on them, under the grandfather act, may replace that manufactured home or mobile home with another manufactured home which meets the following criteria:
1. The manufactured home must not be more than five (5) years old at the time of placement in the district.
  2. The manufactured home must be placed on a permanent foundation.
  3. The manufactured home must be a doublewide with at least 864 square feet.
  4. The manufactured home must have a roof pitch of at least 4/12 and be shingled.

#### SECTION 405.310: "R-M" SINGLE-FAMILY, TWO-FAMILY DWELLING AND RESIDENTIAL MANUFACTURED HOME DISTRICT

- A. Intent and Purpose of District. The "R-M" Single-Family Dwelling District is established for the purpose of low-density, single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to interfere with the health, safety, order, or general welfare of persons residing in the district or to devalue property for residential purposes. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes. This district varies from "R-I" primarily by the allowance of manufactured homes in the district.
- B. District Regulations. In District "R-M," no structure or land shall be used, and no structure shall be erected, altered, or enlarged which is arranged, intended or designed for other than one (1) of the uses listed in the permitted uses.
- C. Permitted Uses.
- Dwelling, single-family.
  - Dwelling, single-family consisting of manufactured homes so long as said manufactured homes meet the special regulations relating to manufactured homes set forth in Subsection (H) hereof along with all other provisions of this district.
  - Dwelling, two-family.

Churches.

Publicly owned and operated community buildings.

Public parks and playgrounds.

Public schools and private schools.

Gardens (non-commercial).

Accessory use and buildings, as defined.

Multiple-family dwellings (only by special use permit).

Home occupations, as set forth in Article IV, Section 405.370.

Day care home.

Day care center (only by special use permit).

D. Density of Use Regulations. Every lot or tract of land shall have an area of not less than seven thousand five hundred (7,500) square feet with an average width of not less than sixty (60) feet. (Corner lots shall be not less than eighty (80) feet in width.)

E. Height Regulations. No building shall exceed thirty-five (35) feet in height, except that public and semi-public buildings, public service and institutional buildings, hospitals, schools, churches, and similar places of worship are permitted two (2) feet of additional height for each one (1) foot of additional building setback.

1. Front yard.

a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front lot line on any street.

b. Where lots have double frontage, the required yard shall be provided on both streets.

c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.

2. Side yard.

a. There shall be a side yard having a width of not less than eight (8) feet on each side of the principal and accessory residential buildings.

b. Whenever a lot of record existing at the time of the passage of this regulation has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than three (3) feet.

### 3. Rear yard.

There shall be a rear yard having a depth of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller.

G. Parking Regulations. Off-street parking is not required in this district for existing structures. Any new structures shall have at least two (2) off-street parking spaces.

H. Square Footage and Foundations. No structure, except accessory use buildings, shall be allowed in this district unless it meets the following minimum requirements:

1. It shall have at least eight hundred (800) square feet of floor area.

2. All structures must have a permanent foundation, except manufactured homes will be allowed without a permanent foundation if they have the following:

a. Skirting. Each manufactured home shall be skirted within sixty (60) days after placement in the park by enclosing the open area under the unit with a material that is compatible with the exterior finish of the manufactured home.

b. Blocking. All manufactured homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each manufactured home, and this blocking shall provide sixteen (16) inches bearing upon the stand.

c. Tie-downs and ground anchors shall secure all manufactured homes to the ground. Anchors shall be provided at least at each corner of the manufactured home, and each anchor shall be able to withstand a tension force of at least four thousand eight hundred (4,800) pounds.

The cable or other device connecting the manufactured home and anchor shall be able to withstand a tension of at least four thousand eight hundred (4,800) pounds.

d. The tongue, hitches and wheels will be removed at the time the manufactured home is placed.

I. Age of Structures. In District "R-M" no structure mobile home or manufactured home shall be moved into the district which was built more than ten (10) years prior to the date of its placement in the district.

#### SECTION 405.320: "M-P" MANUFACTURED HOME PARK DISTRICT

A. Intent and Purpose of District. It is the intent of the "M-P" Manufactured Home Park District to permit low density manufactured home uses in a park like atmosphere where such zones are recommended by the Planning Commission and approved by the Board of Aldermen.

B. District Regulations. In District "M-P", no structure or land shall be used and no structure shall be altered, enlarged, or erected which is arranged, intended, or designed for other than independent manufactured homes or independent trailer house coaches and accessory service buildings. No uses shall be permitted except as set forth below in Subsection (C).

C. Use Regulations.

Manufactured home parks (for residential purposes only).

Manufactures home subdivisions (for residential purposes only).

Any permitted use in "R-M".

Home Occupations.

Accessory buildings and uses.

- D. General Requirements. The manufactured home park shall have private streets, and the tracts shall be held in the ownership of the park applicant or his successor. (The individual occupants other than said applicant cannot purchase and own said tracts.) A manufactured home park must meet the following regulations and must show evidence of same by acquiring an annual license for each manufactured home park and renew same each year.
1. The tract to be used for a manufactured home park shall be not less than two (2) acres.
  2. The applicant of the manufactured home park must satisfy the Planning Commission that he is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence within a period of two (2) years following the approval by the Planning Commission and shall be completed within a period of five (5) years.
  3. The applicant for a manufactured home park shall prepare or cause to be prepared a development plan and shall present three (3) copies of said plan for review by the Planning Commission and Board of Aldermen. This plan shall show the proposed development which shall conform with the following requirements:
    - a. The park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
    - b. Manufactured home parks hereafter approved shall have a maximum density of eight (8) trailers per gross acre and a minimum space of four thousand (4,000) square feet shall be provided for each trailer.
    - c. Each manufactured home space shall be at least thirty-five (35) feet wide and clearly defined.
    - d. Manufactured homes shall be so located on each space that there shall be no less than a five (5) foot setback from any manufactured home space boundary and that there shall be at least a twenty (20) foot clearance between manufactured homes; provided however, that with respect to manufactured homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No manufactured home shall be located closer than twenty- five (25) feet from any building within the park or from any property line bounding the park.
    - e. All manufactured home spaces shall front upon a private roadway of not less than twenty- seven (27) feet in width, which shall have unobstructed access to a public street, alley, or highway. Thirty (30) feet of private roadway shall be required where parking is allowed in the roadway.

- f. Walkways not less than thirty (30) inches wide shall be provided from the manufactured home spaces to the service buildings.
- g. All roadways and walkways within the manufactured home park shall be hard-surfaced and adequately lighted at night with electric lamps.
- h. Laundry facilities may be provided in a service building.
- i. A recreation area shall be provided at a central location in the manufactured home park area at the rate of two hundred (200) square feet for each trailer space up to five (5) trailers, thence one hundred (100) square feet per trailer thereafter.
- j. A solid or semi-solid fence or wall at least six (6) feet high, but not more than eight (8) feet high, and a ten (10) foot landscaped buffer which shall consist of trees, shrubs, evergreens, and grass shall be provided between the manufactured home park district and any adjoining property or property immediately across the street which is zoned for residential purposes. Said fence or wall shall be placed a minimum of ten (10) feet from the boundary of the "M-P" District (the interior line of the ten (10) foot landscape buffer) and shall not be reduced in height, but shall be so located as to observe the intersection sight triangle as defined by this regulation. The fence or wall and landscape buffer shall be properly policed and maintained by the owner.
- k. A manufactured home park shall not be used for other than residential purposes. Manufactured homes may be offered for sale in the manufactured home park only by resident owners.
- l. Skirting. Each manufactured home shall be skirted within twenty (20) days after placement in the park by enclosing the open area under the unit with a material that is compatible with the exterior finish of the manufactured home and is consistent with the quality of development of the park.
- m. Blocking. All manufactured homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each manufactured home, and this blocking shall provide sixteen (16) inches bearing upon the stand.
- n. Tie-downs and ground anchors shall secure all manufactured homes to the ground. Anchors shall be provided at least at each corner of the manufactured home, and each anchor shall be able to withstand a tension force of at least four thousand eight hundred (4,800) pounds. The cable or other device connecting the manufactured home and anchor shall be able to withstand a tension of at least four thousand eight hundred (4,800) pounds.

E. Service Buildings.

1. Service buildings, if provided, housing sanitation and laundry facilities, or any such facilities, shall be permanent structures complying with all applicable regulations and Statutes regulating buildings, electrical installations, and plumbing and sanitation systems.

2. All service buildings, if provided, and the grounds of the park shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

3. Service buildings and parking related to the service operations shall not occupy more than five percent (5%) of the area of the park and shall be located, designed, and intended to serve frequent trade or service needs of persons residing in the park and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

- F. Parking Regulations. Off-street parking is not required in this district for existing structures. Any new structures shall comply with the City of Seligman requirements of the Article on parking and loading regulations.
- G. Sign Regulations. No more than one (1) sign not exceeding twenty-four (24) square feet shall be allowed to advertise the manufactured home park.
- H. Age of Structures. In District "M-P" no structure mobile home or manufactured home shall be moved into the district which was built more than ten (10) years prior to the date of its placement in the district.
- I. Recreational Vehicles. In District "M-P" recreational vehicles shall be allowed to occupy manufactured home lots for a period of ninety (90) consecutive days and for no more than one hundred eighty (180) days in a calendar year without meeting the requirements of Subsection (D), Subparagraphs (3)(1), (m) and (n), specifically relating to skirting, blocking and tie downs. Recreational vehicles may be allowed for more than ninety (90) consecutive days or one hundred eighty (180) days in a calendar year with a special use permit.

#### SECTION 405.330: "C-1" CENTRAL BUSINESS DISTRICT

- A. Intent and Purpose of District. The "C-1" Central Business District is intended for the purpose of grouping retail merchandising activities into a concentrated area servicing the general shopping needs of the trade area. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping. The grouping is intended to strengthen the business level of the central business activity.
- B. District Regulations. In District "C-1", no structure or land shall be used, and no structure shall be altered, enlarged, or erected which is arranged, intended, or designed for other than one (1) of the uses listed below in Subsection (C).
- C. Permitted Uses. The retailing of goods and services, public and semi-public uses, and family residences are permitted. Specific uses allowed are:

Any use permitted in "R-1".

Barbershop.

Beauty shop.

Hotel

Tavern

Retail store.

Restaurant.

Professional office.

Bank or financial institution.

Insurance office.

Medical clinic.

Art galleries.

Craft shops.

Any other uses which the Board of Aldermen may allow under a special use permit under Article V of this Chapter.

- D. Intensity of Use Regulations. No requirement, except those to meet fire regulations.
- E. Height Regulations. A building may be erected to any height not in conflict with other regulations.
- F. Yard Regulations.
  - 1. Front yard. No front yard is required for any building in the "C-P Central Business District.
  - 2. Side yard. No side yard is required for any building in the MC-1M Central Business District.
  - 3. Rear yard. No rear yard is required for any building in the "C-I" Central Business District.
- G. Parking Regulations. Off-street parking is not required in this district for existing structures. Any new structures shall have at least one (1) parking spot for each five hundred (500) square feet or fraction thereof of floor space.
- H. Square Footage and Foundations. No structure, except accessory use buildings, shall be allowed in this district unless it meets the following minimum requirements:
  - 1. It shall have at least eight hundred (800) square feet of floor area.
  - 2. Its width cannot be less than forty percent (40%) of its length or its length cannot be less than forty percent (40%) of its width.
  - 3. It must have a permanent foundation.

#### SECTION 405.340: "C-2" GENERAL COMMERCIAL DISTRICT

- A. Intent and Purpose of District. The "C-2" General Commercial District is intended for the purpose of allowing basic retail, service, and office uses as in a "C-I" District, except there are setback and parking requirements.

- B. District Regulations. In District "C-2", no structure or land shall be used, and no structure shall be altered, enlarged, or erected which is arranged, intended, or designed for other than one (1) of the uses listed below in Subsection (C).
- C. Permitted Uses.
1. All uses allowed in "C-1" District.
  2. Automobile sales and repair.
  3. Farm and lawn and garden equipment sales and repair.
  4. Storage buildings.
  5. Boat, RV and manufactured home sales.
  6. Car wash.
  7. Laundromat.
  8. Taverns and nightclubs.
  9. Plumbing and heating sales and storage.
  10. Wholesale sales and warehouses.
  11. Communications Tower
  12. Recreational Vehicle Park (A recreational vehicle park shall be permitted only upon the issuance of a special use permit. The owner, operator and occupants of a recreational vehicle park shall develop and use the park in strict compliance with the conditions imposed by the permit.)
  13. Billboards and Off-Premises Advertising Signs. Billboards and other off-premises advertising signs shall be permitted only upon issuance of a special use permit in accordance with Article V of this Chapter. As part of the approval process, the Planning and Zoning Commission and the Board of Aldermen may impose conditions regarding height, brightness, spacing, location, display intervals, and proximity to residential areas.
  14. Any other uses which the Board of Aldermen may allow under a special use permit under Article V of this Chapter.
- D. Intensity of Use Regulations.
1. No requirements for commercial uses in this district, except to meet fire regulations.
  2. Fifteen thousand (15,000) square feet of lot area shall be required for building.
- E. Height Regulations. No building shall exceed forty-five (45) feet in height.
- F. Yard Regulations.
1. Front yard. The front yard shall be a minimum of fifty (50) feet in depth measured from the front lot line or measured sixty-five (65) feet from the centerline of any collector or local street or measured seventy-five (75) feet from the centerline of any State highway, whichever front yard setback would be greater.
  2. Side yard. None required, except adjacent to residential land uses, then the side yard shall be twenty (20) feet. Existing uses otherwise complying shall not be required to provide a side yard.

3. Rear yard. None required, except adjacent to residential land uses, then the rear yard shall be twenty-five (25) feet. Existing uses otherwise complying shall not be required to provide a rear yard.

4. Landscaping and screening. A solid or semi-solid fence at least six (6) feet high in a side or rear yard shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the commercial development are separated by a public right-of-way, no landscaping or screening shall be required.

- G. Parking Regulations. Off-street parking is not required in this district for existing structures. Any new structures shall have at least one (1) parking spot for each five hundred (500) square feet or fraction thereof of floor space.
- H. Square Footage and Foundations. No structure, except accessory use buildings, shall be allowed in this district unless it meets the following minimum requirements:
1. It shall have at least eight hundred (800) square feet of floor area.
  2. Its width cannot be less than forty percent (40%) of its length or its length cannot be less than forty percent (40%) of its width.
  3. It must have a permanent foundation.

## ARTICLE IV. SUPPLEMENTARY REGULATIONS

### SECTION 405.350: ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be subject to setback requirements as prescribed in the district regulations except as provided in this Section. The following permitted accessory uses and structures shall be allowed in any zoning district in connection with any permitted principal use:

1. Permitted accessory uses and structures include, but are not limited to, the following:
  - a. A structure for storage incidental to a permitted use; provided however, that no storage structure that is accessory to a residential building shall exceed two hundred (200) square feet in gross floor area, the use shall be in keeping with the principal structure, and no part of such structure shall be located in the front yard setback.
  - b. A child's playhouse, provided it shall not be more than one hundred twenty (120) square feet in gross floor area, and it shall not be located in the front yard setback.
  - c. A detached garage or other accessory structure, provided that no part of such structure exceeds eight hundred (800) square feet in gross floor area, or ten percent (10%) of the lot area, whichever is greater.
  - d. A private swimming pool and bathhouse, provided that a swimming pool shall be allowed within required rear and side yards.
  - e. Statuary, arbors, trellises, flagpoles, fences; walls and hedges shall be allowed within the required setback areas.
  - f. Signs in "C-1" or "C-2" Districts and those allowed for home occupations.
  - g. Off-street parking and loading spaces.

- h. Restaurants, drug stores, gift shops, clubs, lounges and newsstands, when located in a permitted hotel, motel, or office building.
  - i. Employee restaurants and cafeterias, when located in a permitted business, manufacturing or industrial building.
  - j. Storage or use of accessory uses, such as boats, boat trailers, camping trailers, or converted buses or trucks; except that such uses shall be allowed within required rear yards and within established side and front yards if placed upon a hard surface as defined in the off-street parking regulations. Such uses shall not include the outdoor storage or parking of commercial trucks or buses which exceed a three (3) ton manufacturer's rating hauling capacity in a residential district.
  - k. Satellite dish antennas, except that such accessory structures shall not be allowed within established front yards.
  - l. Home occupations subject to limitations set forth in Section 405.370 of this Article.
2. Bulk regulations applicable to accessory structures and uses.
- a. No accessory structures or uses shall be located within a required or established front yard, nor closer than five (5) feet from any side or rear lot line.
  - b. No accessory structure shall be located closer than ten (10) feet to a principal structure on the same lot.
  - c. All accessory structures and uses on corner lots shall be set back from the side street a distance not less than that required for the principal structure.
  - d. A garage, whether it is accessory or detached, shall maintain a twenty (20) foot setback when entered from a street side yard or alley.
  - e. The maximum sidewall height for all accessory structures shall not exceed twelve (12) feet.
3. Use limitations.
- a. Accessory structures and uses shall comply with the use regulations applicable in the zoning district in which they are located, but no accessory structure shall be constructed and occupied on any lot prior to the completion of the construction of the principal structure to which it is accessory.
  - b. No accessory structure shall be used for dwelling purposes.

#### SECTION 405.360: TEMPORARY USES

The following temporary uses of land are permitted subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted:

1. Christmas tree sales in any commercial or industrial district for a period not to exceed sixty (60) days. Display of such trees need not comply with the yard and setback requirements of these regulations, provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets.

2. Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project.
3. Real estate offices (containing no sleeping or cooking accommodations) incidental to a new housing development to continue for no more than six (6) months, unless an extension is granted by the Board of Adjustment.
4. Seasonal sale of farm produce (including Christmas trees) grown on the premises in districts where permitted, to continue for not more than four (4) months per year. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.

#### SECTION 405.370: HOME OCCUPATIONS

Permitted home occupations are considered accessory uses and are subject to the following limitations:

1. Structure and use limitations.
  - a. No home occupation sales or deliveries shall generate vehicular traffic which is abnormal to a residential district, or which alters the character thereof, or creates the need for additional parking.
  - b. No alteration of the principal residential structure shall be made which changes its residential character or appearance, as viewed from the public right-of-way or adjacent parcels.
  - c. The home occupation shall be subordinate to the residential use of the dwelling and permitted accessory structures.
  - d. No mechanical or electrical equipment greater than one (1) horsepower shall be used, nor any business activity permitted which creates a nuisance from noise, smell, dust or other disturbance uncharacteristic of a residential district.
  - e. No outdoor storage of equipment or materials used in the home occupation shall be permitted.
  - f. The home occupation shall be conducted by and involve the employment of only the residents of the dwelling unit and not more than one (1) non-resident.
  - g. The home occupation may display one (1) sign not to exceed six (6) square feet in size.
2. Permitted home occupations. In particular, home occupations may include, but are not limited to:
  - a. Dressmaker, seamstress, tailor.
  - b. Teaching of music and dancing limited to a single pupil at a time, except for occasional groups.
  - c. Artists, sculptors, authors, composers, photographers.
  - d. Ministers, rabbis, priests.

- e. Office for lawyer, planner, engineer, architect, accountant, or other professional service.
  - f. Office facility for sales representative or manufacturer's representative, when no wholesale exchange of goods is transacted on the premises.
  - g. Home crafts.
  - h. Day care home subject to additional provisions (may be subject to special use permit as well).
  - i. Barber or beauty shop which has only one barber or operator. A barber or beauty shop as a home occupation shall require a special use permit.
3. Prohibited home occupations. Home occupations shall not be deemed to include:
- a. Automobile repair service.
  - b. Funeral homes.
  - c. Restaurants.
  - d. Commercial stables, kennels or animal hospitals.
  - e. Tourist homes, unless specifically permitted by district regulations.
  - f. Equipment rental.
  - g. Medical or dental clinics or hospitals.
  - h. Retail or wholesale sales of antiques or used furniture and furnishings. Manufacturing of goods.
  - i. Barber and Beauty Shop which has more than one licensed barber or operator
  - j. Professional offices for health care service.
4. Day care home provisions. Day care homes shall be permitted by right as accessory uses in all zoning districts permitting residences, provided that:
- a. Lot size, building size, setbacks, and lot coverage conform to those applicable to the zoning district.
  - b. Signage, one (1) sign shall be permitted not to exceed six (6) square feet in size.
  - c. A copy of the childcare license form, if applicable, is filed with the City.
  - d. No structural or decorative alteration is made to the residential structure which will alter its single-family character or make it incompatible with surrounding residences.
  - e. Day care for more than six (6) children in a family residence, as provided in these regulations, shall be subject to special use permit requirements, as provided in Article V of these regulations.

#### SECTION 405.380: DAY CARE CENTER

Day care centers shall be allowed as permitted uses in "C-2" Districts. Also, as accessory uses only, in all districts permitting residences, if located on the premises of an operating community service activity,

such as, but not limited to, a private or public school, place of worship, community center, or library; or, as part of an employer-sponsored day care service. Day care centers, whether principal or accessory uses, shall be permitted provided that:

1. State licensing standards and requirements are met, including those pertaining to building, fire safety, and health codes.
2. Setbacks, screening and landscaping shall conform to the pertinent portions of the Zoning Code.
3. Structures shall meet building, sanitation, health, traffic safety and fire safety code requirements.
4. A minimum of one (1) off-street parking space shall be provided for each employee, plus an off-street drop-off/pick-up area.
5. A copy of the childcare license form, if applicable, is filed with the City.

## ARTICLE V. SPECIAL USE PERMITS

### SECTION 405.390: GENERAL CONSIDERATIONS

A. Delegation of Power. The Board of Aldermen is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in this Chapter; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with this Chapter; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of this Chapter and the health, safety, and welfare of the community. The Board of Aldermen shall decide whether special use permits shall be granted only after having received a recommendation from the Planning Commission. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of this Chapter, or where the standards of this Article are not found to exist.

B. Conditions and Guarantees. Prior to the granting of any special use permit, the Planning Commission or Board of Aldermen may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special permit use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Planning Commission may recommend or Board of Aldermen may require such evidence and guarantees as may be deemed necessary to insure that the conditions stipulated are being, and will be, fully complied with.

### SECTION 405.400: PROCEDURES

A. Application. A written application for a special use permit shall be filed with the Zoning Administrator and shall include a statement indicating the Section of the ordinance under which the permit is sought, the grounds upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth. The application shall be accompanied by an area map and site plan of the subject property.

B. Fees. Every application for a special use permit shall be subject to a filing fee of fifty dollars (\$50.00).

- C. Site Plan. All applicants for a special use permit shall submit with their application ten (10) copies of a development plan for the property which shall include the following:
1. A Site plan showing:
    - a. Approximate size and locations of all buildings.
    - b. Access from streets.
    - c. Parking arrangements and numbers of spaces.
    - d. Interior drives and service areas.
    - e. Landscaped areas.
    - f. All proposed signs.
  2. Location map showing development and zoning of adjacent property within one hundred (100) feet.
  3. The full legal description of the boundaries of said development area.
  4. A description of the general character of all buildings.
- D. Hearing. Upon receipt of the formal application and all accompanying material, the Zoning Administrator shall call a public hearing for the next scheduled meeting of the Planning Commission; provided however, that notice must be published in a newspaper of general circulation at least fifteen (15) days prior to the date set for hearing. The Planning Commission shall submit a recommendation to their Board of Aldermen within thirty (30) days after the close of the public hearing.
- E. Findings. In making a recommendation to the Board of Aldermen, the Planning Commission shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative findings that the proposed use conforms with the general standards set forth in this Article. In no case shall an exception be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.
- F. Action by Board of Aldermen. The Board of Aldermen shall consider the Planning Commission's recommendation at the next regularly scheduled Board of Aldermen meeting for which the agenda item can be docketed. The Board of Aldermen may adopt or may revise or amend and adopt such recommendation by resolution. If the Board of Aldermen fails to act upon a recommendation within one hundred twenty (120) days from the receipt thereof, the application shall be deemed to have been denied.

#### SECTION 405.410: STANDARDS FOR ISSUANCE OF PERMITS

Generally. Before any permit shall be granted, the Planning Commission shall make written findings certifying that adequate provision has been made for the following:

1. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.

2. Accessibility of the property to Police, fire, refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.
3. Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.
4. The location, nature, and height of buildings, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.
5. The adequacy of required yard and open space requirements and sign provisions.
6. The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.

#### SECTION 405.420: ADDITIONAL CONDITIONS FOR PARTICULAR SPECIAL USES

In granting a special use, the City may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The following additional conditions shall be requirements for the approval of the following special uses:

1. Day care homes shall obtain a special use permit for the care of more than six (6) children in zoning districts permitting residents, provided that:
  - a. One (1) off-street parking space is provided for each non-resident or non-family member employee, in addition to the two (2) spaces per single-family or duplex unit required. The residential driveway is acceptable for this purpose.
  - b. If located on an arterial or collector street, an off-street drop-off/pick-up area must be provided.
  - c. The requirements for accessory uses for the proposed day care home are met.
2. Residential or out-patient facilities for the treatment of alcohol or other drug abuse may be permitted as a special use in commercial districts, provided that:
  - a. State certification requirements of the Division of Alcohol and Drug Abuse of the Department of Mental Health shall be met.
  - b. The facility shall be subject to all building regulatory codes, subdivision regulations and other non-discriminatory regulations.
  - c. The design of the facility shall be generally compatible with other physical structures in the surrounding neighborhood, and the applicant shall submit site plans to the Planning Board for review and approval.
  - d. The facility shall be located no closer than one thousand (1,000) feet from another such facility, and no closer than three hundred (300) feet from any residentially zoned district, unless the Board of Aldermen approves a closer location by a majority vote of the full body.

3. Salvage yards shall be subject to the following additional requirements:
  - a. The salvage yard shall be located on no less than ten (10) acres of land and at least one thousand three hundred twenty (1,320) feet from a residential district or farmstead.
  - b. The salvage yard shall be screened by natural objects, plantings, fences, or other appropriate means so as to not be visible from the main traveled way of the street, or a highway on the interstate or the primary system, or any other State, County, or township highway, street or road, or a City street, or from adjoining property.
  - c. No junk salvaged materials shall be loaded, unloaded or stored, either temporarily or permanently, outside the enclosed building, fence or wall, or within public right-of-way.
  - d. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department, except when prohibited by the State Department of Health. Burning, when permitted, shall be done only during daylight hours.
  - e. Prior to obtaining a building permit for any new building, the applicant shall prepare a site plan and submit it with the permit application for review and approval by the Zoning Officer. The site plan shall address the additional requirements for salvage yard permit applications.

#### SECTION 405.430: TIME LIMIT

- A. Sunset. A special use permit shall expire, upon public hearing, unless a building permit is taken within twelve (12) months to effectuate such specially permitted use; or if no building permit is required, evidence of use is filed with Building Inspector.
- B. Abandonment. Once a specially permitted use ceases or is abandoned for a period of more than twelve (12) months, the special use permit shall expire upon public hearing; except that the special use permit for an auto salvage yard shall automatically expire if the State license for operating the auto salvage yard lapses for a period of time more than six (6) months. (Ord. No. 98-01 §2 Art. V(E), 2-9-98)

#### ARTICLE VI. SIGNS

##### SECTION 405.440: SIGN REGULATIONS

- A. No signs shall be allowed in "R-I", "R-M", or "M-P" Zones, except:
  1. A real estate sign not exceeding four (4) square feet on one (1) side advertising the property the sign is located on for sale or rent.
  2. Signs of a political nature.
  3. Signs not exceeding thirty (30) square feet on one (1) side, located at churches, public or private schools, public or community buildings, public parks and playgrounds, advertising the institution the sign is located on.
  4. Signs allowed with home occupations. (See Home Occupation Regulations)
  5. Signs allowed on a mobile home park advertising the mobile home park it is situated on. (See "M-P" District Regulations)
- B. No portable signs shall be allowed in any zone.

- C. All signs shall be kept painted and in good repair.
- D. Any sign which advertises a business which has not been in operation for more than six (6) months shall be removed.
- E. No sign shall have lighting which is a hazard to vehicular traffic or a nuisance to a residential dwelling.

## ARTICLE VII. ABANDONED VEHICLES

### SECTION 405.450: ABANDONED VEHICLES

- A. No person shall own, operate or store a motor vehicle within the City limits which is not currently licensed, unless said vehicle is part of the inventory of a retail business which maintains a automobile dealer's license within a "C-2" District.
- B. No person shall keep in an "R-I", "R-M", "A-G", "M-P" or "C-I" District a motor vehicle which has been inoperable for more than fourteen (14) days, unless said motor vehicle is completely within an enclosed structure.

## ARTICLE VIII. NON-CONFORMING USES

### SECTION 405.460: GENERAL

Non-conformities are of three (3) types: Non-conforming lots of record, non-conforming structures, and non-conforming uses. A definition of each type is as follows:

1. Non-conforming lot of record. A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the original adoption of zoning and/or subdivision regulations in the City, and neither said lot nor parcel complies with the lot width or area requirement for any permitted uses in the district in which it is located.
2. Non-conforming structure. An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.
3. Non-conforming use. An existing use of a structure or of land which does not comply with the use regulation applicable to new uses in the zoning district in which it is located.

### SECTION 405.470: NON-CONFORMING LOTS OF RECORD

The Zoning Administrator may issue a building permit for any non-conforming lot of record provided that:

1. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations;
2. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by any zoning regulations; and
3. Said lot can meet all yard regulations for the district in which it is located.

#### SECTION 405.480: NON-CONFORMING STRUCTURES

- A. Authority to Continue. Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.
- B. Enlargement, Repair, Alterations. Any non-conforming structure may be enlarged, maintained, repaired or remodeled; provided however, that no such enlargement, maintenance, repair or remodeling shall either create any additional non-conformity or increase the degree of existing nonconformity of all or any part of such structure. Notwithstanding the above, a porch which is covered by a roof which extends into the front setback area may be enclosed, but not in excess of the area covered by the existing roof.
- C. Damage or Destruction. In the event that any non-conforming structure is damaged or destroyed by any means to the extent of more than sixty percent (60%) of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of sixty percent (60%) or less, no repairs or restoration shall be made unless a zoning certificate is obtained within six (6) months, and restoration is actually begun one (1) year after the date of such partial destruction and is diligently pursued to completion.
- D. Moving. No non-conforming structure shall be moved in whole or in part of any distance whatever to any other location on the same and any other lot, unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

#### SECTION 405.490: NON-CONFORMING USES

- A. Authority to Continue. Any lawfully existing non-conforming use of part or all of a structure or any lawfully existing non-conforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.
- B. Ordinary Repair and Maintenance.
1. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a non-conforming use.
  2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition.
- C. Extension. A non-conforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:
1. Extension of such use to any structure or land other than that occupied by such non-conforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become non-conforming).

2. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such non-conforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become non-conforming); provided however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.

D. Enlargement. No structure that is devoted in whole or in part to a non-conforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

E. Damage or Destruction. In the event that any structure that is devoted in whole or in part to a non-conforming use is damaged or destroyed by any means to the extent of more than sixty percent (60%) of its structural value, such structure shall not be restored unless structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is sixty percent (60%) or less, no repairs or restoration shall be made unless an occupancy certificate is obtained within six (6) months, and restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion.

F. Moving. No structure that is devoted in whole or in part to a non-conforming use of land shall be moved in whole or in part for any distance whatever to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

G. Change in Use. If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use upon approval of a special use permit. In permitting such change, the Board of Aldermen may require appropriate conditions and safeguards to protect surrounding areas and properties, and to ensure that the new use is no less appropriate than the original use.

H. Abandonment or Discontinuance. When a non-conforming use is discontinued or abandoned for a period of twelve (12) consecutive months such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

I. Non-Conforming Accessory Uses. No use which is accessory to a principal non-conforming use shall continue after such principal use shall cease or terminate.

J. Inoperable Vehicles. The storage of inoperable vehicles shall be discontinued, and said inoperable vehicles shall be removed within twelve (12) months after the effective date of the zoning regulation.

#### SECTION 405.500: STATUS OF EXISTING SPECIAL USES

Where a use exists at the effective date of these regulations and is permitted by these regulations only as a special use in the zoning district in which it is located, such use shall not be deemed to be a non-conforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district, as provided by prior approval.

## ARTICLE IX. BOARD OF ADJUSTMENT

### SECTION 405.510: FORMATION

A Board of Adjustment is hereby created in accordance with State Statutes governing such creation. The word "Board" when used in this Article shall mean Board of Adjustment. The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, ordinances or resolutions. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of fact by the Board, the decision of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and will keep records of its examinations and other official actions, all of which shall be filed in the office of the Board immediately and shall be a public record.

### SECTION 405.520: POWERS AND JURISDICTION

The Board shall have the following powers and jurisdictions:

1. Appeals. To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.
  - a. Appeals of the Board may be taken by the person aggrieved, or by any officer, department, or bureau of the government affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Zoning Administrator and with the Secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from is taken.
  - b. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Zoning Administrator of good cause shown.
2. Variances. To authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.
  - a. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of this specific piece of property at the time of the effective date of the district zoning regulations, or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances, that the strict application of the terms of the zoning regulations actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.

b. Variances may be granted for any modifications of the specific terms of the zoning regulations, except that a variance may not be granted to allow the establishment of a use not permitted in the district regulations.

c. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination of each condition and the finding shall be entered in the record.

(1) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.

(2) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

(3) The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

(4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

(5) The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

3. Conditions of determination.

a. In exercising the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from where the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

b. A majority of the Board shall constitute a quorum for the transaction of business, and a concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter which it is required to pass under any such regulation, or to affect any variation in such regulation. Upon the hearing any party may appear in person or by agent or by attorney.

SECTION 405.530: APPLICATIONS

A. The procedure for requesting a hearing before the Board shall be as follows:

1. All applications to the Board shall be in writing on forms provided by the Board.

2. The Board shall fix a reasonable time for the hearing of an application and notice of the time, place, and subject of each hearing shall be published in the official newspaper (as designated by the Governing Body) at least twenty (20) days prior to the date fixed for the public hearing. A copy of the notice of public hearing shall be sent to each party of interest and to the Planning Commission.

3. An application shall be accompanied by a filing fee of fifty dollars (\$50.00).

B. In addition to the above requirements, certain applications require additional information as follows:

1. Appeals.

a. An application for an appeal shall be filed within sixty (60) days after a ruling has been made by the Zoning Administrator.

b. A copy of the order, requirement, decision, or determination of the Zoning Administrator which the appellant believes to be in error.

c. A clear and accurate written description of the proposed use, work, or action in which the appeal is involved and a statement justifying the appellant's position.

d. Where necessary, a plot plan, drawn to scale, shall be submitted in duplicate showing existing and proposed plans for the area in question.

2. Variances.

a. The applicant shall submit a statement in writing, justifying the variance requested, indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five (5) conditions as set out in Section 405.520(2)(c) of this Article.

b. The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application, the structures existing thereon, and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information which would be helpful to the Board in consideration of the application.

#### SECTION 405.540: PERFORMANCE

In making any decisions varying or modifying any provisions of the zoning regulations or in granting an exception to the district regulations, the Board shall impose such restrictions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property. The Board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board, and shall be enforceable by or payable to the Governing Body in the sum equal to the cost of constructing the required improvements. In lieu of the performance bond requirement, the Board may specify a time limit for the completion of such required improvements and, in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

#### SECTION 405.550: WHO MAY APPEAL FROM THE BOARD DECISION

Any person, persons, department or departments of the government jointly or separately aggrieved by any decision of the Board may present to the Circuit Court of Barry County, Missouri, a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality,

and asking for relief there from. Such petition shall be presented to the court within thirty (30) days after the date of filing the decision in the office of the Board.

## ARTICLE X. ENFORCEMENT, VIOLATION AND PENALTY

### SECTION 405.560: ENFORCEMENT

A Zoning Administrator shall be appointed by the Governing Body, and it shall be the duty of said Zoning Administrator to enforce this Chapter. Appeal from a decision of the Zoning Administrator may be to the Board of Adjustments.

### SECTION 405.570: BUILDING PERMIT

- A. Prior to the erection of a new structure; the expansion of an existing structure; any external alteration affecting structural integrity, load-bearing elements, or the building envelope; or any permanent foundation work, an application for a building permit shall be prepared on forms provided and shall be submitted to the Zoning Administrator accompanied by a plot plan in duplicate, drawn to shape and location of the building to be erected, required setbacks, points of ingress and egress, driveways, circulation aisles, parking lots, individual parking spaces, service areas, and other information as may be necessary to provide for the enforcement of this Chapter.

It shall be unlawful for any person to commence the erection of a new structure; the expansion of an existing structure; any external alteration affecting structural integrity, load-bearing elements, or the building envelope; or any permanent foundation work, prior to approval of a building permit application by the Zoning Administrator.

1. Every application for a building permit shall be subject to a filing fee of Seventy Five dollars (\$75.00), filing fees shall not be accepted until all the requested documentation required under this Chapter has been submitted.
2. A record of the application, plans, and permits shall be valid for a period of one hundred eighty (180) days, in accordance with the permit.
3. Expiration of the permit, thirty (30) days prior to the expiration of the permit, the Zoning Administrator shall mail a notice of expiration and extension request form to the applicant.
4. Extension of the building permit shall be requested in writing prior to permit expiration, if a written extension request is sent to the Zoning Administrator showing that circumstances beyond the control of the permittee have prevented work from progressing, only one (1) extension, not to exceed ninety (90) days, may be granted provided no changes have been made or will be made in the original plans. No filing fee is required.
5. Permits shall expire after two hundred and seventy (270) days, no extensions shall be granted.
6. Permit application is complete once the structure is enclosed and protected from the elements with exterior fixtures and exterior finish complete.

B. Where a building permit is issued for foundation or concrete work prior to the erection of a structure, the City shall conduct inspections at the following stages:

1. After formwork and rebar are in place but prior to the concrete pour; and
2. After completion of the concrete pour but before backfilling or concealment.

No further construction shall proceed until all required inspections have been completed and approved.

C. Any structure or structural component, including but not limited to posts, columns, framing members, foundation systems, or concrete slabs, which has been erected, installed, or poured pursuant to a permit and remains unincorporated into a completed structure for more than six (6) months from the date of installation or pour shall be deemed a public nuisance. The Zoning Administrator shall provide written notice of violation and afford the permit holder thirty (30) days to remedy or remove the condition before any enforcement or abatement action is taken, unless an extension is granted for good cause.

#### SECTION 405.580: VIOLATION AND PENALTY

The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation 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 both such fine and imprisonment in the discretion of the court. Any such person who, having been served with an order to remove any such violation, shall fail to comply with said order within ten (10) days after such service or shall continue to violate any provision of these regulations shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). In case any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any structure or land is used in violation of this regulation, the appropriate authorities of said area, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation or to prevent the occupancy of said building, structure, or land.

#### SECTION 405.586: MEDICAL MARIJUANA FACILITIES

A. Medical Marijuana Cultivation Facility.

1. Buildings or structures used for Medical Marijuana Cultivation Facilities shall be located at least one thousand (1000) feet from any school, church or day care facility. The prohibited distance shall be measured in the manner described in rules and regulations promulgated by the Department of Health and Senior Services. If a school, church or day care facility is established within the prohibited distance following construction or opening of a conforming medical

marijuana facility, the medical marijuana business may remain at that location as a permitted use.

B. Medical Marijuana Dispensary Facility.

1. Buildings or structures used for Medical Marijuana Dispensary Facilities shall be located at least one thousand (1,000) feet from any school and at least one thousand (1000) feet from any church or day care facility. The prohibited distance shall be measured in the manner described in rules and regulations promulgated by the Department of Health and Senior Services. If a school, church or day care facility is established within the prohibited distance following construction or opening of a conforming medical marijuana facility, the medical marijuana business may remain at that location as a permitted use. No marijuana may be smoked, ingested, or otherwise consumed on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 8:00 a.m. No Medical Marijuana Dispensary shall be located in the building that contains a residence.

C. Medical Marijuana-Infused Products Manufacturing Facility.

1. Buildings or structures used for Medical Marijuana-Infused Products Manufacturing Facilities shall be located at least one thousand (1000) feet from any school, church or day care facility. The prohibited distance shall be measured in the manner described in rules and regulations promulgated by the Department of Health and Senior Services. If a school, church or day care facility is established within the prohibited distance following construction or opening of a conforming medical marijuana facility, the medical marijuana business may remain at that location as a permitted use.

D. Medical Marijuana Testing Facility.

1. Buildings or structures used for Medical Marijuana-Infused Products Manufacturing Facilities shall be located at least one thousand (1000) feet from any school, church or day care facility. The prohibited distance shall be measured in the manner described in rules and regulations promulgated by the Department of Health and Senior Services. If a school, church or day care facility is established within the prohibited distance following construction or opening of a conforming medical marijuana facility, the medical marijuana business may remain at that location as a permitted use.

E. Parking Regulations. Off-street parking is not required in this district for existing structures. Any new structures shall comply with the City of Seligman requirements of the Articles on parking and loading regulations.

F. Sign Regulations. No more than one (1) sign not exceeding twenty-four (24) square feet shall be allowed to advertise. Any new sign shall comply with the City of Seligman requirements of the Articles on sign regulations.