

SECTION 1 - GENERAL PROVISIONS

1.1 Introduction. This Ordinance shall be known and may be cited as the Unified Development Ordinance of the City of Cleveland, Missouri and may be abbreviated as "UDO". It may also be referred to herein as the "Ordinance" or "these regulations."

1.2 Authority. This Ordinance is adopted pursuant to the authority granted to the City by Chapters 89 and 445 of the Revised Statutes of the State of Missouri, pursuant to the City's nuisance powers, and pursuant to the City's police powers.

1.3 Applicability. This Ordinance shall be effective throughout the corporate limits of the City. Except where otherwise indicated, the provisions of this Ordinance shall apply to the City. Nothing herein shall be construed to preclude the City from adopting and enforcing extraterritorial zoning, planning, subdivision and building regulations pursuant to state law.

1.4 Purpose. The purpose of this Ordinance is to regulate and control the development of land and related matters within the City to promote the public safety, health, and general welfare of the community.

1.5 Relationship to other provisions of the Code. The use of buildings and land within the City is subject to all other applicable provisions of other City ordinances as well as this Ordinance, whether or not the other provisions are specifically cross-referenced in this Ordinance. Cross-references to the other provisions in this Ordinance are for the convenience of the reader, and the lack of a cross-reference should not be construed as an indication that the other provisions do not apply.

1.6 Prohibitions.

- A. No building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used for any purpose except in accordance with the provision of this Ordinance and other relevant City ordinances.
- B. No person may use, occupy, or sell any land or building or authorize or permit the use, occupancy, or sale of land or buildings except in accordance with all of the applicable provisions of this Ordinance.
- C. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

1.7 Effective date. The provisions of this Ordinance are hereby adopted and become effective on the 15th day of March, 2022.

1.8 Development under prior regulations.

- A. Those regulations in effect immediately prior to the effective date of this Ordinance shall be referred to in this Ordinance as the "previous regulations."
- B. All permits issued by an administrative official or body, or a legislative body acting in an administrative capacity, prior to the effective date of this Ordinance shall be valid

until their expiration under the previous regulations. Applications for administrative permits submitted after the effective date of these regulations shall be reviewed and evaluated pursuant to the requirements of this Ordinance, except as otherwise specified herein.

- C. Complete applications for plat(s) submitted prior to the effective date of these regulations shall be processed under the previous regulations. Incomplete applications for plats submitted prior to the effective date of this Ordinance, and that are not submitted in a complete form until after the effective date of this Ordinance, shall be processed under this Ordinance. All applications for subdivision approvals submitted after the effective date of these regulations shall be reviewed pursuant to these regulations. Preliminary or final plat applications, approved under the previous regulations, that are allowed to lapse or expire will be subject to reapplication under these regulations.
- D. Existing uses may continue either in compliance with these regulations or as legal non-conforming uses. Applications for proposed new uses submitted after the effective date of this Ordinance shall be considered pursuant to these regulations.
- E. All nonconforming situations and uses shall be governed by Section 10.

1.9 Severability. It is the City's intention that the sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, the unconstitutionality or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of the unconstitutional or invalid section, subsection, paragraph, sentence, clause or phrase. The Board of Aldermen hereby declares that it would have adopted this Ordinance and each, section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more other, sections subsections, sentences, clauses and phrases be declared unconstitutional.

1.10 Fees. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to all applicants for development approval, such as conditional use permits, subdivision plat, zoning amendments, variances and all other applications covered by this Ordinance. The amount of the administrative fees charged shall be established by the City of Cleveland Schedule of Fees and Charges, as amended. Fees established in accordance with this Section shall be paid upon submission of a signed application or notice of appeal.

1.11 Zoning Administrator. Unless otherwise designated by the Board, the Building Inspector shall serve as the Zoning Administrator. The Zoning Administrator shall have the responsibility and authority to administer and enforce the provisions of this Ordinance.

1.12 Planning and Zoning Commission.

- A. Membership. The Zoning Commission is hereby continued and established as the Planning and Zoning Commission. It shall consist of eight (8) members (nine (9) members if the Mayor so chooses to serve) including a member of the Board of Aldermen selected by the

Board, and seven (7) citizens appointed by the Mayor and approved by the Board of Aldermen. All members will be counted towards a quorum and shall have a vote.

- B. Terms of Office. The members shall be appointed for four (4) year terms which shall be staggered.
- C. Vacancies. Vacancies shall be filled by appointment by the Mayor of the Board of Aldermen with approval by the Board of Aldermen for the unexpired term of any member whose term becomes vacant.
- D. Removal. Members of the Planning and Zoning Commission may be removed by the Board of Aldermen for cause stated in writing and after a public hearing.
- E. Officers. The Planning and Zoning Commission shall elect its Chairman and Secretary from among the citizen members. The terms of Chairman and Secretary shall be for one (1) year with eligibility for re-election. The Planning and Zoning Commission may also elect for a term of one (1) year, a Vice-Chairman who shall serve in the absence or disqualification of the Chairman.
- F. Salary. All members of the Planning and Zoning Commission shall serve without compensation except for such amounts determined appropriate by the Board of Aldermen to offset expenses incurred in the performance of their duties.
- G. Procedure. Decisions on all issues brought before the Planning and Zoning Commission shall require a majority vote of the quorum. The Planning and Zoning Commission may adopt rules of procedure. The Planning and Zoning Commission shall hold regular meetings and special meetings as necessary. Any regular monthly meeting of the Planning and Zoning Commission may be omitted, if in the sole discretion of the Chairman of the Planning and Zoning Commission, there are too few items on the agenda to justify the expense of holding the meeting. Other meetings may be designated by the Planning and Zoning Commission or may be called by the Chairman. All meetings of the Planning and Zoning Commission shall comply with Chapter 610, RSMo.
- H. Powers and Duties. The Planning and Zoning Commission shall have the power and duty to:
 - 1. Make recommendation to the Board of Alderman on all proposed zoning text amendments and rezoning of property, including conditional use permits;
 - 2. Make recommendations to the Board of Alderman on all proposed subdivisions of land;

3. May recommend plans and infrastructure improvement programs, including the financing thereof, to the Board of Alderman;
4. Perform all other functions pursuant to state law.

1.13 Board of Adjustment.

- A. Membership. The Board of Adjustment is hereby established and shall consist of five (5) members, who shall be appointed by the Mayor and approved by the Board of Aldermen.
- B. Term of Office. The terms shall be overlapping five (5) year terms, provided that the membership of the first board appointed shall serve respectively, one for one year, one for two years, one for three years, one for four years, and one for five years.
- C. Alternates. Two (2) alternate members with the same qualifications as members may be appointed by the Mayor of the Board of Aldermen with the approval of the Board of Aldermen, to serve in the absence of or the disqualification of the regular members. Alternate members shall be appointed for terms of three (3) years each.
- D. Vacancies. Vacancies shall be filled by appointment by the Mayor with the approval of the Board of Aldermen for the unexpired term of any member whose term becomes vacant.
- E. Chairman. The Board of Adjustment shall elect a Chairman from among its members.
- F. Removal from Office. Members of the Board of Adjustment may be removed from office by the Board of Aldermen for cause stated in writing and after a public hearing.
- G. Salary. All members of the Board of Adjustment shall serve without compensation except for such amounts determined appropriate by the Board of Aldermen to offset expenses incurred in the performance of their duties.
- H. Powers and Duties. The Board of Adjustment shall have the power and duty to:
 1. Hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations where it is alleged by the appellant that there is clear error in fact or law in such order, requirement, decision, or refusal made by the Zoning Administrator based on or made in the enforcement of these regulations;
 2. Hear and decide upon applications for use and area variances in accordance with the provisions of this Ordinance;
 3. Hear and decide upon applications for legal non-conforming use;
 4. Undertake such other responsibilities as may be required by this Ordinance or by the Board of Aldermen.
- I. Procedure. The Board of Adjustment may adopt rules and administrative regulations governing its procedure, and may meet as needed for the transaction of business. The affirmative vote of

four (4) members of the Board of Adjustment shall be required to approve any request, application, or variance. A quorum of three (3) members of the Board of Adjustment shall be required for a meeting to be held. After the Board of Adjustment has heard an appeal and made a decision, it may, in its sole discretion, refuse, for a period of six (6) months thereafter, to hear an appeal based on a similar application by the same parties for the same property.

SECTION 2 - RULES OF INTERPRETATION AND DEFINITIONS

Interpretation. For the purpose of this Ordinance, certain words and terms used herein shall be defined as set forth in this section. If not specifically defined herein, words and terms shall be defined as in Webster's Encyclopedic Unabridged Dictionary of the English Language, (1994). Unless the context clearly indicates to the contrary:

- A. words used in the present tense include the future tense;
- B. words in the singular number include the plural and, words in the plural number include the singular;
- C. the word "shall" or the word "must" is mandatory and not directory;
- D. the word "herein" means the UDO;
- E. gender specific words, such as his or hers, shall include the opposite gender;
- F. the word "person" includes an individual, corporation, partnership, or an incorporated association of persons, such as a club;
- G. the word "building" includes the word "structure";
- H. a "building" includes any part thereof;
- I. the words "used" 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."

2.1 Terms Defined. The following words and terms as used herein are defined to mean the following:

ACCESSORY BUILDING OR USE: A subordinate building having a use customarily incident to and located on the lot occupied by the main building or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

ADEQUATE PUBLIC FACILITIES: Stormwater, water, wastewater, street, electric and telecommunications facilities at minimum acceptable levels of service.

BOARD: Board of Aldermen of the City of Cleveland.

BUILDING: A structure utilized or intended for supporting or sheltering any occupancy, and has a roof supported by columns or walls. When a portion thereof is completely separated from every other portion as provided in the building and fire codes, then each such portion shall be deemed to be a separate building.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In a residential district, the largest dwelling shall be deemed to be a principal building.

BUILDING SETBACK LINE: A line specifically established which generally is parallel to and set back from a property line and which identifies an area into which no part of a building shall project.

COMMISSION: The Planning and Zoning Commission of the City of Cleveland.

COURT: An unoccupied open space other than a yard on the same lot with a building which is bounded on two or more sides by the walls of such building.

DWELLING: A building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, but not hotels, house trailers or mobile homes.

DWELLING - ONE-FAMILY: A detached building arranged, intended, or designed for occupancy by one family in one dwelling unit.

DWELLING - TWO-FAMILY: A building arranged, intended, or designed for occupancy by two families in two dwelling units.

DWELLING - MULTIPLE: A building or portion thereof, arranged, intended, or designed for occupancy by three or more families living independently of each other, including apartment houses, row houses, tenements, and apartment hotels.

FAMILY: One (1) or more persons who are related by blood or marriage, including not more than two (2) lodgers or boarders, living together, and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than four (4) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.

FLOOR AREA RATIO (FAR): The ratio of gross floor area to gross site area.

GROSS FLOOR AREA (GFA): The total enclosed area of all floors of a building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade areas used for habitation, work, or access. Excluded from gross floor area calculations are parking facilities and airspace above the atria ground floor.

GROSS SITE AREA: An area defined as the total site area including easements, floodplains, waterways, ponds, and any other area for preservation.

HEIGHT OF BUILDINGS: The vertical distance measured from the highest of the following three levels:

From:

- A. The street curb level.
- B. The established or mean street grade in case the curb has not been constructed.
- C. The average finished ground level adjoining the building where it sits back from the street line.

To:

- A. The level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch to the foot.
- B. The mean height level of the top of the highest ridge for other roofs.

HOME OCCUPATION: An accessory use of a dwelling unit or its accessory structure for gainful employment.

IMPERVIOUS COVERAGE: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements or structures contributing to run-off greater than would occur on the site in its natural state.

LOADING AREA: An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which a loading space is located.

LOT: A parcel of land that is defined on a subdivision plat of record, which is intended to be occupied by a principal building(s) or building(s) and open space. Streets are not included in this definition.

LOT AREA: The area of the lot shall be the next horizontal area of the lot and shall not include portions of streets, alleys and water bodies.

LOT CORNER: A lot abutting upon two (2) or more intersecting streets.

LOT COVERAGE: Measures the percentage of the lot that is covered by the building. The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

LOT DEPTH: The horizontal distance from the front property line to the rear property line. If front and rear property lines are not parallel, the lot depth is the shortest distance between the front and rear property lines.

LOT FRONTAGE: The distance for which a lot abuts on a street.

LOT INTERIOR: A lot whose side lines do not abut on any street.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT - THROUGH: An interior lot having frontage on two streets.

LOT WIDTH: The mean horizontal distance between side lines measured at right angles to the depth of the lot. The mean lot width need only be calculated on that portion of the lot required to meet the minimum lot area.

MANSARD ROOF: A vertical plane which extends above the roof line.

MANUFACTURED HOME: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. sec. 5401, 1978 as amended)

commonly known as HUD (U.S. Department of Housing and Urban Development Code) and are permanently affixed to a permanent foundation in a subdivision of record.

MOBILE HOME: A single-family dwelling, factory-built and factory assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act.

MODULAR HOME: A residential dwelling unit constructed in components at a factory and which meets the City's residential building code for traditional "stick-built" homes.

NON-CONFORMING USE - BUILDING OR YARD: A use, building or yard which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated. It is a legal, non-conforming use if established prior to the effective date of this Ordinance and an illegal, non-conforming use if established after the effective date of this Ordinance and not otherwise approved as provided herein.

PLAT, FINAL: The map or plat of a subdivision and any supplementary documents and information as described in these regulations.

PLAT, PRELIMINARY: The preliminary drawing prepared in accordance with these regulations indicating the proposed manner or layout of the subdivision.

SEWAGE, SANITARY: Those wastes which are comparable to wastes which originate in residential units and contain only human excrement and wastes from kitchen, laundry, bathing, and other household facilities.

STORAGE: Keeping of a product for a period of time exceeding seventy-two (72) hours.

STORY: That part of a building including between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the next highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level, established or mean street grade, or average ground level.

STREET: The entire width between the boundary lines of every publicly maintained thoroughfare or right-of-way when any part of that thoroughfare or right-of-way is used by the public for vehicular travel, including public streets, avenues, boulevards, parkways, roads and alleys.

STREET LINE: A property line marking the boundary between a street and a lot.

STRUCTURE: Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to buildings, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, sites, units, or plats for the purpose of offer, sale, lease, or development, either on the installment plan or any and all other plans, terms and conditions including re-subdivision.

SUBDIVISION OF RECORD: A subdivision which has been recorded by the County Recorder of Deeds.

VARIANCE: A modification or variation of the provisions of this Ordinance, as applied to a specific piece of property, as distinct from rezoning.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: An open space unoccupied by buildings or structures (except as hereafter provided) across the full width of the lot extending from the front line of the building to the front property line of the lot or parcel.

YARD REAR: An open space, unoccupied (except as hereafter provided) between the rear lot line and rear line of the principal building and the side property lines.

YARD, SIDE: An open unoccupied space on the same lot with the building between the main building and the adjacent side line of the lot, and extending from the front yard to the rear yard.

SECTION 3 - APPLICATION AND APPROVAL PROCEDURES

Land Development Applications	Fee Amount
Rezoning	\$500.00
Variance	\$100.00
Plat (Preliminary & Final)	\$100.00, plus \$1.00 for each lot
Site Plan	\$100.00
Development Plan (Preliminary & Final)	\$100.00
Conditional Use Permit	\$350.00
Easement/ROW Vacation	\$200.00
Minor Subdivision	\$100.00
Home Occupation	\$25.00
Flood Plain Development	\$300.00

3.1 Application Process.

- A. Standardized Forms. Requests for development approvals required by this Ordinance shall be made on applications provided by the City. The Zoning Administrator may promulgate submittal requirements, instructions for completing forms, and internal procedures for acceptance and filing of applications. Additional information may be required for particular applications.

- B. Application Submission. All development applications shall be submitted to the Zoning Administrator.

- C. Fees. At the time the development approval application is submitted, the applicant shall pay to the City all fees as required by the City. The fees are not transferable to other properties nor are they refundable. Refunds shall be granted if an error in the fee calculation is discovered. If a development application has not been deemed complete within six (6) months from the date of the application, the application shall be dismissed. Reapplications shall require the payment of fees.

- D. Pre-Application Conference. Before filing any application, the applicant may request a pre-application meeting with the Zoning Administrator to discuss procedures and requirements.
- E. Determination of Complete Application. No application shall be considered complete until all items required by the applicable sections of this Ordinance in support of the application have been submitted, and all fees paid. Incomplete applications shall be returned to the applicant with a statement as to what sections are incomplete, and no action taken until any deficiencies are remedied. Complete applications shall be processed according to this Ordinance. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Ordinance.
- F. Processing of Application. Within thirty (30) days after the determination that an application for development approval is complete, the Zoning Administrator shall review the application, forward the application for review to the Planning and Zoning Commission, Board of Adjustment or Board of Aldermen, as may be required.
- G. Official Filing Date. The time for processing and acting on development approval applications or development permits shall commence on the date that a complete application has been filed. Modification of any application by the applicant following the filing of the application and prior to the expiration of the period during which the City is required to act may extend the period of time before action is taken.
- H. Withdrawal. Once filed, a development approval application may be withdrawn upon a written notice to the Zoning Administrator.

3.2 Notice Provisions.

- A. Contents. Any notice of a public hearing required by the provisions of this Ordinance shall contain the following information:
 - 1. Date, time and place of the public hearing;
 - 2. Subject of the hearing, including the type of development approval application;
 - 3. Street address and/or legal description of the property which is the subject of the public hearing;
 - 4. The applicant's name.

B. Publication. Where notice by publication is required by this Ordinance or by state law, such notice shall be published at least fifteen (15) days prior to the hearing in a weekly newspaper of general circulation in Cass County.

C. Mailed Notice. Where notice by mail is required by this Ordinance, such notice shall be sent at least fifteen (15) days prior to the hearing by the applicant and at the applicant's cost, by certified mail, return receipt requested, to the record fee owners of all real property located within one hundred eight-five feet (185') from the exterior boundaries of the property which is the subject of the development application. The owners of real property to whom notice must be sent may be determined by a title company, at the expense of the applicant. When the application is considered, the applicant may be required to demonstrate compliance with this section and/or execute an affidavit of mailing.

D. Posted Notice. Where notice by posting is required by this Ordinance, such notice shall be posted on a sign at either the Post Office or City Hall. Such signs shall be posted at least fifteen (15) days prior to the hearing.

E. Cost of Notice. All actual costs incurred by the City in preparing and publishing the notice required by this Ordinance shall be paid by the applicant.

F. When Required and How Given. The following chart specifies when notice shall be given and in what manner:

Type of Development Approval	Type of Notice Required		
	Mail	Newspaper	Post
Zoning Text Amendment		Y	
Variance	Y	Y	Y
Rezoning	Y	Y	
Conditional Use Permit	Y	Y	
Preliminary Development Plan	Y	Y	Y
Final Development Plan			Y
Home Occupation	Y		Y
Preliminary Plat			Y
Final Plat			Y
Minor Subdivision			Y

3.3 Public Hearing Procedures.

A. Conduct of Hearing. Any person or persons may appear at a public hearing and submit relevant evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state his or her name, address, and, if appearing on behalf of an organization, the name and mailing address of the organization for the record. The body

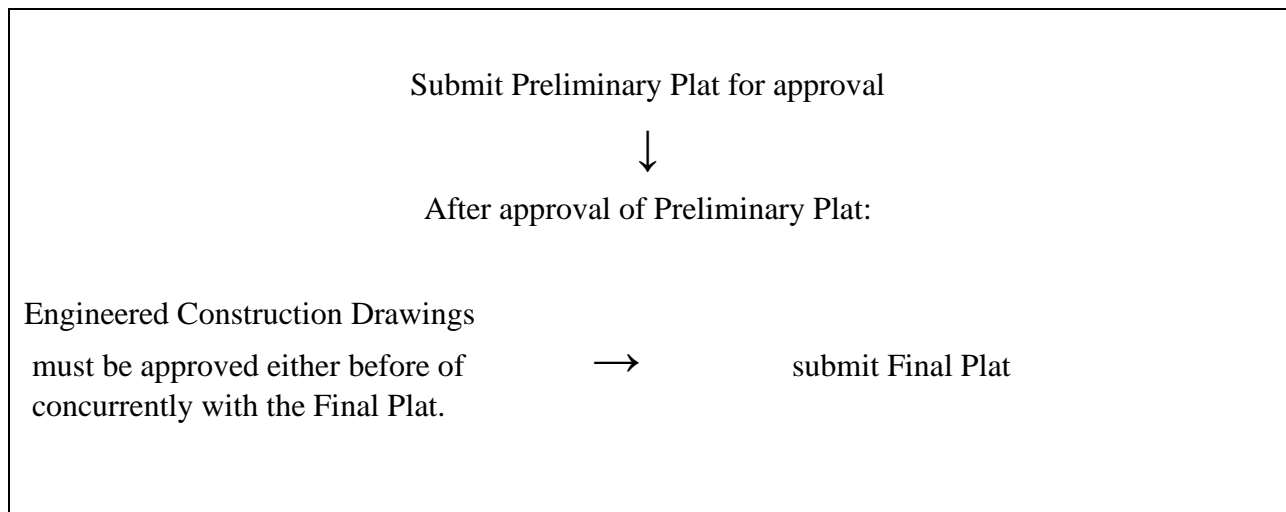
conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial, or unduly repetitious.

B. Continuance of Proceedings. The body conducting the hearing may, on its own motion or at the request of any person continue the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the date, time, and place of the subsequent hearing.

3.4 Conditions of Approval. The Planning and Zoning Commission, Board of Adjustment or Board of Aldermen may impose on any approval of a development application such conditions as are reasonably necessary to assure compliance with applicable general or specific standards stated in this Ordinance.

3.5 Subdivisions.

A. Generally speaking, and subject to the specific provisions of this Ordinance, the subdivision approval process consists of the following steps:



Applicants and developers should plan for at least 90 – 120 days for plat approval to allow adequate plan review time both at the staff and consultant levels as well as the Planning and Zoning Commission and Board of Aldermen levels.

B. Purpose. The provision of adequate data concerning on and off-site land use, environmental conditions, utility requirements, traffic impact, and the adequacy of streets, stormwater management, parks, fire, police, emergency services, libraries, public sewer and water facilities is vital to ensure the continued health, safety and welfare of the City's residents. The City may require the submission of key planning and engineering information and may require the submission of project-specific reports or studies, such as an environmental impact report or a traffic impact study.

C. Applicability. The owner of a tract of land located within the City who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to develop buildings or lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. The division of a tract of land for any of the purposes specified herein does not require a transfer of title of all or part of the tract.

D. Subdivision Approval, Generally. All subdivisions are subject to the following approval process:

1. Pre-Application Conference and Concept Plan (Optional)- Submitted to the Zoning Administrator for review and comment;
2. Preliminary Plat - Submitted to the Zoning Administrator for action by the Planning and Zoning Commission and the Board of Aldermen; and
3. Final Plat - Submitted to the Zoning Administrator for action by the Planning and Zoning Commission and the Board of Aldermen.

E. Prohibited Subdivisions. No person may subdivide land except in accordance with all of the provisions of this Ordinance.

F. Subdivision Exemptions. Applicants exempt from subdivision plat approval may be subject to other development approval requirements as required in this Ordinance. The following divisions of land shall be exempt from these subdivision regulations:

1. The public acquisition of land;
2. Public parks and public improvements owned, operated, or maintained by a governmental entity.

3.6 Preliminary Plats.

A. When Required. The submittal and approval of a preliminary plat is required to subdivide land, unless otherwise waived by the Board of Alderman. Approval of the preliminary plat does not constitute an acceptance of the subdivision but is deemed to be an authorization to proceed with the preparation of the final plat.

B. Submittal Requirements. Applicants for preliminary plat approval shall submit a complete application and other required materials and information to the Zoning Administrator. The Preliminary Plat shall be in sufficient detail to convey the applicant's intentions in platting the proposed subdivision. It shall contain a written description of the existing conditions on the tract and the necessary drawings and sketches as required by this Ordinance to convey the applicant's plan of development. The plat shall be signed by a registered surveyor.

C. Filing Procedure. The applicant shall file the following with the Zoning Administrator as follows:

1. A reproducible original and the number of copies of the proposed Preliminary Plat specified on the application;
2. All other information required by this Ordinance or as specified on the application;
3. The applicable plat review fee; and
4. A completed application form.

D. Contents. The preliminary plat shall contain the following information:

1. Proposed name of subdivision.
2. A vicinity sketch (location map), at a legible scale, to show the relation of the plat to surroundings. Utility connections too remote to be shown on the preliminary plat shall be shown on this sketch.
3. Location of boundary lines by section, quarter section or quarter-quarter section lines, and any adjacent corporate boundaries comprising a legal description of the property conforming to the current Missouri state plane coordinate system.
4. Names, addresses, and phone numbers of the developer and the engineer, surveyor, planner, or landscape architect making the plat.
5. Plat to be oriented so north is to the top of plat sheet, and north shall be designated.
6. All plats are to be drawn to a standard engineer's scale, which shall be specified on the plans. The actual scale used will depend on the development and shall be subject to the approval of the Zoning Administrator.
7. Existing conditions on the proposed subdivision site and adjacent to the site within one hundred eighty-five (185) feet of the property lines:
 - a. Locations, width and name of each existing or platted street, alley or other public way; railroad and utility rights-of-way; dedicated rights-of-way; bridges; parks and other public open spaces; and permanent buildings.

- b. All existing storm water or sanitary sewers, water mains, gas mains, culverts, or other underground installations with pipe size, grades and locations shown.
- c. Names of abutting subdivisions and owners of abutting parcels of unsubdivided land.
- d. Locations of water courses, and all areas designated as the one hundred (100) year floodplain areas by the Federal Emergency Management Agency.
- e. Ravines, bridges, lakes, tree masses, approximate acreage, and such other existing features as may be pertinent.
- f. Special features (such as ponds, dams, steep slopes or unusual geology) or unusual historical features (such as former dumps, fill areas or lagoons) must be identified by the applicant. The applicant, at the Zoning Administrator's discretion, may be required to provide professional analysis of these conditions to address health, safety and general welfare questions related to the proposed subdivision.
- g. Identification, location and nature of all existing and proposed zoning districts and land uses within 185 feet of the boundaries of the proposed subdivision.
- h. Topography (unless specifically waived by the Zoning Administrator) with contour intervals of not more than two (2) feet, referred to USGS or City datum. In areas where grades are gentle, the Zoning Administrator may require a lesser contour interval.
- i. Exact location of all oil and gas wells and water wells, whether active, inactive, or capped.

Proposed Development:

- a. The general location, width, radii, grade and name of proposed streets, roadways, alleys, sidewalks and public walk ways, public streets and other easements with center lines, culverts and bridges, public drives and curb cuts, median breaks and turn lanes. Street names shall not duplicate or closely resemble the name of any existing street.
- b. The general location, size and character of all proposed and existing adjacent public utility lines, including storm water and sanitary sewer lines, water lines, and storm water management facilities.
- c. Layout, number and approximate dimensions of lots, approximate lot areas, setback requirements with dimensions, and blocks, with number or letter of each, if applicable.

- d. Location and size of proposed open space for public use proposed to be dedicated or reserved and any conditions of such dedication or reservation; parks, playgrounds, churches, or school sites or other special uses of land to be considered for public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision.
- e. Building setback lines from streets with dimensions.
- f. Indication of any lots on which uses other than residential are proposed by the subdivider.
- g. Storm water management plan, calculations, and proposed size, nature, and location of all proposed storm drainage improvements.
- h. Identification, location, and nature of all existing and proposed zoning districts and land uses to be included within the boundaries of the subdivision.

3.7 Construction Plans.

- A. Following approval of the Preliminary Plat, the applicant shall have prepared, by a professional engineer, registered in the State of Missouri, construction plans, consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, storm water facilities, water system facilities, sidewalks and other improvements required by the UDO. Construction plans shall be submitted to the Zoning Administrator for review and approval.
- B. All improvements required pursuant to these regulations shall be constructed in accordance with the design standards and plan requirements of the UDO, the standards and specifications of the County, and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.
- C. The Construction Plans shall be sealed by a professional engineer. Five (5) copies of the Construction Plans shall be submitted to the Zoning Administrator for review. The Construction Plans shall be at any scale from one (1) inch equals ten (10) feet (1" = 10') through one (1) inch equals one hundred (100) feet (1"- 100'), so long as the scale is an increment of ten (10) feet and is sufficiently clear in reflecting details of the proposed construction. Construction Plans shall be prepared on 22" x 34" sheets. The Preliminary Plat or title page shall be used as the cover sheet for the Construction Plans. The Plans shall include the following information, shown on separate sheets:
 - 1. The Preliminary Plat for the project drawn on the existing topographic survey of the property.

2. Roadway, sidewalk, bikeway and traffic control construction plans, profiles, and detail sheets.
3. Sanitary sewer system construction plans, profiles, and detail sheets.
4. Storm water management plan showing plan and profile of proposed storm sewer and drainage facilities, detail sheets, hydrological and hydraulic calculations, and other information as required by the Director.
5. Proposed grading cross sections and final contours in critical drainage areas.
6. Water distribution system construction plans and details.
7. Locations of electric, telecommunications and other utility improvements.
8. A general schedule of the timing and sequence of construction for all required improvements.
9. Roadway Construction Detail Sheets: All construction details pertaining to the roadway improvements (e.g., pavement details, pavement width, curbing, sidewalk, unpaved areas, entrances, lighting, etc.) shall be shown on typical section, in plan and profile. Specific details shall include, but not be limited to:
 - a. Pavement installation, widening, or resurfacing improvements dimensioned and developed in accordance with City improvement standards.
 - b. Pavement widening and resurfacing improvements in the right-of- way as measured from the centerline.
 - c. Mathematical profile grade and elevations at twenty-five (25) feet intervals on vertical curves and fifty (50) feet intervals on tangent sections for all roadway construction. Elevations at quarter point intervals along pavement edge at street intersection corners.

- d. Resurfacing Profile Grade elevations on existing centerline and edges of pavement at twenty-five (25) feet intervals and breaks in grade (i.e., irregularities in pavement).
 - e. Jointing plan and details for Portland Cement Concrete pavement.
 - f. Type and location of entrance construction.
 - g. Propose traffic control devices and signs to be used during construction and upon completion of the project.
10. Sanitary Sewer, Storm Drainage, and Water Line Plans and Profile Sheets: All construction details pertaining to the sanitary sewerage, storm drainage and water distribution system improvements shall be prepared in accordance with all requirements of these regulations and other pertinent City regulations and standards and shall be shown in plan and profile. Specific details shall include, but shall not be limited to:
- a. Existing ground and finished grade shown and designated.
 - b. Methods to be used in repairing open trenching of pavement.
 - c. Limits of backfill and pavement replacement at all crossings of existing roadway surfaces not bored.
 - d. Location of all utilities to be encountered in construction. Sufficient copies of plans must be submitted for utility providers.
 - e. Proof of plan approval by any other political subdivisions having jurisdiction over any aspect of the proposed development must be received prior to Construction Plan approval.
11. Grading Plan and Cross Section Sheets: A grading plan for the entire tract within the Preliminary Plat boundaries shall be provided. All grading details pertaining to site development shall be shown in plan or on cross section sheets. Specific details shall include, but shall not be limited to:

- a. Existing and proposed contours, normally at two (2) foot intervals, in critical drainage areas. Contour intervals for Grading Plans greater than two (2) feet will require the Director's approval.
- b. Site grading shall be compatible with ultimate roadway elevations.
- c. Where required by the Director, cross sections showing existing ground and finished grades plotted at a scale of not less than one inch equals one hundred feet (1"=100') horizontal and one inch equals ten feet (1"= 10') vertical.
- d. Erosion Control Plan, as applicable, showing compliance with State requirements.

3.8 Public Works Permit. Any person, firm, partnership, corporation, association, co-partnership, or trust, prior to commencing any private work on public works projects in the City of Cleveland, Missouri, shall comply with the following regulations and provisions:

- A. Plans and specifications for the private construction of public works projects, including, but not limited to, streets, sidewalks, storm drainage systems, sanitary sewers, water lines, and appurtenances to be maintained by the City of Cleveland, Missouri, shall be submitted to the Zoning Administrator for approval. Prior to review of the plans by the Zoning Administrator, the applicant shall submit a partial fee of one hundred dollars (\$100.00) for review of the plans by the Zoning Administrator. The remainder of the fee shall be determined as described in Subsection (C) below.
- B. A public works permit shall be obtained from the City authorizing the construction mentioned as set forth in the approved plans and specifications.
- C. The public works permit fee shall include costs incurred by the City for review of the plans by the Zoning Administrator and the estimated cost of inspection and laboratory testing done by the City of Cleveland during construction for quality control. No permit shall be issued by the City unless the applicant submits payment of a fee to the Zoning Administrator in accordance with the City's Fee Schedule.
- D. Following the issuance of the public works permit provided for herein, construction shall not be started until the Zoning Administrator has been notified as to the time, location and scope of the construction.
- E. No construction work shall be commenced until the public works permit provided for has been issued and a written notice to proceed shall have been issued by the City Inspector.

F. All construction work may be stopped at any time by the Zoning Administrator when, in the opinion of the City Inspector, the workmanship materials used or procedures of work do not meet the requirements or comply with the City codes, ordinances, specifications and procedures for such work.

G. All work, accomplished by means of a public works permit issued under this Chapter, shall be subject to final inspection for City maintenance by the Zoning Administrator and his/her recommendation shall be made to and written acceptance made thereon by the Mayor and Board of Aldermen.

Public Works Permit Fees:

Street, Storm Sewer and Sanitary Sewer	1% of the estimated project cost ^{1,2,3}
--	---

¹.The following schedule of street construction costs shall be used to determine the estimated cost of the project:

Arterial	\$144.00 per linear foot
Collector	\$144.00 per linear foot
Local street	\$90.00 per linear foot

².The following schedule of storm sewer construction costs shall be used to determine the estimated project cost:

12-inch diameter	\$24.00 per linear foot
15-inch diameter	\$30.00 per linear foot
18-inch diameter	\$36.00 per linear foot
21-inch diameter	\$42.00 per linear foot
24-inch diameter	\$48.00 per linear foot
27-inch diameter	\$54.00 per linear foot
30-inch diameter	\$60.00 per linear foot
36-inch diameter	\$72.00 per linear foot
42-inch diameter	\$84.00 per linear foot
48-inch diameter	\$96.00 per linear foot
54-inch diameter	\$108.00 per linear foot
60-inch diameter	\$120.00 per linear foot

³.The following schedule of sanitary sewer construction costs shall be used to determine the estimated project cost:

1/12 12-inch diameter	\$8.00 per linear foot
2-inch diameter	\$8.00 per linear foot
2/12-inch diameter	\$8.00 per linear foot

3-inch diameter	\$8.00 per linear foot
4 -inch diameter	\$12.00 per linear foot
6-inch diameter	\$20.00 per linear foot
8-inch diameter	\$24.00 per linear foot
10-inch diameter	\$30.00 per linear foot
12-inch diameter	\$36.00 per linear foot
Water Line	0.25% of the estimated project cost ⁴

⁴The following schedule of water line construction costs shall be used to determine the estimated project cost:

4 -inch diameter	\$10.00 per linear foot
6 -inch diameter	\$15.00 per linear foot
8 -inch diameter	\$20.00 per linear foot
12 -inch diameter	\$30.00 per linear foot

3.9 Final Plat.

A. When Required. The submittal and approval of a final plat is required to subdivide land.

B. Submittal Requirements. Applicants for final plat approval shall submit a complete application and other required materials and information to the Zoning Administrator. The final plat shall be in sufficient detail to convey the applicant's ideas and intentions in platting the property. It shall contain a written description of the existing conditions on the tract and the necessary drawings and sketches as required by this Ordinance to convey the applicant's plan of development. The plat shall be signed by a registered surveyor.

C. Filing Procedure. The final plat application shall be filed with the Zoning Administrator as follows:

1. A reproducible original and a sufficient number of copies of the proposed final plat as specified on the application;
2. All other information required by this Ordinance or as specified on the application;
3. A completed application form; and
4. The applicable plat review fee.

D. Contents. The final plat shall contain the following information:

1. Name of the subdivision that does not duplicate or closely approximate the name of any existing subdivision.

2. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions of second order surveying accuracy that must close. A final plat must show ties to the state plane coordinate system. All calculations shall be furnished showing bearings and distances of all boundary lines and lot lines.
3. Accurate legal description, accompanied by a legal description closure report.
4. Location of the subdivision boundaries shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. All section and land corners referenced on the plat and legal description shall be identified as to what was physically found or set, e.g., aluminum monument, ½" iron bar. These same corners shall also be referenced and reference ties submitted with the plat on the certified Land Corner Restoration/Reestablishment sheet provided by the Missouri Department of Natural Resources, Division of Geology and Land Survey (MLS). If the section corner referenced on the plat has been previously referenced and reference ties have not changed since submission to the MLS, the MLS document number for those corners shall be indicated on the plat.
5. Total acreage of the proposed subdivision.
6. Location of lots, streets, public highway, alleys, sidewalks, parks, and other features with accurate dimensions in feet and decimals of feet, with the length and radii and/or arcs of all curves indicated with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curvature to the lot lines.
7. Area in square feet for each lot or parcel and the dimensions of each lot.
8. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the width of the lots are measured at the building line.
9. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.
10. The exact locations, widths, and names of all streets and alleys to be dedicated.

11. Location, purpose, and width of all easements, including avigation easements to be dedicated.
12. Boundary lines and description of boundary lines of any area other than streets and alleys that are to be dedicated or reserved for public use, including open space for public use.
13. Building setback lines on the front of all lots and the side streets of corner lots, including dimensions and dedications.

14. Statement dedicating all easements, streets, sidewalks, alleys, and other public area using the following language:

Easements: An easement or license is hereby granted to the City of Cleveland, Missouri, to locate, construct and maintain or to authorize the location, construction and maintenance of poles, wires, anchors, conduits, and/or structures for water, gas, sanitary sewer, storm sewer, surface drainage channel, electricity, telephone, cable television, or any other necessary public utility or services, any or all of them, upon, over, or under those areas outlined or designated upon this plat as "Utility Easements" (U.E.) or within any street or thoroughfare dedicated to public use on this plat.

15. Signature blocks for the following certificates, with the corresponding name typed, printed, or stamped beneath the signature.
 - a. Signatures of the owner or owners and notary public.
 - b. Certification by a Registered Land Surveyor that details of the plat are correct.
 - c. The certificate of the Planning and Zoning Commission in the following form:

This plat of _____ has been submitted to and approved by the Cleveland Planning and Zoning Commission on this ____ day of _____, 200_.
_____ Planning & Zoning Commission Chairman

- a. The approval of the plat and acceptance of easements and rights-of-way by the Board of Aldermen in the following form:

This plat of _____ including easements and rights-of-way accepted by the Board of Aldermen has been submitted to and approved by the Cleveland Board of Aldermen by Ordinance No. ____, duly passed and approved by the Mayor of Cleveland, Missouri on the ____ day of _____, 200_.
(SEAL) _____ Mayor

ATTEST:

City Clerk

16. Floodplain location.

17. Name and address of developer and surveyor making the plat.

18. Scale of the plat at not less than one inch represents one hundred (100) feet (the scale to be shown graphically and in feet per inch), date, and north point.

19. Information required to be recorded on the final plat or a reference to documents required to be recorded with the final plat. Such information shall include but not be limited to covenants that run with the land and conditions of final plat approval imposed by the Board of Aldermen.

20. If requested by City Staff, the Planning & Zoning Commission or the Board of Aldermen, the following additional data shall be submitted with the final plat:

- a. A title report by an abstract or title insurance company or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the plat.
- b. A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on deposit with officials to meet these requirements.
- c. A copy of any deed restrictions applicable to the subdivision.

E. Improvements and Dedications. The Final Plat shall conform to the approved Preliminary Plat. All improvements and facilities to be provided by the developer shall be approved by the Zoning Administrator and installed prior to the issuance of an occupancy permit, or adequate security in lieu of making improvements shall be provided. All required dedications and easements shall be offered for dedication on the final plat by the applicant before the Planning and Zoning Commission shall approve the Final Plat; however, the approval of a plat shall not be considered an acceptance of any proposed dedication and

does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the appropriate City authorities make a written acceptance.

F. Effect of Final Plat Approval. Final Plat approval shall confer upon the applicant the right to apply for building permits and to develop the subject tract or parcel pursuant to the terms and conditions pursuant to which the Final Plat approval was granted by the Board of Aldermen, provided however, that an applicant may apply for a conditional building permit in the event final plat approval has not been obtained. No lot in the subdivision may be sold until the Final Plat has been officially recorded.

3.10 Minor Subdivisions.

A. Situations Covered. Minor subdivisions may include:

1. A division of land into no more than three (3) lots.
2. An adjustment in boundaries between the owners of adjoining platted lots.
3. An adjustment of building lines.
4. A resurvey to combine two (2) or more lots or portions of lots into one lot.

B. Submission Requirements. The minor subdivision plat application shall be filed with the Zoning Administrator as follows:

1. A reproducible original and a sufficient number of copies of the proposed minor subdivision plat as specified on the application;
2. All other information required by this Ordinance or as specified on the application;
3. A completed application form; and
4. The applicable plat review fee.

C. Contents. The minor subdivision plat shall contain all information otherwise required of a Final Plat, provided, however, that the Board of Alderman may waive or otherwise modify any such required information.

D. Consideration and approval of minor subdivisions. Consideration and approval of a minor subdivision plat shall occur as a Final Plat, except that a preliminary plat is not required.

3.11 Zoning Amendments.

A. Zoning Amendments Authorized. The text of this Ordinance or the Official Zoning Map may be amended from time to time by the Board of Aldermen.

B. Initiation of Application. An owner of real property within the City, or that owner's authorized representative, may, upon proof of ownership, apply for amendment of the text of this Ordinance or a change to the Official Zoning Map for that landowner's property. Such amendment may also be initiated by the Commission, the Zoning Administrator, or the Board of Aldermen. An application by a property owner for a change in this Ordinance or the Official Zoning Map shall be on a form supplied by the Zoning Administrator. Said application shall be completed in its entirety and filed with the Zoning Administrator who shall set a public hearing date before the Commission.

C. Report and Recommendation by Commission. Upon conclusion of the public hearing, the Commission shall forward to the Board of Aldermen its recommendations for any change to the Official Zoning Map or this Ordinance together with its approval, conditional approval, or denial of the application where an amendment to the Official Zoning Map is requested.

D. Decision by Board of Aldermen. Upon the receipt of the recommendation of the Commission, the Board of Aldermen shall consider the application and the recommendation of the Commission. If the Board of Aldermen approves an application, it shall adopt an ordinance to that effect. The amending ordinance shall define the change or boundary as amended, and order the Official Zoning Map to be changed to reflect such amendment.

3.12 Variances

A. Authorized. The Board of Adjustment may authorize an Area Variance, based upon practical difficulties, which would constitute an unreasonable deprivation of use, provided the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done, or for a Use Variance from the provisions of this Ordinance where, owing to unique conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship.

B. Conditions. In granting a variance, the Board of Adjustment may impose such conditions, safeguards and restrictions as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance.

C. Procedure. The applicant for variance shall complete and file the appropriate application form(s) with the Zoning Administrator. The Zoning Administrator shall determine if the application is complete. Complete applications shall be scheduled for review at the next regularly scheduled meeting of the Board of Adjustment. Notice of the variance application shall be published and mailed. Notice shall be provided as required by these regulations.

D. Appeals. Any person aggrieved by any decision of the Board of Adjustment may file in the Circuit Court of Cass County, Missouri, a petition in the manner and form and within the limitations period provided by law.

SECTION 4 - ZONING DISTRICTS

4.1 ZONING DISTRICTS – GENERAL

A. Establishment of Zoning Districts. In order to classify and segregate the uses of land and buildings, the following districts are hereby established:

A	Agricultural
OT	Original Town Residential
RR	Rural Residential
SR	Semi-Rural Residential
RE	Rural Estates
LDR	Low Density Residential
DR	Duplex Residential
CN	Neighborhood Commercial
CH	Highway Commercial
PD	Planned Development

B. Zoning Map.

The Official Zoning Map (Zoning Map) and the explanatory material thereon is hereby adopted by reference and declared to be a part of these Regulations. Such Zoning Map and all the notations, references and other matters shown on the Map shall be as much a part of these Regulations as if the notations, references, and other matters set forth by said Map were all fully described in the Zoning Regulations. The Zoning Map shall be on file in the office of the City Clerk and shall bear the signature of the Mayor attested by the City Clerk under certification as the Official Zoning Map.

C. Zoning District Boundaries.

The boundaries of zoning districts within these Regulations are as indicated upon the Zoning Map. Whenever the City approves an amendment to the Zoning Map, such amended Zoning Map is made a part of these Regulations by reference.

D. Changes in the Zoning Map.

No change in the Zoning Map shall be made except in accordance with these Regulations. All such changes, together with the ordinance number and the date of change, shall be promptly recorded on the Zoning Map by the City Clerk, with the signature of the Mayor. No amendment to these Regulations which involves changes to the Zoning Map shall become effective until after such change and entry have been made. In the event that the Zoning Map becomes damaged or destroyed, or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions, the Board of Aldermen may, from time to time, adopt a new Zoning Map which shall

supersede the prior Zoning Map, provided, however, that the adoption of a new Zoning Map as set forth above shall not have the effect of amending any district boundary.

E. Interpretation of the Zoning Map.

1. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
2. Boundaries indicated as following streets, highways, alleys, or other public rights-of-way shall be construed to follow the centerlines thereof.
3. Boundaries indicated as following platted lot lines shall be construed as following the lot lines.
4. Boundaries indicated as approximately following section lines, quarter lines, quarter section lines, or quarter-quarter section lines shall be construed as following the lines.
5. Boundaries indicated as following corporate limits shall be construed as following corporate limits.
6. Boundaries indicated as following the rivers, streams, creeks, or other waterways shall be construed to follow the centerlines.
7. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Zoning Map or, if not dimensioned, shall be determined by the scale shown on the Zoning Map.
8. Where a district boundary divides a lot of record, the Planning and Zoning Commission may permit, as a conditional use permit, the extension of the district regulations for either portion of the lot to the remaining portion of the lot, provided that the district regulations may not be applied for a distance greater than fifty (50) feet beyond the established district boundary line.
9. Where physical features are at variance with those shown on the Zoning Map, or in other circumstances not covered by the foregoing, the Zoning Administrator shall interpret the district boundaries subject to appeal to the Planning and Zoning Commission, consistent with the land use maps, goals, objectives, policies, and actions as set forth in the City's adopted Comprehensive Plan.

F. Maintenance of the Zoning Map.

The Zoning Administrator shall maintain the Zoning Map.

4.2 DISTRICT A (AGRICULTURAL DISTRICT). USE REGULATIONS:

A. Permitted Uses. In District A, no building, structure, land, or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Farming, dairy farming, livestock and poultry raising and all uses commonly classified as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to the sale or marketing of products raised on the premises, provided that no building, structure or feed lot for the raising, feeding, housing or sale of livestock or poultry shall contain or accommodate more than fifty (50) head of livestock or more than five hundred (500) head of poultry at one time. Any such building, structure or feed lot hereafter established shall be located at least five hundred (500) feet from any existing dwelling in a residential district; and further provided that there shall be no feeding or disposal of garbage, rubbish or offal within five hundred (500) feet of any existing dwelling in a residential district.
2. Churches and publicly owned and operated community buildings, public museums and public libraries.
3. Dwelling, one family.
4. Fish hatcheries, apiaries, aviaries.
5. Forests and wildlife reservations, or similar conservation projects.
6. Fur farming for the raising of fur bearing animals.
7. Golf courses and clubhouses; see Section 5 (5.2 D) regarding miniature golf courses or driving ranges).
8. Kennels, provided the buildings and pens shall be located not less than two hundred (200) feet from any residential district.

9. Nurseries and green houses.
10. Picnic groves.
11. Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police, and fire stations.
12. Public schools and private schools with curricula equivalent to that of a public school or institution.
13. Railroad rights-of-way not including railroad yards.
14. Riding stables and riding tracks.

B. Accessory Uses.

1. Accessory uses, including repair shops, windmills, sheds, garages, barns, silos, bunk houses, incidental dwellings, buildings, and structures commonly required for any of the above uses. Roadside stands of not over two hundred (200) square feet in area offering for sale only products which are produced on the premises.

4.3 DISTRICT OT (ORIGINAL TOWN RESIDENTIAL)

A. Permitted Uses. In District OT, no building, structure, land, or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Dwelling, one family.
2. Church, school, or library.
3. Public park or playground, golf course.
4. Fire station.

B. Accessory Uses.

Accessory buildings, including one private garage, when located not less than fifty (50) feet back from the front lot line, not less than twenty (20) feet back from any other street line, and ten (10) feet back from the rear lot line, except that where the garage may be on the alley line, or when located in a compartment as an integral part of the building.

4.4 DISTRICT RR (RURAL RESIDENTIAL DISTRICT)

A. Permitted Use.

In District RR, no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1. Dwelling, one family.
2. Church or school.
3. Public parks and playgrounds, public recreation or community buildings, public museums, public administrative buildings, public libraries, police stations and fire stations.
4. Golf courses and clubhouses (but see Section 5 regarding miniature golf courses or driving ranges).
5. Railroad rights-of-way, not including railroad yards.

B. Accessory Uses.

Any use which is customarily accessory and incidental to any of the permitted uses shall be permitted, provided that such uses shall

1. Be located upon the same lot with a principal use;
2. Include no use which is unrelated to a residential use unless otherwise allowed as a permitted home occupation;
Be set back at least ten feet (10') from the rear lot line and fifteen feet (15') from the side lot line.

4.5 District SR (Semi-Rural Residential District)

A. Permitted Use.

In District SR, no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1. Dwelling, one family.
2. Church or school.

3. Public parks and playgrounds, public recreation or community buildings, public museums, public administrative buildings, public libraries, police stations and fire stations.
4. Golf courses and clubhouses (but see Section 5 regarding miniature golf courses or driving ranges).
5. Railroad rights-of-way, not including railroad yards.

B. Accessory uses.

Any use which is customarily accessory and incidental to any of the permitted uses shall be permitted, provided that such uses shall

1. Be located upon the same lot with a principal use;
2. Include no use which is unrelated to a residential use unless otherwise allowed as a permitted home occupation'
3. Be set back at least fifteen feet (15') from the rear and side lot lines.

4.6 DISTRICT RE (RURAL ESTATE RESIDENTIAL DISTRICT).

A. Permitted Uses. In District RE, no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1. Dwelling, one family.
2. Church or school.
3. Public parks and playgrounds, public recreation or community buildings, public museums, public administrative buildings, public libraries, police stations and fire stations.
4. Golf courses and clubhouses (but see Section 5 regarding miniature golf courses or driving ranges).
5. Railroad rights-of-way, not including railroad yards.

B. Accessory Uses.

Any use which is customarily accessory and incidental to any of the permitted uses shall be permitted, provided that such uses shall

1. Be located upon the same lot with a principal use;

2. Include no use which is unrelated to a residential use unless otherwise allowed as a permitted home occupation

3. Be set back at least twelve feet (12') from the rear lot line and ten feet (10') from the side lot lines.

4.7 DISTRICT LDR (LOW-DENSITY RESIDENTIAL DISTRICT).

A. Permitted Uses. In District LDR, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Dwelling, one family.

2. Church or school.

3. Public parks and playgrounds, public recreation or community buildings, public museums, public administrative buildings, public libraries, police stations and fire stations.

4. Golf courses and clubhouses (but see Section 5 regarding miniature golf courses or driving ranges).

5. Railroad rights-of-way, not including railroad yards.

B. Accessory Uses.

Any use which is customarily accessory and incidental to any of the permitted uses shall be permitted, provided that such uses shall

1. Be located upon the same lot with a principal use;

2. Include no use which is unrelated to a residential use unless otherwise allowed as a permitted home occupation

3. Be set back at least ten feet (10') from the rear and side lot lines.

4.8 DISTRICT DR (DUPLEX RESIDENTIAL DISTRICT).

A. Permitted Uses.

In District DR, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Dwellings, one and two family.

2. Church or school.
3. Public parks and playgrounds, public recreation or community buildings, public museums, public administrative buildings, public libraries, police stations and fire stations.
4. Railroad rights-of-way, not including railroad yards.

B. Accessory Uses.

Any use which is customarily accessory and incidental to any of the permitted uses shall be permitted, provided that such uses shall

1. Be located upon the same lot with a principal use;
2. Include no use which is unrelated to a residential use unless otherwise allowed as a permitted home occupation
3. Be set back at least ten feet (10') from the rear and side lot lines.

4.9 DISTRICT CN (NEIGHBORHOOD COMMERCIAL DISTRICT).

A. **Permitted Uses.** In District CN, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Administrative and Business Offices
2. Arts and Crafts Studio (Limited)
3. Business Support Services
4. Business or Trade School
5. Commercial Off-Street Parking
6. Communications Services
7. Consumer Convenience Services
8. Consumer Repair Services
9. Day Care Services (Limited)
10. Day Care Services (Commercial)
11. Financial Services

12. Food Sales (Convenience)
13. Food Sales (General)
14. Medical Offices
15. Personal Improvement Services
16. Personal Services
17. Professional Offices
18. Retail Sales or Rental (Convenience)
19. Retail Sales or Rental (General)
20. Small Animal Services
21. Restaurants
22. Microbreweries
23. Drinking Establishments

B. Accessory Uses.

Any use which is customarily accessory and incidental to any of the permitted uses shall be permitted, provided that such uses shall be located upon the same lot with a principal use;

4.10 DISTRICT CH (HIGHWAY COMMERCIAL DISTRICT).

A. Permitted Uses.

In District CH, no building, structure, land, or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Those uses permitted in CN.
2. Agricultural Sales and Services
3. Arts and Crafts Studio (Industrial)
4. Animal Services
5. Automotive Rentals
6. Automotive Repair Services

7. Automotive Washing
8. Building and Grounds Maintenance Services
9. Drinking Establishments
10. Commercial Embalming Services
11. Commercial Off-Street Parking
12. Construction Sales and Services (General) or (Limited)
13. Custom Manufacturing
14. Exterminating Services
15. Gasoline Stations
16. Funeral Services
17. Hotel-Motel
18. Laundry Services
19. Liquor Sales
20. Pawn Shop Services
21. Restaurant (Convenience)
22. Restaurant (Limited)
23. Restaurant (General)
24. Indoor Entertainment, provided the front entrance is not less than 300 feet from any existing school or church and not less than 300 feet from a residential district.
25. Indoor Sports and Recreation, provided the front entrance is not less than 300 feet from any existing school or church and not less than 300 feet from a residential district.
26. Breweries
27. Microbreweries

B. Accessory Uses.

Any use which is customarily accessory and incidental to any of the permitted uses shall be permitted, provided that such uses shall be located upon the same lot with a principal use;

4.11 PLANNED DEVELOPMENT DISTRICT (PD)

A. Purpose and Intent.

The intent of the Planned Development ("PD") regulations is to permit greater flexibility and consequently more creative and imaginative design than generally is possible under conventional zoning regulations. It is hereby intended to permit, upon application and upon approval of site and use plans, the creation of Planned Development ("PD") Districts. Such a designation shall be determined by, and shall be designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to preserve features of historical significance, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and with a reasonable consideration being given, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the land throughout the City. In "PD" District, the regulations which are adopted are intended to accomplish the same purposes as do zoning and other applicable regulations in districts which are developed on a lot by lot rather than a unified basis.

B. Application of Planned Development District Provisions.

A PD District may be proposed for any location in the City if 1) more than one land use is proposed on a single land; 2) different land uses that would not otherwise be permitted to locate within the same zoning district are proposed for development on one or more adjacent parcels under single or separate ownership; or 3) an exception or variance from the size, setback, frontage, density, uses or other standards that are required in other zoning districts permitting the same uses are being proposed as part of a development plan. No PD District shall be considered without submission of a development plan. A site proposed for a PD District classification shall contain a contiguous area of five (5) acres or more, unless a smaller area is specifically approved by the Governing Body due to special and unusual circumstances. Property shall be deemed to be contiguous if all parts are under unified control, to ensure that the development plan can be executed as approved, and all parts abut or are separated by only a road, easement, or right-of-way.

C. Effect of Planned Development District Approval. Approval of a PD District shall constitute an amendment to the zoning ordinance. Designation of a property as a Planned Development ("PD") District in accordance with an approved development plan shall supersede all existing and prior zoning classifications. A planned district approved by the board of aldermen by ordinance shall be designated on the zoning map by the letters "PD".

D. Standards. All PD Districts shall at a minimum satisfy the following standards and requirements:

1. Uses permitted. The Development Plan shall specify, both for the project as a whole and/or for subareas within the project, as appropriate, those principal and accessory uses as are to be permitted. The Board of Aldermen may include or exclude uses from the Development Plan or include uses with attached conditions as appropriate to achieve the intent of these provisions. In making its determinations of the uses to be permitted within the PD District, the Board of Aldermen may consider the compatibility and relationship of uses within the project, the compatibility and relationship of permitted uses adjoining or in proximity to the PD District, the appropriateness of permitted uses for the area in general and their overall impact on the community and the consistency of the permitted uses with other adopted plans and policies.
 - a. Residential. A PD District may allow for a more flexible placement, arrangement, and orientation of residential structures, with accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. A PD District also may provide for a mixture of housing types (single-family, two family, multi-family, etc.) according to a carefully drawn plan. The proposed residential development shall make maximum use of natural features, and, through proper site planning measures, it shall be compatible with the existing character and development pattern of the surrounding area.
 - b. Office. A PD District may contain orderly, well-designed office and institutional uses compatible with the surrounding area.
 - c. Commercial. A PD District may provide for maximum attainable commercial usage of property while ensuring development consistent with the Governing Body's long-range plans.
 - d. Industrial. A PD District may contain land designated for a single industrial use or for multiple but compatible industrial uses in an industrial park.
 - e. Conditional Uses. Approval of a use requiring a "conditional use permit" shall be considered as an amendment to the PD District. In considering a "conditional use permit," in addition to the Zoning Ordinance's applicable section on conditional uses, all rezoning considerations for a PD District shall be applicable.
2. Intensity of development. The Development Plan shall contain provisions to regulate the intensity of development within the PD District. Such provisions may apply to the project as a whole or to subareas within the project as appropriate.

- a. For non-residential development, the intensity of development may be regulated,
 - i. By specifying an appropriate Floor Area Ratio(s) (FAR),
 - ii. By specifying maximum square footage or gross leasable area,
 - iii. By specifying setbacks, height, and bulk restrictions, or
 - iv. By a combination of such restrictions for the project as a whole or for components or subareas within the project. In addition, non-residential Development Plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of industrial, commercial, and other residential activities. The Board of Aldermen may impose such standards and restrictions as necessary to achieve the intent of this Section. In making its determination regarding the intensity of development and appropriate performance standards, the Board may consider character and scale of similar developments, the character and scale of surrounding development and the area in general, the real or anticipated impact on public facilities and services, and consistency with other plans and policies.
- b. For residential development, the Preliminary and Final Development Plans shall specify the residential density for the project as a whole or for subareas within the project as appropriate. In making its determination regarding whether the proposed residential density is appropriate, the Board may consider i) compatibility of residential densities with other uses within the district as well as outside the district, ii) the impact of residential densities on public facilities and services, iii) the consistency with the Master Plan and other adopted plans and polices, and iv) the comparison of allowed density under residential zoning districts.
3. Bulk, area and height requirement. The Development Plan shall specify bulk, area and height restrictions for the project as a whole and for subareas and/or components of the project as appropriate. The Board may impose alternate or additional standards or restrictions to achieve the intent of this Section. In making its determination regarding such standards or restrictions, the Board may consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, the general character and scale of similar developments within the area of the proposal, and the consistency with adopted plans and policies.
4. Public facilities. The Development Plan shall specify conditions, restrictions and standards relating to the timely provisions of necessary public facilities as appropriate. The Board may impose conditions, restrictions, and standards as appropriate to achieve the intent of this Section. In making its determination regarding such conditions,

restrictions and standards, the Board may consider the adequacy of existing public facilities and services, the timely provision of adequate public facilities and services and the overall cost to the community.

5. Access to public thoroughfares. The Development Plan shall specify the location and general design of ingress and egress to the project along with access restrictions as appropriate. The Board may impose such access standards and restrictions as necessary to protect the integrity and function of the City's thoroughfare system and to otherwise achieve the intent of this Section. In making its determination regarding such access standards and restrictions, the Board may consider the classification and function of the thoroughfare system, existing and projected traffic volumes, the condition and design of the affected thoroughfares, the effect of the proposed development on traffic flow and circulation patterns on other adopted plans and policies.
6. Off-street parking and loading requirements. Unless specifically modified by the Development Plan, the off-street parking and loading requirements contained within the zoning regulations shall apply. Reductions in off-street parking and loading standards shall be approved only if it can be demonstrated that parking demand will be less due to density and/or occupancy characteristics of the project and/or the availability of public transportation.
7. Signs. Unless specifically modified by the Development Plan, the sign regulations contained within the zoning regulations shall apply. Modifications to the sign regulations shall be approved only if the general intent to the sign regulations regarding size, location, illumination, structural integrity, and relation to surrounding uses is satisfied.
8. Perimeter treatment. The Development Plan shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The Board may impose those standards and requirements for perimeter treatment it deems necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.
9. Procedure. Applications for PD District Designation shall be processed pursuant to a three-step review process as specified in this Section. The three-step procedure shall include: 1) a suggested pre-application conference; 2) a preliminary development plan; and 3) a final development plan.
10. Preliminary development plan. An applicant may submit a Preliminary Development Plan, which shall contain, at a minimum, the following information:

- a. A legal description of the site proposed for PD designation, including a statement regarding present ownership and present zoning. The legal description must contain the original signature and seal of a Missouri registered surveyor.
- b. A Master Conceptual Plan that indicates parcel, tract or lot locations and dimensions; density per gross and per net acres in the development and in each land use component, if appropriate; the intensity of land use in the development and each land use component, if appropriate; the amount of land in common area open space, recreation use or public use, if appropriate; and the treatment of project boundaries.
- c. Written text which includes supporting graphics describing the overall concept of the plan; the uses included and any limitations upon uses; building types and prototypical site lay-outs, if appropriate; provisions for maintenance of common areas; any proposed agreements, dedications, or easements; any proposed private covenants and restrictions; and any other information required by this Section or pertinent to a determination of compliance with the Section.
- d. A Circulation Plan that indicates roads adjoining the property; the location of access from public roads into the project; and vehicular and pedestrian circulation systems within the project. The Circulation Plan may be included as part of the Master Conceptual Plan.
- e. An Improvement Plan that indicates water supply and distribution facilities as well as the source of the water supply; sewage collection and disposal including method and location of sewage discharge; methods and facilities for the management of storm water runoff; improvements to streets and roads; and any other physical improvements required to support the project.
- f. A Statistical Summary that indicates the number of acres in the project; the number of acres allocated to each land use within the project; the gross and net residential density within the project and within each land use component of the project; and floor area, floor area ratios, open space ratios, and other data relating the intensity of development to the site size and location.
- g. An Environmental Impact Statement indicating possible problem areas within the site as well as solutions to these problems as intended by the developer.
- h. To the extent that phases are applicable, phases of development must be shown on the preliminary development plan. If the development will occur in phases, the applicant shall submit a development plan that also displays the entire development at the completion of all phases. The phased development shall have the phases clearly outlined with expected dates for beginning of construction and date of completion of construction.

No building permit shall be issued for any phase of development until a final development plan for that phase is approved by the Board of Aldermen.

- i. The following elements are optional at the request of the Planning and Zoning Commission:
 - i. A Sign Plan which indicates the location, size and design and other pertinent provisions relating to signs within the project.
 - ii. A Parking Plan which shows the number of parking spaces as well as their general location and design.
 - iii. Any other plan element or technical study that the Planning and Zoning Commission or the Board of Aldermen deem necessary to adequately consider and review the Preliminary Development Plan.

The Preliminary Development Plan shall be reviewed as a zoning amendment and shall be processed as such. Applicants shall submit a Land Development Application in accordance with City ordinances and resolutions.

11. Final Development Plan.

- a. Due to diversity in size and character of proposals considered under this Section, flexibility in the form, content and approval procedures of the Final Development Plan should be retained. Toward this end, the Board of Aldermen shall specify, as part of its approval of the Preliminary Plan, the form, content, and approval authority of the Final Development Plan.
- b. In the event that the Board considers a submission of a Final Development Plan necessary for all or part of the District, it shall so specify in its approval of the Preliminary Development Plan. The Board may retain its authority to approve the Final Development Plan or may delegate its approval authority to the Planning and Zoning Commission or to a specified official(s). In the event the approval authority is delegated, the Board shall specify the limits of discretion to be exercised by the approving authority.
- c. No building permit shall be issued for all or any portion of a PD District until the Final Development Plan has been approved.
- d. Every Final Development Plan shall provide all the information required of a Preliminary Development Plan and shall further include grading, landscaping, lighting, and signage plans.

12. Failure to commence construction after approval of a PD District

- a. If substantial construction has not commenced within i) three (3) years after the date of board of aldermen approval for a PD development site of less than a total of two hundred (200) acres, or ii) five (5) years after the date of board of aldermen approval for a PD development site of more than a total of two hundred (200) acres, the zoning officer shall review the development plan to determine whether the development plan should be voided or remain in effect.
 - b. If the zoning officer shall determine that the development plan or any phase thereof is no longer viable, he shall present the matter to the planning and zoning commission for recommendation to the board of aldermen. Simultaneously therewith, the zoning officer may request the planning and zoning commission to review the existing zoning classification. The zoning officer may request that the property be rezoned to that district which immediately preceded the approval of the planned district.
 - c. The planning and zoning commission shall hold a public hearing on the issue of voiding the development plan or any phase thereof and on the issue of rezoning the property, if so requested by the zoning officer. The recommendation of the planning and zoning commission shall be referred to the board of aldermen.
 - d. After a public hearing, the board of aldermen shall have the final determination as to whether the development plan or any phase thereof shall be voided or remain in effect, as well as to whether the property should be rezoned.
 - e. If the zoning officer shall determine that the development plan or any phase thereof is viable or necessary to carry out the requirements of this chapter, the zoning officer shall declare that the development plan or any phase thereof shall remain in effect; provided, however, that the zoning officer shall report monthly to the planning and zoning commission detailing the plans to remain in effect.
 - f. Nothing stated within this section shall be deemed to prohibit an application for an amendment to or a subsequent application for a planned district.
13. Subdivision Plats and Site Plans Required. At the option of the applicant, the preliminary development plan may also serve as the preliminary plat. In such instance the applicant shall also submit a Land Development Application in accordance with existing City ordinances and resolutions. If the option is exercised, the plan shall include information required of preliminary plats. However, PD Districts are to be reviewed on their individual merits upon specific application of a developer. Any conflicts with the City's

Subdivision Regulations may be waived by the Board of Aldermen to carry out the intent of a plan.

Table 4-1 – Zoning District Standards

	A	OT	RR	SR	RE	LDR	DR	CN	CH
Minimum lot size (sq. ft. or acres)	10	5,000	2	20,000	15,000	10,000	10,000	10,000	20,000
Maximum building height (feet)	45	35	35	35	35	35	35	40	50
Minimum building setbacks (feet)									
front	40	35 ¹	40	35	30	25	25	20	20
side	20	10 ²	20	15	12	10	10	10	10
rear	40	25 ³	40	30	25	25	25	10	20
Minimum lot width (feet)	150	N/A	200	100	100	85	90	70	100
Minimum lot depth (feet)	225	N/A	300	150	130	110	100	125	150
Minimum Floor Area (sq. feet)	1,100	1,000	1,200	1,200	1,200	1,200	1000	N/A	N/A
Maximum Impervious Cover	n/a	35%	n/a	25%	35%	45%	n/a	n/a	n/a
Minimum building setbacks for accessory buildings (feet) Front lot line		50	Not allowed in front of main Bldg.	Not allowed in front of main Bldg.	Not allowed in front of main Bldg.	Not allowed in front of main Bldg.	Not allowed in front of main Bldg.	Not allowed in front of main Bldg.	
Side lot line		20 from street line	15	15	10	10	10	See UDO	See UDO
Rear lot line		10	15	15	12	10	10		

¹ If 25% of a block frontage is *improved* with buildings, the front yard shall extend to the alignment of such existing buildings, unless such alignment is more than 40 feet back from the street line, but in no case shall the depth of such front yard be less than 15 feet. The minimum depth of a front yard along the side line of the corner lot shall be 20 feet.

² The side yard may also be equal to 10% of the width of the lot at the building setback line.

³ Accessory building rear lot setback allowed is 10 feet.

SECTION 5 - ADDITIONAL CONTROLS

5.1 Conditional Use Permits - Administration

A. Purpose and Intent. Conditional uses are those uses which generally are compatible with the permitted land uses in a given zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

B. Status of Conditional Permitted Uses.

1. The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved.
2. Approval of Conditional Use Permit shall be deemed to authorize only the particular use for which the permit is issued.
3. No use authorized by a conditional use permit shall be enlarged, extended, increased in intensity, or relocated unless an application is made for a new conditional use permit in accordance with the procedures set forth in this section.
4. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these regulations, other appropriate provisions of the ordinances of the City of Cleveland, or any permits required by regional, state, or federal agencies.

C. Application for Conditional Use Permit.

1. An application for a conditional use permit may be submitted by the property owner or by the property owner's authorized representative.

D. Public Hearing.

1. The Planning and Zoning Commission shall hold a public hearing on the application.
2. The Board of Alderman shall hold a public hearing on the application. At the completion of the hearing, the Board of Alderman may grant permission for the conditional use permit if the proposed use meets the following conditions:
3. The proposed use at the specified location is consistent with the of the City;
4. The proposed use is consistent with the general purpose and intent of this Ordinance;

5. The proposed conditional use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity;
6. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both, to ameliorate such impacts;
7. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous to the existing and anticipated traffic in the neighborhood.

E. If the proposed use requires a division of land, an application for a subdivision or other land division shall be submitted in conjunction with the application for a conditional use permit. Approval of the conditional use permit shall not become effective until final approval of the subdivision application; provided, that if the land is to be divided in phases, the approval of the conditional use permit shall take effect upon final approval of the phase of the subdivision containing the property on which the conditional use is to be located.

F. Decision on Conditional Use Permit and Appeal. The Board of Alderman shall render its decision on the conditional use permit application, and may impose conditions as are reasonably necessary to assure compliance with applicable general or specific standards stated in these regulations after review of the application and other pertinent documents and any evidence made part of the public record. Any conditions imposed by recommendation of the Planning and Zoning Commission may be modified subsequently by the Board of Alderman. The permit shall set out regulations, restrictions, limitations, and termination date so that reasonable control may be exercised over the use. If the appropriateness of the use cannot be assured at the location, the application for conditional use permit shall be denied as being incompatible with existing uses or uses permitted by right in the district.

G. Vesting of Rights.

1. The mere issuance of a conditional use permit gives no vested rights to the permit holder.
2. A right to continue a specially permitted use shall vest only if the project is constructed and the use is actually begun. Such right shall be subject to expiration and revocation under the terms of this ordinance.
3. Transferability of Permits.
4. A conditional use permit may be conveyed with the land only if a right to continue the use has vested. The transfer of a permit in which no right has vested shall be invalid. Nothing in this section shall be construed to alter the expiration date of permits or the authority of the Board of Aldermen to revoke a permit.

5. A permit cannot be assigned or transferred to a different parcel of land.
6. A permit holder may apply to the Planning and Zoning Commission for a determination of whether a right to continue the use has vested under the terms of this ordinance.
7. Every entity attempting to convey a conditional use permit shall give notice in writing via a letter to the Planning and Zoning Commission within seventy-two (72) hours after having sold, transferred, given away or otherwise disposed of an interest in or control of a parcel of land for which a special use permit has been issued. Such notice shall include the name and address of the successor in interest or control of the parcel. Receipt of such notice shall not constitute acceptance of an invalid transfer.

H. Lapse of Permits. A conditional use permit in which no vested right has been established, shall lapse, and become void unless the applicant applies for any building permit incident to the proposed use within two years of the date of approval by the Board of Aldermen. Upon the written request of the property owner and for good cause shown, the Board of Aldermen may grant one extension of not more than one year. An application for extension will be considered only if it is submitted, in writing, prior to the expiration of the initial period.

I. Expiration of Permits. A conditional use permit shall be valid for a limited period of time to be specified in the terms of the permit. A permit may be renewed upon application to the Board of Aldermen, subject to the same procedures, standards, and conditions as an original application.

J. Revocation of Conditional Use Permits.

1. Any conditional use permit granted under the authority of this section is subject to revocation for any or all of the following reasons:

- a. Non-compliance with any special conditions imposed at the time of approval of the conditional use permit.
- b. Violation of any provisions of the ordinances of the City pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permit holder, agents of the permit holder, or tenants.
- c. Violation of any other applicable provisions of the ordinances of the City or any state or federal law or regulation by the permit holder, agents of the permit holder, or tenants, provided that such violations relate to the conduct or activity authorized by the conditional use permit or the qualifications of such persons to engage in the permitted use.
- d. Attempted transfer of a permit in violation of this Ordinance.
- e. Revocation is necessary to preserve the public health, safety, and welfare.

2. Procedure for Revocation.

- a. Revocation proceedings may be initiated by the Board of Aldermen.
- b. Unless the permit holder and the landowner agree in writing that the permit may be revoked, the Board of Aldermen shall hold a public hearing to consider the revocation of the conditional use permit.
- c. The City shall give the permit holder and landowner notice of the scheduled revocation hearing at least fifteen (15) days prior to the date scheduled for such hearing by certified mail, return receipt requested. If such notice cannot be delivered or is not accepted, notice may be given by publishing a notice of hearing in a newspaper of general circulation in the City and by posting a notice of hearing on the property at least fifteen (15) days prior to the date scheduled for the hearing.
- d. The public hearing shall be conducted in accordance with rules of procedure established by the Board of Aldermen. At the conclusion of the public hearing, the Board may render its decision or take the matter under advisement.
- e. No conditional use
- f. shall be revoked unless a majority of those elected to the Board of Aldermen is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion for the revocation of a special use permit shall clearly state the grounds for revocation.

5.2 Conditional Uses.

A. Aviation fields, airports, and heliports, including the sale of aviation fuel as an accessory use, under such restrictions as the Board of Aldermen may impose on land, buildings, or structures, within an approach or transition plan or Turning Zone, to promote safety of navigation and prevent undue danger from confusing lights, electrical interference or other hazards. Such uses are allowed only in District A (heliports shall be allowed as an accessory use of a hospital), provided the following conditions are met:

1. Plans of any airport or heliport shall include all approach and departure paths as necessary to assure safe and adequate landing and take-off area and shall be supplemented by a favorable report by the local airport district office of the Federal Aviation Administration (FAA).
2. Adequate safety provisions shall be provided and indicated by plans which control or restrict access to the landing and take-off areas by the general public.
3. Landing and take-off areas shall be surfaced in such a manner as to avoid the blowing of dust or dirt onto neighboring property.

B. Cemeteries, burial grounds, graveyards, mausoleums, or crematories, provided that all applicable state regulations are met and in District A.

C. Day Care Center in residential zoning districts, if center is planned in a family home occupied by the day care provider. A day care facility in a family home which receives

more than four (4) persons for care for any part of the twenty-four (24) hour day is considered a center. The following requirements shall apply:

1. The permit shall be issued to a particular provider. A change in the day care provider shall require another public hearing.
2. All applicable state licensing requirements must be met. Proof of a current state license shall be required.
3. The primary use of the home shall be residential.

D. Golf driving range or miniature golf courses, in District CH.

E. Group Homes

1. Group Home Facility as a residential facility for the care of individuals who, upon completion of a course of treatment in a facility which provides an extensive treatment program for individuals with disabling emotional disturbances, are in need of an interim structured living situation to allow for their resocialization and reintegration into community living, or for a group of developmentally disabled individuals only in Districts A and LDR. Group home facilities do not include any home in which eight or fewer unrelated mentally retarded or physically handicapped persons reside (RS MO 89.020). A group home facility shall be subject to the following conditions and restrictions:

- a. That the maximum number of persons in a facility shall not exceed ten (10) individuals and two (2) resident staff members.
- b. That the facility shall provide off-street parking in the ratio of one (1) space per every four (4) individuals and one (1) space per every resident staff member.
- c. That the parking shall be adequately paved and screened from adjoining properties.
- d. That the facility shall be a secondary facility operated and maintained by a facility which provides intensive treatment for individuals with disabling emotional disturbances or a contract facility wherein the individuals remain under the jurisdiction of the County or the State or a facility operated for developmentally disabled.
- e. That the property shall have a minimum lot area of 10,000 square feet.
- f. That there shall be a minimum building size of two hundred fifty (250) square feet per resident and resident staff.
- g. That there shall be no exterior evidence of such a use and there shall be no sign advertising the nature of the use.
- h. That the facility shall not be used as a residence for substance abusers or ex-offenders.
- i. That at the time of original approval no facility shall be located within one thousand (1,000) feet of another such facility or of a halfway house, a convalescent home, a children's nursery, or a group day care home; provided, however, that the Board shall have the authority to waive this requirement, provided that the facilities are separated by a major

thoroughfare, railroad track, major waterway or other comparable man-made or natural barrier.

- j. That the residential character of the structure shall be maintained.
- k. That the applicant shall demonstrate there is not a negative impact on property within five hundred (500) feet of the proposed facility and such facility will maintain the residential character of the neighborhood.
- l. That the permit shall be limited to a two-year period but may be renewed by the Board after a public hearing; provided that in any request for renewal the applicant shall demonstrate the character of the neighborhood has been maintained, there has been no negative impact upon properties within five hundred (500) feet, and the facility has been maintained in accordance with the acceptable community standards.

F. Convalescent, nursing, and senior citizen homes, in Districts A, OT, RE, LDR, subject to meeting the following conditions and restrictions:

1. The property shall have a minimum lot area of twenty thousand (20,000) square feet and shall have a minimum lot width of one hundred (100) feet.
2. Not less than five hundred (500) square feet of lot area is provided for each patient.
3. Side yards are at least one hundred percent (100%) greater than the side yard required in the district.
4. Off-street parking is provided for on the basis of one (1) space for each living unit; or, in the case of dormitory design, one (1) space for each four (4) beds and one (1) space for each employee.
5. The number of beds, if dormitory design, does not exceed six (6) times the number of dwelling units per square foot of lot area in the district in which the use is located; or, the number of living units does not exceed twice the number of dwelling units per square foot of lot area in the district in which the use is located.
6. A permit may be issued for a specified period, as well as for an unlimited time at the request of the applicant and at the discretion of the Board. If the permit is for a specified period of time, the Board may renew the permit upon expiration.

G. Hospitals, substance abuse treatment facilities, and mental health facilities, subject to such health and sanitation requirements as may be imposed by the Board of Aldermen or the Health Authorities of the City, County, or State, and in Districts A and CH provided there shall be at least three hundred (300) square feet of lot area for each patient or guest, with a minimum lot area of twenty thousand (20,000) square feet.

H. Convenience storage only in Districts CN or CH. Landscaping/screening, exterior architecture, and lighting must be approved by the Board of Aldermen.

I. Nurseries, garden centers, and greenhouses (retail and/or wholesale) or other retail or wholesale suppliers of fertilizer or manure products in Districts CN or CH. Special permit conditioned on approval of the Board of Aldermen, after recommendation from the Planning and Zoning Commission.

J. Amusement parks, baseball or athletic fields, race tracks, or fairgrounds and incidental concession facilities in non-residential zoning districts, subject to the following conditions:

1. The facilities and grounds shall be a sufficient distance from any area zoned residential so that noise, traffic generation, and other effects will not be adverse to the residential neighborhood. Where the property adjoins the residential zoning districts, no building or facility shall be nearer than one hundred (100) feet and no driveway or parking area shall be nearer than fifty (50) feet of such common boundary unless topography or other factors justify a lesser setback.
2. Plans for shrubbery, landscaping and fencing shall be presented to the Board and made a part of the permit.
3. Sound amplification systems or any other noise caused by the operation shall not exceed sixty-five (65) decibels as measured at the property line.
4. Outdoor lighting shall be so designed as to reflect away from adjoining residential-zoned property.
5. Access to the property shall be directly from major streets (primary and secondary arterials).
6. Parking space for patrons and employees shall be provided on site equal to one (1) space for each five hundred (500) square feet of total site area exclusive of setback and parking areas, or one (1) space for each four (4) persons based on the anticipated capacity, whichever is greater. The foregoing are minimum standards for parking; the Board may require additional parking if review of the proposed operation so indicates.
7. A permit may be issued for a specified period as well as for an unlimited time. If the permit is for a specified period of time, the Board may renew the permit upon expiration.

K. Equipment rental businesses that require outdoor storage in District CH.

L. Reservoirs, wells, towers, filter beds or water supply plants, in all zoning districts provided that all Missouri State Statutes and all regulations of the Missouri Department of Natural Resources and the Environmental Protection Agency be followed.

M. Salvage yards, scrap yards, junkyards, automobile wrecking yards, and similar operations in District CH, provided that operations are shielded from view from streets and from adjacent properties in another district by means of a sturdy, sight-obscuring eight (8) foot high fence in good repair, and two (2) rows of alternate planted evergreen trees for screening purposes.

N. Signs, greater than seventy-two (72) square feet, in all non-residential zoning districts provided that nothing herein shall prevent the City's ability to regulate off-premise billboards in accordance with Section 71.288, RSMo.

O. Electric Utility Structures in all non-residential zoning districts, which includes power plants, peaker units, substations, and similar electric utility structures.

P. Utility Transmission Lines in all zoning districts. Upon application for the construction or use of utility transmission line structures, the applicant shall provide data pertaining to electromagnetic field radiation (EMF) rates for the structure(s).

Q. Outdoor sale or lease of new or used boats or vehicles (including automobiles, vans, sport utility vehicles, trucks less than one ton, boats of any kind, personal watercraft or motorcycles) or small equipment in Districts CN or CH.

R. Telecommunication towers, in Districts A and CH, subject to the regulations contained in Section 5.5.

S. Manufactured Home Parks.

1. Purpose. A manufactured home subdivision is intended to provide an appropriate development site for manufactured homes, giving the surrounding land uses and neighborhood. The manufactured home subdivision is intended to promote affordable housing consistent with the provisions of the Master Plan.

2. Manufactured housing foundations shall comply with the International Conference of Building Officials "Guidelines for Manufactured Housing Installation," (1991).

MH Park Design Standards

Minimum park area	5 acres
Minimum park width	300 feet
Maximum park density	7 MH/acre
Minimum lot area	3,000 SF
Minimum lot width	40 feet
Maximum building height	35 feet
Minimum open space	1,200 SF/space
Minimum MH space setbacks:	
front	25 feet ¹
side	7 feet ¹
rear	20 feet ²
	<p><i>1. Minimum setback. May be increased to same requirements as zoning district in which MH Park is located.</i></p> <p><i>2. Unless located adjacent to a residential district, upon which 30' setback is required</i></p>

3. All manufactured homes installed within the park shall be anchored to the ground by means of anchors attached both to the frame and with straps extending over the top and completely surrounding the sides and roof, consistent with applicable building code guidelines. Anchor design shall be approved by the Zoning Administrator prior to installation and shall comply with all requirements of the State of Missouri. In addition, test data giving certified results of pull tests in soils representative of the area in which the anchors are to be used shall be submitted to the Zoning Administrator. Minimum load in direct pull shall be 5,400 pounds. Anchors shall be marked so that after installation, the identification is in plain view for inspection.

4. Each manufactured home subdivision shall provide sufficient and adequate number of shelters from severe storms. Shelters shall be placed at such intervals within the park to ensure maximum safety for residents during times of severe storms. Design and location of

such shelters shall be determined at the time of plan approval, but in no case shall the construction of the initial phase of a manufactured home subdivision be allowed to proceed without the concurrent construction of appropriate shelters.

5. All streets within the park shall be improved to standards for residential streets. There shall be at least two street or drive openings into the park providing ingress and egress. All private drives shall be not less than 24 feet in width, having portland cement curbs, and be surfaced with at least six inches of compacted stone base with two inches of hot mix bituminous concrete as the surface course, or the equivalent, as determined by the Zoning Administrator.

6. Each manufactured home shall be located so that no part of one home structure, including canopies, awnings, carports, and other protrusions, is closer to the property line than the required setbacks.

7. Each manufactured home subdivision shall have at least one (1) tree of two and one-half inch caliper per space, located on the space or within a required yard.

8. Park and playground space shall be provided for occupants of the manufactured home subdivision on the basis of 300 square feet for each space in the park. Such playground space shall be separate and in addition to the open space required for each mobile home space, and shall be equipped and maintained for the use of the residents of the park. All park and playground space shall comply with the City's adopted building safety codes. Streets, sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the necessary area. A minimum of 50% of the recreational facilities shall be constructed prior to the development of one-half of the project, and all recreational facilities shall be constructed by the time the project is 75% developed.

9. All liquid wastes shall be disposed of through a sanitary sewer system and treatment facility, the plans of which shall be approved by the Zoning Administrator prior to construction. All solid waste shall be disposed of by accumulation in closed containers, and removed at regular intervals.

10. All power and telephone lines shall be underground and shall be in compliance with standards of the utility corporation involved.

11. The site of the park shall be graded so that surface water will not accumulate, but will run off in a manner that will not adversely affect the residential character of the park or adjacent property. The proposed drainage system shall be approved by the Zoning Administrator prior to construction of streets or other portions of the park.

12. On-site outdoor laundry space of adequate area and suitable location, shall be provided if park is not furnished with indoor dryers. Where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete imbedded socket at each site.

13. Each manufactured home subdivision shall include similarly designed enclosed storage structure of structures suitable for storage of goods and the usual effects of the inhabitants of such park. Such storage space should not be less than one hundred and fifty (150) cubic feet for each mobile home site or in common structure with individual lockers.

14. An all-weather hard surfaced outdoor patio area of not less than one hundred and eighty (180) square feet shall be provided at each manufactured home site, conveniently located to the entrance of the home, and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.

Canopies and awnings may be attached to any manufactured home and may be enclosed and used for recreation or sun room purposes. When enclosed for living purposes, such shall be considered as part of the mobile home.

5.3 Home Occupations

A. Purpose and Intent. The purpose of this section is to permit home occupations which will not change the character of adjacent residential areas. The intent of these zoning regulations is to conserve property values, as well as protect residential neighborhoods from excessive noise, excessive traffic generation, nuisances, health, and safety hazards which may result from a home occupation conducted in the residential zones.

B. Performance Standards. All home occupations must comply with the following performance standards:

- 1.** The use of the dwelling unit as a home occupation shall be deemed to be clearly incidental and subordinate to its use for residential purposes if the home occupation occupies less than twenty-five percent (25%) of the square footage floor area of the residence.
- 2.** No more than one person, other than those residing on the premises, shall be engaged in the activities of the home occupation.
- 3.** A home occupation may attract patrons, students, or any business-related individuals only between the hours of 6:00 a.m. and 9:00 p.m.
- 4.** No more than two (2) home occupations shall be permitted within any single dwelling unit.
- 5.** There shall be no exterior displays, no exterior storage of equipment, including unlicensed equipment, and materials, and no open lot storage.
- 6.** Home occupations shall not produce offensive noise, vibration, smoke electrical interference, dust, odors, or heat. Any noise, vibration, smoke electrical interference, dust, odors or heat detectable beyond the property lines or beyond the walls of the dwelling unit if the dwelling unit is a multifamily structure shall not be permitted.
- 7.** Home occupations shall not require internal or external structural alterations of the principal residence which may change the outside appearance of the principal residence or change the residential character of the property.
- 8.** Home occupations shall not require the installation of equipment or machinery creating utility demand, noise, fumes, or other impacts in

excess of equipment or machinery that is customary in a residential area.

9. No electric devices may be used in any home occupation which may cause electrical interference or create visual and audible interference in any radio or TV receivers in violation of FCC standards, or cause fluctuations in off-site line voltages.
10. Except in the A and RR zoning districts, no on-premise advertising for the home occupation shall be allowed. Window areas must not purposely or intentionally be used as display areas or to offer merchandise for sale. In the A and RR Zoning Districts, a six (6) square foot sign advertising the home occupation shall be permitted. No home occupation sign shall be located within a street right-of-way.
11. No excessive pedestrian or vehicular traffic shall be generated by the home occupation.
12. Low-intensity (traffic generation, land use, noise, etc.) occupations, professions, and business activities, and those uses or activities of a similar nature, as provided in the table, may be permitted as home occupations in the indicated residential zoning district(s), subject to the conditions of these regulations and other applicable federal, state, or local laws.
13. This section does not permit the establishment of unlisted home occupations unless they comply with all other standards of these Zoning Regulations.

Permitted Home Occupations¹

Home Occupation	District						
	A	OT	RR	SR	RE	LDR	DR
Antique Sales	✓		✓	✓	✓		
Artist, Composer, Photographer	✓	✓	✓	✓	✓	✓	✓
Arts & Crafts Production/Sales	✓	✓	✓	✓	✓	✓	✓
Beauty Shop/Barber	✓	✓	✓	✓	✓	✓	
Brokers	✓	✓	✓	✓	✓	✓	✓
Building Contractor/Construction Services ²	✓		✓	✓	✓		
Computer Applications	✓	✓	✓	✓	✓	✓	✓
Cooking/Preserving	✓	✓	✓	✓	✓	✓	✓
Electronics Repair	✓	✓	✓	✓	✓	✓	✓
Insurance Agents	✓	✓	✓	✓	✓	✓	✓
Instruction ³	✓	✓	✓	✓	✓	✓	✓
Jewelry Repair	✓	✓	✓	✓	✓	✓	✓
Professional Services ⁴	✓	✓	✓	✓	✓	✓	✓
Sales Representative ⁵	✓	✓	✓	✓	✓	✓	✓
Secretarial Service	✓	✓	✓	✓	✓	✓	✓

Seamstress/Tailor	✓	✓	✓	✓	✓	✓	✓
Small Engine/Appliance	✓		✓	✓			
Word Processing/Typing	✓	✓	✓	✓	✓	✓	✓

¹ The table lists specific home occupations and the districts in which they are permitted. Other home occupations may be permitted by the Zoning Administrator if they meet the standards specified in this section.

² Includes, but is not limited to, carpentry, electrical, masonry, painting, and plumbing.

³ Art, Dance, Music, Tutoring; Limited to no more than two (2) students at one time.

⁴ Accountant, Architect, Attorney, Engineer, Etc.

⁵ Provided there is no exchange of tangible goods on the premises, though mail distribution may be allowed.

C. Prohibited Home Occupations. The following occupations, professions, and business activities and those of a similar nature are specifically prohibited as home occupations:

1. Ambulance services;
2. Animal/veterinary clinics;
3. Beauty salons and barber shops, except in the A and RR districts;
4. Clinics, hospitals;
5. Medical/Dental Office
6. Mortuary;
7. Restaurants;
8. Taxi services.

5.4 Site Plan Review

A. Purpose.

The purpose of requiring Site Plan Review is to ensure that proposed development conforms with these regulations and includes a compatible arrangement of structures, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, site drainage, and open spaces. Site review shall consider the siting of proposed construction and its impact upon the existing topography and natural vegetation, and the relationship of proposed construction to existing public and private improvements in the immediate area and its conformance to the policies and standards of the Comprehensive Plan. The design shall encourage the elimination of unnecessary grading, and endeavor to retain the natural character of the site including the preservation of trees and other natural features.

B. Applicability.

A site plan shall be required for all new construction, exterior additions or changes in use or area dimension to any land and/or structure used for multi-family, commercial or industrial, regardless of location and regardless of whether such use is a permitted use in the district or authorized by conditional use permit, however this site plan review section shall not apply to planned development district because that district already has a site plan requirement. No development approval or building

permit shall be issued for a development subject to site plan review until such site plan has been approved by the Board of Alderman upon recommendation by the Planning & Zoning Commission. The Board of Alderman may waive or modify any requirement herein upon a showing of hardship.

C. Contents.

All Site Plans shall be prepared at scale and in a size that is a multiple of eight and one-half inches by eleven inches (8½" x 11"), with a maximum size of 22" x 34", unless specifically waived by the Zoning Administrator. The Site Plan shall show or have attached the following information:

1. Name, address, phone number, fax number and email address of record landowner, architect/engineer/surveyor, and contractor;
2. Size, use and location of existing and proposed structures, sidewalks, bicycle, and pedestrian paths and drives on the subject property, and existing structures and drives adjacent to the property;
3. Location of floodplain areas subject to flooding, centerlines of drainage courses, and finished floor elevations of proposed structures;
4. Location of proposed drives, parking areas, traffic access points, signalization, deceleration lanes and alternative access routes;
5. Property lines, platted setback lines, and lot dimensions;
6. Location, number, and dimensions of existing and proposed parking spaces;
7. Final grades;
8. Location of existing trees greater than 8 inches in diameter and proposed landscaping;
9. Drainage information as to on and off-site flows sufficient to demonstrate compliance with the improvement requirements of these Regulations and other laws and regulations;
10. Buffers, landscaped areas, and fences; and
11. All environmentally sensitive lands on-site or within five-hundred (500) feet of the site including but not limited to wetlands, habitat areas, hillsides, steep slopes, lakes, treed or forested areas, brownfield sites and streams and stream corridors.

D. Standards.

1. Commercial and industrial frontage require a minimum 10' landscaped buffer.
2. Rear areas that back onto uses other than commercial must also have a 15' landscape screen that provides 75% screening year-round.
3. Entryways to shopping areas or areas of combined commercial use shall collocate entry.
4. All trash service areas must be enclosed on three sides. These and ground level mechanicals require landscape.
5. Commercial uses should design for cross access within the development.
6. Storm water detention must be accommodated on site or per City regulation.
7. Retaining walls, if required, should not exceed six (6) feet in height. Should greater height be required over six (6) feet additional structures may be used. These retaining structures must be offset to provide for planting areas a minimum of 4 feet in width in between the walls. If possible, no retaining features over six (6) feet should front D Highway.
8. There will be no permanent outdoor storage of materials, trailers, automobiles within two hundred fifty feet (250') of D Highway.

9. Parking lot lighting shall be a standard twenty-five (25) feet tall throughout all commercial, office, and public use areas and comply with IES standards to minimize light pollution.
10. The following building materials shall be used for office and commercial/retail buildings for at least forty percent (40%) of the front wall, exclusive of windows and doors:
 - a. Masonry – brick, stone, concrete masonry units with split-face, fluted, scored or other rough texture finish.
 - b. Concrete – precast, cast in place, or tilt up panels provided a rough texture is present or to be added.
 - c. Stucco – including E.I.F.S. and Dryvit.
 - d. Structural clay tile –
 - e. Glass – excluding mirror glass which reflects more than 40 percent of incident visible light
 - f. Metal – used only in an incidental role (e.g., trim), architectural features, standing seam metal roofing or other architectural metal siding or roofing as approved by the Board of Alderman.
11. All screening areas are to be landscaped with a 75% opacity (75% of tree/shrub cover used for screening is evergreen) with a combination of trees, both deciduous and evergreen, and shrubs.
12. Buffer areas shall consist of a combination of trees and shrubs, not less than four (4) trees per hundred (100) feet of required buffer. Additionally, three (3) shrubs per every tree are required.

E. Approval.

1. The Board of Alderman, upon recommendation from the Zoning Commission, shall approve all site plans.

2. Unless a longer time shall be specifically established as a condition of approval, site plan approval shall lapse and become void twelve (12) months following the date on which such approval became effective, unless prior to the expiration a valid legal building permit is issued and construction is commenced and diligently pursued toward completion.

3. Site plan approval may be extended upon the applicant's written request for extension and continuance of the plan as approved by the Planning and Zoning Commission, Board of Aldermen or Board of Adjustment prior to expiration. Approval of any such extension request shall be for a period of twelve (12) months. No further extension shall be granted and the applicant shall be required to re-site plan. Subsequent to this extension, the site plan shall be considered valid so long as the plan remains consistent with all applicable City codes and the Comprehensive Plan.

4. Upon violation of any applicable provision of this Chapter or, if granted subject to conditions, upon failure to comply with conditions, site plan approval shall be suspended by the Zoning Administrator upon notification to the owner of a use or property subject to the site plan, until a public hearing shall be held by the Planning and Zoning Commission, Board of Aldermen or Board of Adjustment as to whether such suspension shall be affirmed, conditionally affirmed, or revoked.

5.5 Telecommunication Towers.

A. Definitions:

1. Alternative tower structures shall mean man-made trees, towers, bell steeples, light poles and similar alternative-design structures that camouflage or conceal the presence of antennas or towers.
2. Act shall mean, The Communications Act of 1934, as it has been amended from time to time, including, but not restricted to The Telecommunications Act of 1996, and shall include future amendments to the communications Act of 1934.
3. Affiliate When used in relation to an operator, another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owners of some other ownership interest; and when used in relation to the City, any agency, board, authority, or political subdivision affiliated with the City or other person on which the City has a legal or financial interest.
4. Antenna Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes and omni-directional antennas or other devices designed for transmitting or receiving television, AM/FM radio, digital signals, microwave, telephone cellular, or similar forms of electronic communication.
5. Antenna Height The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure or antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
6. Antenna Support Structure Any pole, telescoping mast, multi legged tower, tripod, or another structure which supports a device used in the transmitting or receiving of electromagnetic signals of any sort or kind.
7. Band A clearly defined range of electromagnetic frequencies dedicated to a particular purpose.
8. Broadcast To transmit information over the airwaves to two or more receiving devices simultaneously.
9. Cell Site A tract or parcel of land that contains the cellular communication antenna, its support structure, and ancillary facilities such as building(s), parking facilities, and may contain other associated facilities incumbent to cellular communications operations.
10. Cellular Telecommunications A Commercial Low Power Mobil Radio Service licensed by the Federal Communications Commission (FCC) in a specific geographic area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

11. Cellular Telecommunications Facility A cellular telecommunications facility consisting of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone equipment.
12. Channel A segment of a frequency band. Also referred to simply as a "frequency".
13. City The City of Cleveland, Missouri.
14. Co-location Locating wireless communications equipment from more than one provider on a single site.
15. Common Carrier A radio service licensed by the FCC in which a single licensee is authorized to supply local and/or long-distance telecommunications service to the general public has established and stated prices.
16. Communication Tower A guyed, monopole, or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure, or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication signals.
17. Communication Facility A land use facility supporting antennas and microwave dishes that send and/or receive radio frequency signals. Communications facilities include structures or towers and accessory buildings.
18. Communications Transmission System or Communication System A wired communications transmission system, open video system, or wireless communications transmission system regulated by this Ordinance.
19. Cross Bar A structure at or near the top of the mobile radio service telecommunications facility which provides support and horizontal separation for antenna(s).
20. Digital Technology A method whereby voice and data messages are converts into digits that represent sound intensities at specific points of time and data content.
21. Directional Antenna An antenna or array of antennas designed ton concentrate a radio signal in a particular direction.
22. Dish Antenna A dish-like antenna used to concentrate and link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.
23. Effective Radiated Power (ERP) The product of the antenna power input and the numerically equal antenna power gain.
24. FAA shall mean the Federal Aviation Administration.
25. FCC shall mean the Federal Communications Commission.

- 26.** Freestanding Low Power Mobile Radio Service Facility A low power mobile radio service telecommunications facility that consists of a stand-alone Support structure, antenna(s) and associated equipment. The support structure may be a wooden pole, steel monopole, lattice tower, or other similar vertical support.
- 27.** Frequency The number cycles completed each second by a microwave; measured in hertz (HZ).
- 28.** Governing Authority shall mean the Board of Aldermen of the City of Cleveland, Missouri.
- 29.** Guyed Tower A communication tower that is support, in whole or part, by guy wires and ground anchors.
- 30.** Interference Disturbances in reception caused by intruding signals or electrical current.
- 31.** Land Mobile Systems Two-way radio service for mobile and stationary units in which each user is assigned a particular frequency.
- 32.** Lattice Tower A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.
- 33.** License The rights and obligations extended by the City to an operator to own, construct, maintain, and operate its system within the boundaries of the City for the sole purpose of providing services to persons within or outside of the City.
- 34.** Low Power Commercial Mobile Radio Network A system of low power commercial telecommunications facilities which allow wireless conversation or data transmission to occur from site to site.
- 35.** Low Power Commercial Mobile Radio Service A service which must include the following attributes:
- a. Profit from the operation of the service realized.
 - b. Interconnected to Public Switch Network.
 - c. Available to the public or such classes of eligible users as to be effectively available to a substantial portion of the public and must propose to or has developed, multiple networked sites within the region.
- 36.** Low Power Telecommunications Facilities An unmanned facility consisting of equipment for the reception, switching and/or receiving of wireless telecommunications operating at 1,000 watts or less effective radiated power (ERP), including but not limited to the following:
- a. Point-to-point microwave signals.
 - b. Signals through FM radio transmitters.
 - c. Cellular, enhanced Specialized Mobile Radio (ESMR) and Personal Communications Network (PCN).
 - d. Private low power mobile radio service.

- 37.** Lower Power Mobile Radio Telecommunications Facility A facility which consists of equipment for the reception, switching, and transmission of low power mobile radio service communications.
- 38.** MHZ Megahertz or 1,000,000 HZ.
- 39.** Micro-Cel A low power mobile radio service telecommunications facility used to provide increased capacity in high-demand areas or to improve coverage in areas of weak coverage.
- 40.** Microwave Electromagnetic Radiation frequencies high than 1,000 MHZ highly directional signal used to transmit radio frequencies from point to point at a relatively low power level.
- 41.** Microwave Antenna A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.
- 42.** Mobile and Land Based Telecommunication Facility Whip antennas, panel antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless transmission with low wattage transmitters not to exceed 500 watts from a sender to one or more receivers such as for mobile cellular telephones and radio system facilities.
- 43.** Monopole Tower (a.k.a. Self-Support Tower) A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
- 44.** MW/cm² Micro watts per square centimeter; a measurement of the intensity of radio frequencies hitting a given area.
- 45.** Omnidirectional Antenna (a.k.a. Whip Antenna) An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it is designed.
- 46.** Panel Antenna (a.k.a. Sector Antenna) An antenna that transmits signals in specific directions, and are typically square or rectangle in shape.
- 47.** Personal Communications Service (PCS) Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. Such mobile technology promises to allow each customer to use the same telephone number wherever he or she goes. Also known as Personal Communications Network (PCN).
- 48.** Private Low Power Mobile Radio Service All other forms of wireless telecommunications which have some similar physical facilities to a Low Power Commercial radio service but do not meet the definition of a commercial mobile radio service.
- 49.** Public Property Any real property, easement, right-of-way, air space, or other interest in real estate, including a street, owned, or controlled by the City or any other governmental agency or unit.
- 50.** Repeater A low power mobile radio service telecommunications facility that extends coverage of a cell to areas not covered by the originating cell.

- 51. Roof and/or Building Mount Facility** A low power mobile radio service telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances or building face).
- 52. Self-Support Tower** A communication tower that is constructed within guy wires and ground anchors. (Examples could include lattice and monopole tower types).
- 53. Specialized Mobile Radio (SMR)** A mobile radio which is utilized in conjunction with an Enhanced Special Mobile Radio Network, which includes dispatch and interconnect services.
- 54. Telecommunications** The transmission, between or among points as specified by the user, of information of the user's choosing, without change in form or content of the information as sent and received.
- 55. Tower** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guyed towers, monopole tower. The term "tower" included radio and television transmission and reception towers, microwave towers, common-carrier towers, cellular telephone towers, alternative towers structures and the like.
- 56. VHF** Very High Frequency with bands from 30-300 MHZ; includes FM radio, VHF television (channels 2 to 13) and some land mobile and common carriers.
- 57. Wavelength** The distance between points of corresponding phases of a periodic wave of two constant cycles. $\text{Wavelength} = \text{wave velocity}/\text{frequency}$.

B. General Provisions

The antenna and facilities shall meet all Federal Communications commission requirements for radio frequency emissions. A structural certification from an engineer registered to practice in the State of Missouri shall be submitted. The certification shall establish that the electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC.

1. Federal Requirements All towers shall meet or exceed current standards and regulations of the FCC, the FAA, and any other agency of the federal or state government with the authority to regulate towers and antennas. If any applicable regulation or standard is revised, then the owner of the tower shall bring such tower into compliance within six (6) months of the effective date of such revised standard or regulations. Failure to bring towers and antennas into compliance within the time period allowed shall also constitute cause for removal of the tower or antenna at the owner's expense.

All towers and antennas constructed within the City of Cleveland, Missouri shall comply with all applicable building codes and the applicable standards for towers as published by the Electronic Industries Association as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with codes and/or standards, the owner shall have thirty (30) days in

which to bring such tower into compliance. If the owner fails or refuses to bring such tower into compliance, the City may cause the removal of such tower at the sole expense of the owner.

2. Removal of Abandoned Towers Any antenna or tower which is not operated for its original intended purpose for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such tower shall remove same within ninety (90) days of receipt of notice from the City notifying owner as such abandonment. If the tower is a joint use facility, that is it is being used by two or more users, then all users must have not used the tower for the twelve (12) month period. If the tower is not removed within the ninety (90) day period, the City may cause the tower to be removed at the sole expense of the owner.

3. Amateur Radio and Receive-Only Antenna This Ordinance is not intended to govern any federally licensed amateur radio and receive-only privately owned satellite dishes and does not apply to any privately owned antenna or tower less than fifty (50) feet in height.

4. As-Built Plans Within thirty (30) days of the initial completion of construction or of any structural modification to the existing structure, the owner shall submit two (2) sets of as built engineering and architectural plans to the City. Such plans shall show the location of the tower by latitude and longitude, and state plane coordinates and shall accurately depict all of the telecommunication facilities associated with the tower on site pursuant to the franchise, license and permits associated therewith.

5. Inspection At least every twenty-four (24) months, the tower shall be inspected by an expert who is qualified in the maintenance, inspection and/or erection of communication towers. This inspection shall be conducted in accordance with the tower inspection checked list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Support Structures". One copy of the inspection report shall be forwarded to the City no less than thirty (30) days after completion of said inspection.

6. Underground Placement Cables, Wires, and Facilities In all areas of the City where the cables, wires and other like facilities of public utilities exist or are required to be placed underground, an operator shall also place its cables, wires, and other facilities underground.

7. Disturbances to Property In the case of disturbance to any street or thoroughfare or other public property, caused by an operator during the course of construction or maintaining its system facilities, an operator shall, at its own expense, replace and restore all paving, sidewalk, driveway, landscaping, or any surface of any street or other public property disturbed to condition as good as or better than the condition as before the disturbance in accordance with applicable federal, state or local laws, rules, regulations, codes or administrative decisions. The duty to restore the street or other public property shall include the repair of any area identified by the City as being weakened or damaged as a result of a cut or other invasion of the pavement or other property.

C. Conditional Use Permit

No tower shall be erected unless and until a Conditional Use Permit therefore has been obtained from the City.

D. Zoning District In Which Permitted

Telecommunications towers and associated facilities may only be permitted by Conditional Use Permit in Districts A and CH.

E. Setback Requirements

Minimum setback requirements for telecommunications tower shall be no less than two hundred (200) feet or equal to the height of the tower (including antenna) if the tower is less than two hundred (200) feet tall.

F. Separation

No telecommunications tower over ninety (90) feet in height shall be located closer than one quarter mile from any existing tower.

G. Aesthetics

All towers and accessory facilities shall be sited to have the least particle adverse visual effect on the environment, Towers shall not be lighted except to assure safety as required by the FAA. Towers should be painted gray or light blue unless other standards are required by the FAA. In all cases, monopole towers shall be preferable to guyed towers or free-standing structures. Where mounted on or attached to existing buildings, antennas shall be painted to blend with the décor of the host structure as nearly as possible.

1. Accessory Equipment Storage Mobile or immobile equipment not used in direct support of the tower facility shall not be stored on the sited of the tower, unless repairs to the tower are being made.

2. Lighting Upper portions of towers shall be lighted if required by the FAA or FCC. If security lighting is required, care shall be taken to minimize light directed toward adjacent properties and rights-of-way.

H. Application and Permit Requirements

1. Each application shall include a minimum of the following:

- a. Written authorization from the property owner of the proposed site.
- b. A site plan:
 - (i) Drawn to scale
 - (ii) Showing the Property Boundaries
 - (iii) Showing any tower guy wire anchors and other apparatus
 - (iv) Existing and proposed structures
 - (v) Scaled elevation view

- (vi) Access road(s) location and surface material
- (vii) Parking area
- (viii) Fences
- (ix) Location and content of signs (including warning if required)
- (x) Exterior lighting specifications
- (xi) Landscaping contours (minimum of five (5) intervals)
- (xii) Existing land uses surrounding the site
- (xiii) Proposed buildings associated with the facility including:

Plan and elevation and 5Proposed use

c. A written report including:

- (i) Information describing the tower height and design
- (ii) A cross section of the structure
- (iii) Engineering specifications detailing construction of tower, base, and guy wire anchorage
- (iv) Information describing the proposed painting and lighting schemes
- (v) Information describing the tower's capacity, including the number and type of antennas that it is capable of accommodating
- (vi) Radio frequency emission data
- (vii) All tower structural information certified by a registered engineer

d. Written statement regarding the appropriateness of the chosen site

5.6 Floodplain Management:

5.6.1 DEFINITIONS

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

100-YEAR FLOOD *see "base flood."*

ACCESSORY STRUCTURE means the same as *"appurtenant structure."*

ACTUARIAL RATES *see "risk premium rates."*

ADMINISTRATOR means the Federal Insurance Administrator.

AGENCY means the Federal Emergency Management Agency (FEMA).

AGRICULTURAL COMMODITIES means agricultural products and livestock.

AGRICULTURAL STRUCTURE means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

APPEAL means a request for review of the Floodplain Administrator's interpretation of any provision of this Code or a request for a variance.

APPURTENANT STRUCTURE means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year

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

CHIEF EXECUTIVE OFFICER or **CHIEF ELECTED OFFICIAL** means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

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

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

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

ELIGIBLE COMMUNITY or **PARTICIPATING COMMUNITY** means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

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

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

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK or **SUBDIVISION** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOODPLAIN or **FLOOD-PRONE AREA** means any land area susceptible to being inundated by water from any source (*see "flooding"*).

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

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

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

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

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

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

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

MANUFACTURED HOME PARK or **SUBDIVISION** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MAP means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

MARKET VALUE or **FAIR MARKET VALUE** means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

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

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

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

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

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

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

PRINCIPALLY ABOVE GROUND means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

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

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

REPETITIVE LOSS means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of

each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

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

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

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

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

STATE COORDINATING AGENCY means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

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

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

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

The term does not apply to:

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

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

The term does not apply to:

- a.) any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure." Or
- c.) Any building that has been damaged from any source or is categorized as repetitive loss.

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

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

VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development

without the elevation certificate, other certifications, or other evidence of compliance required by this Code is presumed to be in violation until such time as that documentation is provided.

5.6.2 Statutory Authorization, Findings of Fact and Purposes

A. Statutory Authorization

The Legislature of the State of Missouri has in RSMO 79.110 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of Aldermen of the City of Cleveland, Missouri ordains as follows:

B. Findings of Fact

1. Flood Losses Resulting from Periodic Inundation

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

2. General Causes of the Flood Losses

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

C. Statement of Purpose

It is the purpose of this Code to promote the public health, safety, and general welfare; to minimize those losses described in 5.6.2, B (1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(b) by applying the provisions of this Code to:

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

5.6.3 General Provisions

A. Lands to Which Ordinance Applies

This section shall apply to all lands within the jurisdiction of the City of Cleveland identified as unnumbered A zones, on the Flood Insurance Rate Map (FIRM) for Cass County dated January 2, 2013, on panel numbers 29037C0128F, 29037C0129F, and 29037C0140F, as amended, and any future revisions thereto. In all areas covered by this Code, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in 5.6.5.

B. Floodplain Administrator

The Mayor is hereby designated as the Floodplain Administrator under this Code.

C. Compliance

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

D. Abrogation and Greater Restrictions

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

E. Interpretation

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

F. Warning and Disclaimer of Liability

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

G. Severability

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

5.6.4 Administration

A. Floodplain Development Permit (Required)

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described 5.6.3,A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

B. Designation of Floodplain Administrator

The Mayor is hereby appointed to administer and implement the provisions of this Code.

C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

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

- 1.review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Code have been satisfied;
- 2.review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
- 3.review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- 4.issue floodplain development permits for all approved applications;
- 5.notify adjacent communities and the Missouri State Emergency Management Agency (MO SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- 6.assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
- 7.where base flood elevation from other sources is utilized within unnumbered A zones:

- a. verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- b. verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
- c. when flood proofing techniques are utilized for a particular non-residential structure, the Mayor shall require certification from a registered professional engineer or architect.

D. Application For Floodplain Development Permit

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

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

5.6.5 Provisions for Flood Hazard Reduction

A. General Standards

1. No permit for floodplain development shall be granted for new construction, substantial- improvements, and other improvements, including the placement of manufactured homes, within any unnumbered A zone unless the conditions of this section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this Code. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
3. All new construction, subdivision proposals, substantial-improvements, prefabricated buildings, placement of manufactured homes, and other developments shall require:
 - a. design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. construction with materials resistant to flood damage;
 - c. utilization of methods and practices that minimize flood damages;
 - d. all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
 - f. subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - (1) all such proposals are consistent with the need to minimize flood damage;
 - (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - (3) adequate drainage is provided so as to reduce exposure to flood hazards; and

- (4) all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

4. *Agricultural Structures*

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

5. *Storage, material, and equipment*

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

6. *Accessory Structures*

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

B. Specific Standards

1. In all areas of special flood hazard, once base flood elevation data is obtained, as set forth in 5.6.5., A (2), the following provisions are required:

- a. *Residential Construction*

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

*[*The FEMA, Region VII office recommends elevating to one foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.]*

b. *Non-Residential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood level or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in 5.6.4 C{7}(c).

*[*The FEMA, Region VII office recommends elevating to one foot above the base flood elevation to qualify for flood insurance rates based upon flood proofing.]*

- c. Require, for all new construction and substantial-improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - (2) the bottom of all opening shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
2. In all areas of special flood hazard, once **floodway** data is obtained, as set forth in Article 4, Section A (2), the following provisions are required:
- a. The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation more than one foot at any point; and
 - b. the community shall prohibit any encroachments, including fill, new construction, substantial- improvements, and other development within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

C. Manufactured Homes

1. All manufactured homes to be placed within special flood hazard areas shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Require manufactured homes that are placed or substantially improved within unnumbered A zones on the community's FIRM on sites:
 - a. outside of manufactured home park or subdivision;
 - b. in a new manufactured home park or subdivision;
 - c. in an expansion to and existing manufactured home park or subdivision; or
 - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial-damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A zones on the community's FIRM, that are not subject to the provisions of 5.6.5., C (2) of this Code, be elevated so that either:
 - a. the lowest floor of the manufactured home is at one (1) foot above the base flood level; or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

*{*The FEMA, Region VII office recommends elevating to one foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.}*

D. Recreational Vehicles

1. Require that recreational vehicles placed on sites within unnumbered A zones on the community's FHBM or FIRM either:
 - a. be on the site for fewer than 180 consecutive days,
 - b. be fully licensed and ready for highway use*; **or**

- c. meet the permitting, elevation, and the anchoring requirements for manufactured homes of this Code.

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

5.6.6 Floodplain Management Variance Procedures

SECTION A. Establishment of Appeal Board

The Board of Adjustment as established by the City of Cleveland shall hear and decide appeals and requests for variances from the floodplain management requirements of this Code.

SECTION B. Responsibility of Appeal Board

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Mayor, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in 5.6.6, A.

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

C. Further Appeals

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

D. Floodplain Management Variance Criteria

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

1. the danger to life and property due to flood damage;
2. the danger that materials may be swept onto other lands to the injury of others;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity to the facility of a waterfront location, where applicable;

6. the availability of alternative locations, not subject to flood damage, for the proposed use;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
11. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

E. Conditions For Approving Floodplain Management Variances

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

the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Code.

SECTION F Conditions for Approving Variances for Agricultural Structures

Any variance granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in 5.6.6, Sections D and E of this ordinance.

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

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (3)(b) of this Code.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with 5.6.5, A (3)(a) of this Code. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with 5.6.5, A (3)(d) of this Code.
6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the

automatic entry and exit of floodwaters in accordance with 5.6.5, B (1)(c) of this Code.

7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of 5.6.5, B (2) (b) of this Code. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
8. Major equipment, machinery, or other contents must be protected from any flood damage.
9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
10. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Code.
11. Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

G. Conditions for Approving Variances for Accessory Structures

Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in 5.6.6, Sections D and E of this Code.

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

1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built

with flood-resistant materials in accordance with Article 4, Section A (3)(b) of this Code.

3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with 5.6.5, A (3)(a) of this Code. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with 5.6.5., A (3)(d) of this Code.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with 5.6.5., {1}(c) of this Code.
6. The accessory structures must comply with the floodplain management floodway encroachment provisions of 5.6.5., B (2)(b) of this Code. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery, or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Code.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

5.6.8 Amendments

The regulations, restrictions, and boundaries set forth in this Code may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after

a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Cleveland. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Code are in compliance with the National Flood Insurance Program (NFIP) regulations.

5.7 Alternative Energy Systems

A. Solar Energy System Regulations (fee chart 7.Ib.7)

- (a) Purpose and intent. The purpose of the solar energy systems regulations is to encourage investment in solar energy systems in the city, both residential and nonresidential, while providing guidelines for the installation of those systems that are consistent with the architectural, building, and aesthetic standards of the community and protect the health safety and welfare of the public.
- (b) Permitted uses. Small scale solar energy systems are allowed only as an accessory use and/or structure to a principal use and/or structure in all zoning districts.
- (c) Conditional uses. Utility scale solar energy systems are allowed in commercial and industrial districts only after the issuance of a conditional use permit in accordance with the intent of this section, the requirements of section 5.1, and the issuance of a building permit.
- (d) Definitions. Whenever used in this section, the following words or phrases shall have the meanings ascribed to them:

Small scale solar energy system. Any solar energy system designed for on-site consumption.

Solar energy system. An energy system comprised of, but not limited to, solar cells, modules, panels, arrays, lines, pumps, batteries, mounting brackets, framing and/or foundations used for or intended to be used for the collection of solar energy to meet all or a significant part of a building's energy requirements.

Utility scale solar energy system. Any solar energy system designed for off-site consumption.

- (e) General requirements.
 - (1) The placement of solar energy systems or equipment on roofs of principal buildings is preferred and encouraged instead of ground mounted systems.
 - (2) All exterior plumbing and electrical lines must be painted and/or coated to match the color of adjacent roofing materials and building walls. No visible exterior plumbing and electrical lines shall be installed in any portion of the front of the property. Aluminum trim, if used and visible, shall be anodized or otherwise color treated to blend into the surroundings as much as possible.
 - (3) Roof mounted solar energy systems on roofs with a pitch greater than 4:12 shall not be more than four (4) feet higher than the finished roof to which it is mounted when fully extended. Roof mounted solar energy systems on roofs with a pitch less than 4:12 shall not be more than six (6) feet higher than the finished roof to which it is mounted when fully extended. In no instance shall any part of the solar energy panels extend beyond the edge of the roof

or higher than the maximum allowable height of other structures in the underlying zoning district.

- (4) Ground mounted solar energy systems are not allowed in the front or side yards and must satisfy the setbacks from a street, rear, and side lot lines of the underlying zoning district.
 - (5) Ground mounted solar energy systems shall be installed on a concrete pad that extends under the full width and length of the solar energy system or at such a height that allows mowing and weed control measures under the array so as not to allow weeds or grass to grow through the system and become a general nuisance. A clear, brush-free area of ten (10) feet shall be required for ground-mounted solar energy systems.
 - (6) Ground mounted solar energy systems shall be constructed to minimize the view and any glare from public rights-of-way or adjacent residentially-zoned property.
 - (7) All solar energy systems and components shall have a UL listing and comply with the adopted building and fire codes.
 - (8) Roof-mounted solar energy systems on commercial buildings shall be located in such a manner as to ensure emergency access to the roof, provide areas for smoke ventilation opportunities and provide emergency egress from the roof.
 - (9) Reflective, weather resistant markings and the location of direct current (DC) conductors shall be approved by the fire department.
 - (10) Ancillary solar equipment shall be screened from public view.
 - (11) Solar energy systems shall be erected in a secure, wind resistant manner and be maintained in good condition.
 - (12) The city or its assigns will maintain the right to conduct inspections of solar energy systems to assess output of the installation so as to determine viability. Systems that are inoperable or provide limited output (<10% of stated capacity) may be deemed as abandoned and will be subject to removal at owners expense within 365 days.
- (f) Permitting and enforcement. A building permit is required for the installation or alteration of a solar energy system. The applicant shall provide the city any information necessary to show compliance with requirements of the adopted building and fire codes. This information may include but shall not be limited to the following:
- (1) Written description of the solar energy system, the estimated kilowatts generated annually, and the nameplate rating.
 - (2) Sun and shadow diagrams specific to the installation if an installation is proposed for the front slope of the principal structure or for a ground mounted installation.
 - (3) Site plan drawn to scale showing property lines, building footprints, location and dimensions of solar energy systems, and distance from solar energy system to buildings on adjacent properties.
 - (4) A simple building elevation showing the height of the building and roof, the height of the solar energy system when fully extended above the roof.
 - (5) Manufacturer specifications of the solar energy system and components. Building, electrical, and plumbing plans necessary to show the roof can support the additional load, roof penetrations details including water proofing, curbs, flashing, etc., connections to existing plumbing and electrical systems, ridgeline of roof, and fire fighter access.

- (6) Written evidence that the electric utility service provider that serves the site has been informed of the applicant's intent to install a solar energy system, unless the applicant does not plan, and so states on the application, to connect the system to the electricity grid.

B. Wind Energy Regulations

- (a) Purpose and intent. The purpose of the wind energy collection systems regulations is to encourage investment in wind energy collection systems in the city, both residential and nonresidential, while providing guidelines for the installation of those systems that are consistent with the architectural, building, and aesthetic standards of the community and protect the health safety and welfare of the public.
- (b) Permitted uses. Small scale wind energy collection systems at or below sixty (60) feet in height are allowed only as an accessory use and/or structure to a principal use and/or structure in all zoning districts.
- (c) The minimum lot size for a wind energy system is 3 acres.
- (d) Conditional uses.
 - (1) Small scale wind energy collection systems over sixty (60) feet in height are allowed only as an accessory use and/or structure to a principal use and/or structure in all zoning districts after the issuance of a conditional use permit in accordance with the intent of this section, the requirements of section 5.1, and the issuance of a building permit.
 - (2) Utility scale wind energy collection systems are allowed in commercial and industrial districts only after the issuance of a conditional use permit in accordance with the intent of this section, the requirements of section 5.1, and the issuance of a building permit.
- (e) Definitions. Whenever used in this section, the following words or phrases shall have the meanings ascribed to them:

Shadow flicker. The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow. Significant shadow flicker is defined as more than thirty (30) hours per year on abutting occupied buildings.

Small scale wind energy collection system. Any wind energy collection system which has a rated capacity of one hundred (100) kilowatts or less and is designed for on-site consumption.

Wind energy collection system. A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics.

Utility scale wind energy collection system. Any wind energy collection system which has a rated capacity greater than one hundred (100) kilowatts and is designed for off-site consumption.
- (f) General requirements.
 - (1) The base of the tower shall be set back from all property lines, public rights-of-way, and overhead utility lines a distance of 1.1 times the height of the tower plus the highest vertical extent of any blades or the required setbacks from a street, rear and side lot lines of the underlying zoning district whichever is greater. Ground mounted electrical and control equipment and guy wires shall meet the required setbacks from a street, rear, and side lot lines of the underlying zoning district.

- (2) The maximum height of the tower plus the highest vertical extent of any blades shall not exceed sixty (60) feet unless authorized by a conditional use permit.
 - (3) No portion of the wind energy collection system's blade sweep shall extend within twenty (20) feet of the ground or over parking areas, driveways, or sidewalks.
 - (4) Any climbing apparatus must be located at least twelve (12) feet above the ground, and the tower must be designed to prevent climbing within the first twelve (12) feet. Alternatively, access to the tower must be restricted to authorized personnel so as to prevent unauthorized persons from climbing the tower.
 - (5) The wind energy collection system shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the property line, except during short-term events such as severe wind storms and utility outages.
 - (6) The wind energy collection system shall be sited in a manner that does not result in significant shadow flicker impacts. The applicant has the burden of proving that the shadow flicker will not have a significant adverse impact on neighboring or adjacent uses as the time of application for a conditional use permit or a building permit.
 - (7) Any signs, including flags, streamers, or decorative items, both temporary and permanent, are prohibited on the wind energy collection system, except for manufacturer identification or appropriate warning signs four (4) square feet or smaller in size.
 - (8) All ground mounted electrical and control equipment shall be screened from public view. All electrical conduits shall be underground.
 - (9) The color of the wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white, or gray.
 - (10) The wind energy collection system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration. If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the wind energy collection system.
 - (11) The wind energy collection system shall be built to comply with all applicable Federal Aviation Administration regulations. All wind energy collection systems and components shall have a UL listing and comply with the adopted building and fire codes. For the purposes of building code review the tower will be treated as a radio, telecommunications, or broadcast tower.
 - (12) Reflective, weather resistant markings and the location of conductors shall be approved by the fire department.
 - (13) The wind energy collection system shall not cause interference to microwave communications or radio and television reception in the area.
 - (14) Wind energy collection systems shall be maintained in good condition.
 - (15) The city or its assigns will maintain the right to conduct inspections of wind energy systems to assess output of the installation so as to determine viability. Systems that are inoperable or provide limited output may be deemed as abandoned and will be subject to removal at owners expense within 365 days.
- (g) Permitting and Enforcement. A building permit is required for the installation or alteration of a wind energy collection system. The applicant shall provide the city any information necessary

to show compliance with requirements of the adopted building and fire codes. This information may include but shall not be limited to the following:

- (1) Written description of the wind energy collection system and the estimated kilowatts generated annually.
- (2) Evidence to document that the site has sufficient wind to operate a wind energy collection system.
- (3) Site plan drawn to scale showing property lines, adjacent rights-of-way, and overhead utility lines, building footprints, location and dimensions of the wind energy collection system, parking lots, driveways, sidewalks, and distance from wind energy collection system to buildings on adjacent properties.
- (4) Full dimensions of all buildings existing on the property where the proposed wind energy collection system is located, including exterior dimensions, height of buildings and all uses on the property.
- (5) Drawings, to scale, of the wind energy collection system, including tower, blades, base, footings, guy-wires, if any, electrical components, and associated equipment. The drawings and any necessary calculations shall be certified by a licensed, Missouri engineer as meeting the requirements of the adopted building, electrical, and fire codes of the City of Cleveland.
- (6) A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the adopted electrical code. This information is frequently supplied by the manufacturer.
- (7) A noise study or shadow flicker model, if applicable.
- (8) Written evidence that the electric utility service provider that serves the site has been informed of the applicant's intent to install a wind energy collection system, unless the applicant does not plan, and so states on the application, to connect the system to the electricity grid.

5.8 Fences

1. No person shall erect or alter any fence, screen, wall, or other exterior partition in the city without first filing an application with and receiving a permit from the City for the erection of such fence, screen or wall and shall clearly show the type of fence, screen or wall proposed to be erected, the material of which it is to be constructed and the location where it is to be erected. An application for a permit under the provisions of this article shall be accompanied by a fee of \$35.00 to cover the cost of the permit and inspection of the fence, screen, wall, or exterior partition proposed to be erected.
2. Fences, walls, and hedges requirements.
 - a. Fences, walls and hedges not exceeding four (4) feet in height measured from the surface of the ground to the top of the fence may be located in any yard.
 - b. Fences, walls and hedges not exceeding six (6) feet in height measured from the surface of the ground to the top of the fence may be located in rear and side yards provided no portion extends closer to the front property line than the front corner of the structure; and provided, on corner lots such fence, wall or hedge shall be set back at least twenty (20) feet from the property line parallel to the side street.

- c. Fences, walls and hedges exceeding six (6) feet in height are not permitted.
- d. Fences shall be constructed of materials commonly recognized and sold as fencing such as chain link, woven wire, wood boards and pickets, wrought iron, slats, poles, vinyl, and plastic designed specifically for fencing. Barbed wire, razor wire, fences with sharp points or edges; and fences constructed of metal panels, wood panels, plastic panels, or plastic construction fencing are prohibited.
- e. Rural Residential zone may erect fences up to five (5) feet in height and be barbed wire to resist horses and livestock and will comply with Section 272 RSMO, Revised Statutes of Missouri.
- f. It shall be the responsibility of property owners to determine the location of property lines so fences do not encroach on easements, alleys, rights-of-way, or adjoining properties.
- g. Privacy fences and chain link fences are not to exceed six (6) feet and are permitted in the side and rear yard provided no portion extends closer to the front property line than the front corner of the structure in Highway Commercial zones.
- h. Security fences are not to exceed eight (8) foot in height and may include barbed wire along the top of the fence no closer than seven (7) foot above the ground in Highway Commercial Zones.
- i. Any Fence damaged by accident or storm will be repaired within One hundred eighty (180) days. Fences protecting swimming pools must be repaired within thirty (30) days.
- j. Silt fencing shall be required as per State requirements for disturbed areas and erosion control.
- k. Agriculture zone may erect barbed wire and electric fence up to a maximum of 6 foot high.

3. Non-Conforming fences.

- a. Any fence, structure, screen, wall, or planting that does not conform to the provisions of this article shall, within one year of passage and approval of this section, be dismantled, taken down or altered so as to bring it into compliance with the requirements of this article. A waiver to this provision for an existing fence or to allow more time can be approved by the Board of Alderman upon request.
- b. Any fence, structure or wall or planting that was erected before November 1, 2017, in a commercial zoned district that does not conform to the provisions hereof may continue as a nonconforming use; but if the fence, structure, screen, wall or planting is removed or damaged to the extent of more than 60 percent of its assessed value, it shall be removed and replaced in accordance with this ordinance.

- c. The Building Official may require that a temporary fence be constructed on or around any construction or demolition site, when deemed necessary to protect the public. Upon completion all fencing shall be removed from the site within ninety (90) days.

SECTION 6 - Public Improvements

6.1 Adequate Public Facilities Required.

A. Purpose. The purpose of this Section is to ensure that land proposed for development shall be served by public facilities, at the levels of service established by the City, which are adequate to support and service the area of the proposed development. Land shall not be approved for development unless and until adequate public facilities exist or provision has been made for the following essential public facilities: public safety, water service, wastewater treatment and disposal, stormwater management, electrical service, telecommunications service, and transportation facilities. Public facilities shall be provided in a manner that is consistent with the Comprehensive Plan, this Ordinance and other standards adopted by the City.

B. Requirements. New development shall provide adequate facilities and services to accommodate demands from proposed development in conformance with the minimum standards established by the City. Improvements shall be constructed in conformance with the provisions of these regulations. New development shall be timed and phased at a pace that will ensure the adequate provision of community facilities and services for proposed and future development. Each phased development project shall be designed so that the project is capable of functioning effectively and independently at completion of each phase. Adequate roadway facilities shall be provided concurrently with new development and shall be designed and constructed in conformance with applicable City standards.

C. Extension and Oversized Facilities Policies. All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure.

D. The City may require the applicant of a subdivision to extend offsite improvements to reach the subdivision or to oversize required public facilities to serve anticipated future development as a condition of approval. Reimbursements for oversized facilities may be provided in a Development Agreement entered into between the developer and the City.

E. Condition of Approval. No development shall be approved unless such development has available adequate public facilities and services at the time that development approval is applied for, or such public facilities are contained within a fully funded capital improvement program or plan. Proposed public improvements shall conform to and be properly related to the City's Comprehensive Plan and all applicable capital improvements programs and plans, including the plans for roads, sewer, stormwater management, fire and water districts, school districts and other emergency service providers. Development approvals may be timed and phased where partial adequate public facilities are available.

6.2 Water.

A. Before approval of a final plat, the applicant shall demonstrate the adequacy and potability of water available for fire protection and domestic use in the subdivision. Construction and installation of the water system shall be the subdivider's responsibility. To determine adequacy of water availability for fire protection, the minimum fire flow requirements contained in the version of the International Fire Code that the City has adopted, including its amendments thereto, shall be used, provided that the Board of Aldermen may waive or modify this requirement provided that the Fire Protection District is provided notice of its intent to do so and an opportunity to comment.

B. The size of the main shall be determined by a Missouri Registered Professional Engineer, with approval of the City, giving full consideration to future growth, fire protection and present needs.

C. Water mains shall be installed to within 5 feet of the furthestmost property line(s) as necessary to serve the development and future development(s).

D. The water system shall be constructed in accordance with Section 2900 of the Kansas City Chapter of the American Public Works Association Standard Specifications and Design Criteria.

6.3 Wastewater Systems.

A. Design Standards. All habitable structures and buildable lots shall be served by an approved means of wastewater collection and treatment. All central wastewater systems and related infrastructure shall be designed and constructed to comply with state and American Public Works Associations (APWA) Standards as may be modified by these Regulations. These design standards are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where recommended by the City Engineer. Sanitary sewer systems shall be designed and built for the ultimate tributary population. Sewer capacities shall be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. Design flows shall be subject to approval of the City Engineer for each particular development.

B. Off-Site Improvements. The developer of a parcel shall provide off-site improvements required to adequately serve a proposed development.

C. Extension/Oversizing. Upon recommendation of the City Engineer and the Planning and Zoning Commission, the Board of Aldermen may require that wastewater lines be over-sized to accommodate planned development.

6.4 Stormwater Management. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed in accordance with APWA KC Chapter standards so as to prevent increases in peaks or velocity of downstream flooding. The City may require the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development.

6.5 Streets.

A. Arrangement of streets shall be made for the logical extension of major and secondary thoroughfares. Except for courts and cul-de-sacs, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. No development approval shall be granted where adequate off-site transportation capacity is not available at time of development approval or contained within a fully funded capital improvement program or plan.

B. Unless otherwise provided for in these regulations, all street improvements shall be designed according to “A Policy on Geometric Design of Highways and Streets” (AASHTO) and all construction and materials shall comply with APWA Standards, KC Chapter.

1. No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial or collector so that the street does not function at a Level of Service C or better. The applicant for any development projected to generate more than 500 vehicle trip ends per day may be required to submit a traffic impact analysis. If a TIA shows that a proposed development creates the need for additional off-site right-of-way, the applicant may be required to provide right-of-way proportional to the demand created prior to development approval.

C. Minor streets should be so planned as to discourage their use by non-local traffic. Courts or cul-de-sacs will be permitted where topography or other conditions justify their use and provisions shall be made for adequate traffic circulation. Cul-de-sacs shall normally not be longer than five hundred (500) feet, including a turnaround which shall be provided at the closed end, which turnaround shall be designed to allow for adequate emergency and public works/public utility vehicle access.

D. There shall be an adequate number of points of ingress to and egress from the subdivision to ensure sound traffic engineering design, smooth traffic flow into and out of all portions of the subdivision (based upon the projected traffic generation from the subdivision and projected traffic on streets adjacent to a subdivision), and the public’s safety. In determining whether the subdivision provides for an adequate number of points of ingress and egress, all relevant factors shall be considered including but not limited to the following:

1. Residential Subdivisions. As a general rule, one (1) point of ingress to and egress from the subdivision should be required for each thirty (30) dwelling units in the subdivision, but this requirement may be waived by the Board of Alderman upon a finding of good cause. Each required point of ingress to and egress from the subdivision shall be located so as to best serve the traffic generated by the subdivision.

2. Nonresidential Subdivisions. The adequacy of the number of points of ingress to and egress from nonresidential subdivisions shall be determined as a part of and based on the consideration of the site plan for the proposed development. The plat for such development shall show the same number of ingress and egress points as are shown on the approved site plan. If no site plan has been approved, all approvals of the preliminary plats shall be conditioned upon the final plat being consistent with the site plan with respect to the number of points of ingress to and egress from the subdivision.

3. General Factors.

- a. Traffic accumulation. The level of traffic using each point of ingress to and egress from the subdivision should not exceed the level of traffic that the type of street proposed (i.e., residential, collector, etc.) is designed to accommodate.
- b. Access for emergency vehicles. The points of ingress to and egress from the subdivision should be adequate to ensure that emergency vehicles can gain access to all proposed uses and make all necessary turning movements within the subdivision whenever necessary.
- c. Intersection of points of ingress to and egress from the subdivision with streets abutting the subdivision. The impact of injecting traffic from the proposed subdivision into the existing street network shall be mitigated by location, design, and control measures consistent with the standards of traffic engineering. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.
- d. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels, shall be so arranged as to permit the continuous location and opening of future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.
- e. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets generally shall be sixty degrees.
- f. Streets entering the opposite sides of a street shall either be directly across from each other or offset by at least one hundred (100) feet from centerline to centerline.
- g. Dedication of half streets will not be approved except in the public interest.

E. Street Design Standards

Design Standard	Street Classification		
	Arterial	Collector	Residential
Minimum ROW	80'	60'	50'
Street Width (minimum) (Back to Back of Curb)	44'	36'	28'
Grade (maximum)	7%	10%	10%
Design Speed (mph)	40-55	25-35	15-25
Number of Traffic Lanes	2-6	2	2
Width of Traffic Lanes	12'	12'	12'
Sidewalk (one side)	Required	Required	Required
Sidewalk width	4'	4'	4'
Curb and Gutter (both sides)	Required	Required	Required

Notwithstanding anything contained in these regulations to the contrary, the Board of Alderman may waive or otherwise modify the requirement for installing sidewalks and curb and gutter when it deems necessary to achieve a “rural feel” to a proposed RR District development and may instead allow the use of open drainage ditches.

Curb Radii. Where two (2) minor streets intersect at approximately right angles, so that the smallest angle of intersection is not less than eighty degrees, the curb at each block corner shall be rounded with a radius of fifteen (15) feet. At all intersections where minor streets intersect at an angle of less than eighty degrees, or where a minor street intersects with a major or secondary thoroughfare, or where two (2) or more secondary or major thoroughfares meet, cross or otherwise intersect in any combination, the curb radii at such intersections shall be subject to the approval of the Zoning Administrator.

Curb And Guttering. Vertical face curbs and gutters shall be installed. Roll back curbs may be permitted in areas along streets serving residences.

6.6 Sidewalks.

A. A sidewalk shall be constructed on at least one side of the street as designated during the platting process for all residential developments. Sidewalk requirements for all non-residential developments shall be determined during the development process. Sidewalks in residential developments shall be constructed prior to the issuance of a certificate of occupancy, provided however, that the City may waive or modify this requirement, including allowing the developer to contribute funds in-lieu-of construction. The design and installation of all sidewalks shall meet all state and federal requirements, including but not limited to the Americans with Disabilities Act. Sidewalks shall be constructed either in the right-of-way or within an appropriate easements, and shall be shown on the preliminary and final plats.

B. Sidewalks shall be concrete, shall conform to the applicable standards contained in these regulations and shall be a minimum of 48" wide and a minimum of 4" thick with handicapped access at all intersections. Sidewalks shall normally be separated from the edge of the street by a grassy strip 24" wide. All non-paved right-of-way shall be either sodded or seeded.

6.7 Easements.

A. An adequate easement for utilities shall be provided along each side of a side line of lots and/or the rear line of lots where necessary for the extension of a water main or sewer lines or similar utilities. Width shall also account for unusual topography or for easements needed for multiple utilities to ensure the proper placement and maintenance of utility lines.

B. Except where prohibited by topography, utility easements shall be located on lot lines in the rights of way of streets, or in separate utility easements. The City may require all easements for drainage or sewer to be selectively cleared of undergrowth, trees and other obstructions by the applicant prior to final approval. No buildings or structures, except as necessary for utilities, shall be permitted within or on easements.

C. Utility easements shall connect with easements established in adjoining properties. Except as otherwise provided in these regulations, an applicant for a development

approval shall ensure that adequate on-site and off-site easements are provided for future roadways, water, wastewater and other public utilities.

D. Utility easements shall be shown on the plat and dedicated in conjunction with recordation of the final plat.

E. Additional easements for pole guys should be provided at the outset of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along the side lot lines.

F. Drainage easements for storm sewers may be required.

6.8 Fire Hydrants. All new subdivisions shall have fire hydrants. The applicant shall be required to show the location of the fire hydrants on the construction plans. The fire hydrants shall be designed as follows:

A. Fire hydrants shall be located not more than one thousand (1,000) feet apart, but shall be located within four hundred (400) feet, as measured in a straight line, of any structure. The location of the hydrants shall be approved by the Zoning Administrator.

B. Fire hydrants and underground water lines shall be installed prior to final paving of the streets shown on the construction plans.

C. Fire Hydrants shall comply with all provisions of the City Code.

D. Fire hydrants shall be capable of a water flow of one thousand (1,000) gallons per minute minimum.

6.9 Street names. The City shall install street name signs at all street intersections as the streets are accepted by the City. The cost of installation, including the signs and labor costs, shall be paid by the subdivider as part of the final plat application, if street signs are required. Developers may propose street names as part of the platting process, but the City will be the final decision maker regarding street names.

6.10 Permanent reference points. The subdivider shall cause a registered land surveyor to install permanent reference points on all perimeter corners of the property and shall tie all property corners to the quarter section. The construction and placement of permanent markers shall conform to the current "Minimum Standards for Property Boundary Surveys, 10 CSR 30-2, Missouri Code of Regulations" (as amended).

6.11 Utility Lines.

A. In all subdivisions, power distribution lines shall be installed underground adjacent to lots proposed for residential, commercial or industrial use, except in the case of a lot split or a division of land or replat containing three (3) or fewer lots where overhead lines are in existence on abutting property. Power lines classed as transmission or three-phase feeder need not be placed underground. All installations shall be in conformance with the minimum standards and practices of the power company having jurisdiction.

B. Telephone lines. In all subdivisions, telephone lines shall be installed underground adjacent to lots proposed for residential use, except in the case of a lot split or other

division of land or replat containing three (3) or fewer lots where overhead telephone lines are in existence on abutting property.

6.12 As-builts. As-built drawings must be received before acceptance of any improvement project by the City. The drawings must include results of a post-construction survey. The post-construction survey shall include the following:

- A. Elevation of all sewer structures including pipe inverts and structure top elevations;
- B. Final adjusted stationing of all sewer structures and water line valves, hydrants and blow-off assemblies; and
- C. Final adjusted contours as shown in the grading plans and emergency drainage plan.
- D. As-built drawings must include a certification by a professional engineer licensed in the State of Missouri stating that the drawings are as-built and conform to construction records and post-construction survey information.

6.13 Guarantee of Completion of Improvements

- A. No building permit shall be issued before a final plat has been approved by the Board of Alderman and recorded in the Cass County Recorder of Deeds office.
- B. A Certificate of Occupancy shall not be granted until the required improvements have been completed and accepted and a maintenance bond has been furnished as required herein.
- C. After the completion of such required improvements in an acceptable manner, as a guarantee that all public improvements have been done in a satisfactory manner, the subdivider shall provide a maintenance bond to the City in the amount of 50% of the total estimated cost of said improvements as determined by the Zoning Administrator. Said bond shall be required only for the first year following the Board of Alderman's acceptance of such improvements for maintenance. The amount of the bond shall be filed with the City Clerk in an amount acceptable to the Zoning Administrator and in such form as accepted by the City Attorney.

SECTION 7 - BUILDING AND CONSTRUCTION REQUIREMENTS

7.1 - GENERAL.

A. SCOPE. The provisions of this code apply to the construction, alteration, movement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

B. INTENT. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, property maintenance, and safety to life and property from fire and other hazards attributed to the built environment.

C. APPLICABLE CODES. The City of Cleveland Complies with International Building Codes and National Fire Protection Association Codes. Refer to most recent City Ordinance for Applicable Building Codes.

D. APPLICABILITY.

a. GENERAL. Where, in any specific case, different sections of this code specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

b. OTHER LAWS. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

c. REFERENCED CODES AND STANDARDS. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

d. EXISTING STRUCTURES. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *property maintenance code* or the *International Fire Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

e. ADDITIONS, ALTERATIONS, AND REPAIRS. Additions, alterations, or repairs to any structure shall conform to that required for a new structure without requiring the existing structure comply with all of the requirements of this code, unless deemed necessary by the building official. Additions, alterations, or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

E. DEPARTMENT OF BUILDING SAFETY.

a. CREATION OF ENFORCEMENT AGENCY. The department of building safety is hereby created and the official in charge thereof shall be known as the building official.

b. APPOINTMENT. The building official shall be appointed by the Board of Aldermen of the City of Cleveland.

c. DEPUTIES. When deemed necessary by the building official and approved by the City Board of Aldermen, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have the powers as delegated by the building official.

F. DUTIES AND POWERS OF THE BUILDING OFFICIAL.

a. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. The term building official shall include his/her authorized representatives. Further, whenever the term or title “administrative authority”, “code enforcement officer”, “responsible official”, “codes administrator”, “director

” or other similar designation is used in any of the codes adopted by reference by this code, it shall be construed to mean the building official.

b. APPLICATIONS AND PERMITS. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

c. NOTICES AND ORDERS. The building official shall issue all necessary notices or orders to ensure compliance with this code.

d. INSPECTIONS. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

e. RIGHT OF ENTRY. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous, or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. Provide specific instructions for proceeding in Cass County, City of Cleveland.

f. DEPARTMENT RECORDS. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices

and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

g. LIABILITY. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action; suit or proceeding that is instituted in pursuance of the provisions of this code.

h. APPROVED MATERIALS AND EQUIPMENT. Materials, equipment, and devices approved by the building official shall be constructed and installed in accordance with such approval.

i. USED MATERIALS AND EQUIPMENT. The use of used materials, which meet the requirements of this code for new materials, is permitted. Used equipment and devices shall not be reused unless approved by the building official.

j. MODIFICATIONS. Wherever there are practical difficulties involved with carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

k. ALTERNATIVE MATERIALS, DESIGN AND METHODS OF CONSTRUCTION AND EQUIPMENT. The provisions of this code are not intended to prevent the installation of any material or to prohibit and design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety.

l. TESTS. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test methods, the building official shall approve the testing procedures. Tests shall be retained by the building official for the period required for retention of public records.

G - PERMITS.

a. REQUIRED. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, or replace a deck, or to install, enlarge, alter, repair, remove, convert

or replace a *concrete drive, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, or elevator system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. In addition, a hazardous materials permit may be required based upon the type and quantities of materials proposed to be used or stored. When required by the chief executive of the fire district, a hazardous material permit application must be submitted prior to the issuance of the building permit.

*Public Works has final say for any structures in the ROW and inspection criteria would come from Public Works: i.e. thickness of approach, rebar, slope. drainage.

b. ANNUAL PERMIT. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.

c. ANNUAL PERMITS RECORD. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

d. WORK EXEMPT FROM PERMIT. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids. In addition, the building official may waive the requirements for a permit or engineered drawings for walls over four feet in height if it is deemed unnecessary to require such submittals due to the location and type of wall to be installed.
2. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
3. Temporary motion picture, television, and theater stage sets and scenery.
4. Swings and other playground equipment accessory to one- and two-family dwellings.
5. Window awnings supported by an exterior wall of Residential Zones.
6. Movable cases, counters, and partitions not over five feet nine inches in height.
7. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet. No more than two accessory structures per residence allowed.
8. Prefabricated swimming pools accessory to residency uses, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above grade.

9. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
10. Re-installing roof coverings on existing buildings when no structural elements are being repaired or replaced.
11. Minor electrical repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
12. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment and wiring for power supply, the installations of towers and antennas (Section 5.5).
13. Portable heating appliance (gas and electric).
14. Replacement of any minor part that does not alter approval of gas equipment or make such equipment unsafe.
15. Portable ventilation equipment.
16. Portable cooling unit.
17. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
18. Replacement of any part of cooling and ventilation equipment which does not alter its approval or make it unsafe.
19. Portable evaporative cooler;
20. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
21. Plumbing; The stopping of leaks in drains, water, soil, waste, or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

e. EMERGENCY REPAIRS. Where equipment replacements and repairs must be performed in an emergency, the permit application shall be submitted within the next working business day to the building official.

f. ORDINARY REPAIRS. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of

a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

g. PUBLIC SERVICE AGENCIES. A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

h. APPLICATION FOR PERMIT. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Such application shall conform to the requirements of section 7.1 f.b. of this code.

i. ACTION ON APPLICATION. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

j. TIME LIMITATION ON APPLICATION. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and good cause demonstrated.

k. VALIDITY OF PERMIT. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

l. EXPIRATION. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Permits for exterior work, i.e., walls, fences, decks, patios, patio covers and similar type work requiring permits, as well as permits for residential room additions and remodels shall be limited to 180 days duration. Permits for other new construction shall be limited to one-year duration. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated upon finding by same that substantial progress has been made toward completion. Substantial progress is to mean that the project is over 50 percent complete and, in the opinion of the building official; the project applicant has the capability to finish the work permitted within one time period extension. If questionable, the building official may require proof of performance, i.e., a list of contractors and subcontractors under contract for the completion of the project, before the granting of the time extension. Failure to complete a project in the time limits stated above or failure to maintain a valid permit constitutes a violation of this code.

m. SUSPENSION OR REVOCATION. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or based on incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

n. SITE DOCUMENTS REQUIRED. Upon issuance of a permit, the permit holder shall be provided with a permit card, copy of the building permit, inspection record, one set of building plans marked “reviewed” by the building official, and a copy of the site plan marked “reviewed” by the building official. Failure to display these documents as described by the following may result in inspections not being performed:

o. PERMIT CARDS. All permit cards shall be posted to be visible from the street and kept on the site of the work until the completion of the project.

p. CONSTRUCTION DOCUMENTS. The set of construction plans marked “reviewed”, copy of permit, inspection record, and “reviewed” site plan shall be kept on site at all times. Permits for the construction of one- and two-family dwellings are not required to be posted on the site when the property address is clearly identified and visible from the street. Permits for other than one- and two-family dwellings are not required to be visible from the street when kept on the site in a location accessible to the building official.

1. SUBMITTAL DOCUMENTS. Construction documents, special inspection and structural observation programs, and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a licensed, registered Missouri design professional for all commercial structures. Residential construction documents generally are not required to be designed however, the building official may require all or portions be designed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a design professional. One copy of all documents submitted will be retained for public record and will not be returned. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional licensed by the State of Missouri.

EXCEPTION: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

2. INFORMATION ON CONSTRUCTION DOCUMENTS. Construction documents shall be dimensioned and drawn upon suitable material. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the building official. The construction documents shall show in sufficient detail the location, construction, size, and character of all portions of the means of egress in compliance with the provisions of this code. Construction documents shall accurately state the use and occupancy of the structure. In zones CN and CH, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. Construction documents shall clearly identify and describe the work to be covered by the permit for

which application is made. Construction documents shall describe the land on which the proposed work is to be done by legal description or street address or similar description that will readily identify and definitely locate the proposed building or work.

3. FIRE PROTECTION SYSTEM SHOP DRAWINGS. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved before the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in this code.

4. MEANS OF EGRESS. The construction documents shall show in sufficient detail the location, construction, size, and character of all portions of the means of egress in compliance with the provisions of this code. In zones CN and CH as applicable, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

5. EXTERIORWALL ENVELOPE. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope is required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water resistive membrane, and details around openings. The construction documents shall include manufacturing installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

6. SITE PLAN. Refer to Section 5.4

7. EXAMINATION OF DOCUMENTS. The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances. Fees shall be assessed at the time the building permit is issued for such examination. Such fee shall be based on section I Table 7.1b. 1. The building official reserves the right to have such examination performed by a third party when deemed necessary. Plan review fees associated with a third-party examination may be assessed to the cost of the permit.

8. APPROVAL OF DOCUMENTS. When the building official issues a permit, the construction documents shall be marked "Reviewed," or something similar. The building official shall retain one set of construction documents so reviewed. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative. Failure to maintain city marked construction documents on site may result in inspections not being performed.

9. PREVIOUS APPROVALS. This code shall not require changes in the construction documents, construction, or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this Title and has not been abandoned.

10. PHASED APPROVAL. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building

or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

11. DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE.

When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The owner shall notify the building official in writing if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by this code, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

12. DEFERRED SUBMITTALS. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until the building official has approved their design and submittal documents.

13. AMENDED CONSTRUCTION DOCUMENTS. Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

14. RETENTION OF CONSTRUCTION DOCUMENTS. One set of approved, complete set of construction documents shall be retained by the building official for a period of time as required by state law.

H. TEMPORARY STRUCTURES AND USES.

a. GENERAL. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service and in accordance with the requirements of the ordinances of the City of Cleveland, Missouri. The building official is authorized to grant extensions for good cause.

b. CONFORMANCE. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

c. TEMPORARY POWER. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the

temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in the National Electrical Code.

d. TERMINATION OF APPROVAL. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

I. FEES

a. PAYMENT OF FEES. Building permit fees shall be paid at the time of permit application. A permit shall not be issued or otherwise considered valid until or unless the prescribed fees have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

b. SCHEDULE OF PERMIT FEES. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid prior to issuance of said permit, in accordance with the City of Cleveland Permit Fee Schedule as follows:

BUILDING PERMIT FEES	
ONE AND TWO FAMILY DWELLINGS	
A minimum of \$50.00 issuance fee applies to all permits	
Table 7.1b. 1	
The following calculations shall be used to determine permit fees for Conventionally Constructed Dwellings on Full Foundation:	
Building Area:	Permit Fee Per Sq. Ft.:
For the first 1500 sq. ft. of Habitable Space	\$0.50 per Sq. Ft.
For each sq. ft. from 1500 sq. ft. to and including 2500 sq. ft.	\$750.00 plus \$0.40 per sq. ft. for each sq. ft. over 1500 sq. ft.
For each sq. ft. greater than 2500 sq. ft.	\$1150.00 plus \$0.20 per sq. ft. for each sq. ft. over 2500 sq. ft.

Table 7.1b. 2	
The following calculations shall be used to determine permit fees for Basement Finish:	
Building Area:	Permit Fee Per Sq. Ft.:
Finished Habitable Space in basements when included in the scope of work for which a building permit for a new dwelling or room addition is being issued	\$0.11 per sq. ft.
Finished Habitable Space in basements for existing dwellings and for supplemental permits	\$0.22 per sq. Ft.

Table 7.1b. 3	
The following calculations shall be used to determine permit fees for Conventionally Constructed Dwellings on Crawl Space Foundation:	
Building Area:	Permit Fee Per Sq. Ft.:
For the first 1500 sq. ft. of Habitable Space	\$0.44 per Sq. Ft.
For each sq. ft. from 1500 sq. ft. to and including 2500 sq. ft.	\$660.00 plus \$0.33 per sq. ft. for each sq. ft. over 1500 sq. ft.
For each sq. ft. greater than 2500 sq. ft.	\$1320.00 plus \$0.11 per sq. ft. for each sq. ft. over 2500 sq. ft.

Table 7.1b. 4	
The following calculations shall be used to determine permit fees for Earth Contact and Slab on Grade Dwellings:	
Building Area:	Permit Fee Per Sq. Ft.:
For the first 1500 sq. ft. of Habitable Space	\$0.37 per Sq. Ft.
For each sq. ft. from 1500 sq. ft. to and including 2500 sq. ft.	\$555.00 plus \$0.28 per sq. ft. for each sq. ft. over 1500 sq. ft.
For each sq. ft. greater than 2500 sq. ft.	\$835.00 plus \$0.12 per sq. ft. for each sq. ft. over 2500 sq. ft.

Table 7.1b. 5	
The following calculations shall be used to determine permit fees for Manufactured Homes used as Single Family Dwellings:	
Description:	Permit Fee:
For Manufactured Home Installation on piers, slab with frost footings, or pier and runner foundations	\$275.00
For Manufactured Home Installation on crawl space foundation	\$275.00 plus \$0.06 per sq. ft. of crawl space area
For Manufactured Home Installation on Basement Foundation*	\$275.00 plus \$0.11 per sq. ft. of basement area
* For finished basement living space see table 108.2.2	

Table 7.1b. 6	
The following calculations shall be used to determine permit fees for Residential Accessory Buildings and Accessory Structures:	
Description:	Permit Fee Per Sq. Ft.:
Decks	Minimum \$50.00
For Accessory Structure Use	\$0.12 per sq. ft. plus applicable electrical, plumbing and mechanical fees below
Electrical Included in Accessory Structure Branch Circuits and Services up to 100 amps Branch Circuits and Service Equipment over 100 amps For electrical added to existing structures or for supplemental permits, see Electrical Fee Table	\$0.02 per sq. ft. \$0.04 per sq. ft.
Plumbing Included in Accessory Structure: For Installation of any Fixture or Combination of Fixtures for a Single Bathroom Group Additional Fixtures Each For Water Supply Piping with Hydrant Only For plumbing added to existing structures or for supplemental permits, see Plumbing Fee Schedule Table	Fee Per Description: \$50.00 \$9.00 \$10.00 for first hydrant and \$5.00 for each additional hydrant
Mechanical Included in Accessory Structure:	Fee Per Description:
For Forced Air or Gravity Type Furnaces or Unit Heaters up to and including 100,000	

BTU/Hr. (includes associated ducting and equipment) For Forced Air or Gravity Type Furnaces or Unit Heaters over 100,000 BTU/Hr. For mechanical added to existing buildings or for supplemental permits, see Mechanical Fee Schedule Table	\$25.00 per unit \$30.00 per unit
For Swimming Pools:	Fee Per Description:
For each Above Ground Swimming Pool For each In Ground Swimming Pool Permits for Swimming Pools include all electrical, plumbing, and mechanical equipment installed as part of a new pool installation.	\$100.00 permit issuance fee included \$200.00 permit issuance fee included

BUILDING PERMIT FEES	
NON-ONE AND TWO FAMILY DWELLINGS	
Table 7.1b. 7	
The following fees shall be used to determine permit fees for All Structures and Equipment not listed in Table 7.1b.1 through Table 7.1b.6 including Solar & Wind power	
A Plan Review Fee computed at 25 percent of the Permit Fee will be added to all Commercial Building Permits. Additional fees incurred by this jurisdiction in relation to review of submitted material may be added at cost plus 10 percent.	
Total Valuation	Fee
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including, \$50,000.00.
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof.
\$500,000.00 to \$1,000,000.00	\$3,233.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof.
\$1,000,000.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof.

ELECTRICAL PERMIT FEES	
Table 7.1b. 8	
Permit Issuance Minimum Fees	Fee
1. For the issuance of each electrical permit minimum	\$50.00
2. For the issuing of each supplemental permit for which the original permit has not	

expired, been canceled, nor finished	\$25.00
System Fee Schedule (Permit issuance fee is added to these costs)	
1. New Residential Buildings: The following fees shall include all wiring and electrical equipment in or on each building, or other electrical equipment on the same premises constructed at the same time:	
Multifamily-for new multifamily buildings (apartments and condominiums) having three or more dwelling units constructed at the same time, not including the area of garages, carports, and accessory buildings.	\$0.049 per sq. ft.
Single and Two Family Buildings-for new single and two family residential buildings constructed at the same time and not including the area of garages, carports and accessory buildings.	\$0.054 per sq. ft.
2. Private Swimming Pools For new in-ground swimming pools for single and multi-family occupancies including a complete system of necessary branch circuit wiring, bonding, grounding, underwater lighting, water pumping and similar electrical equipment directly related to the operation of a swimming pool.	\$50.00 each pool
3. Carnivals and Circuses:	
Carnivals, circuses, or other traveling shows or exhibitions utilizing transportable type rides, booths, displays and attractions:	\$25.00 each
For electrical generators and electrically driven rides.	\$9.00 each
For mechanically driven rides and walk-through attractions of displays having electric lighting.	\$9.00 each
For a system of area and booth lighting.	\$9.00 each
Note: For permanently installed rides, booths, displays and attractions, use the Unit Fee Schedule.	
4. Temporary Power Service:	
For a temporary service pole or pedestal including all pole or pedestal mounted receptacle outlets and appurtenances	\$25.00 each
For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative lights, Christmas tree sales lots, firework stands, etc.	\$14.00 each
Unit Fee Schedule (Electrical permit issuance fee is to be added to these costs)	
1. Receptacle, Switch and Light Outlets: For receptacle, switch, light or other outlets at which current is used or controlled, except services, feeders and meters:	
First 20 fixtures, each	\$1.05
Additional fixtures, each	\$0.70
For multi-outlet assemblies, each 5 feet or fraction thereof may be considered as one outlet.	
2. Lighting Fixtures: For lighting fixtures, sockets or other lamp-holding devices:	
First 20 fixtures, each	\$1.05
Additional fixtures, each	\$0.70
For pole or platform-mounted lighting fixtures, each	\$1.05

For theatrical-type lighting fixtures or assemblies, each	\$1.05
3. Residential Appliances:	
For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens, counter-mounted cooking tops, electric ranges, self-contained room console or through-wall air conditioners, space-heaters, food waste grinders, dishwashers, washing machines, water heaters, cloths dryers, or other motor-operated appliances not exceeding one horsepower in rating, each	\$4.50
Note: For other types of air conditioners and other motor driven appliances having larger electrical ratings, see Power Apparatus.	
4. Non-residential Appliances:	
For non-residential appliances and self-contained factory-wired, non-residential appliances not exceeding one horsepower in rating, including medical and dental devices, food beverage and ice cream cabinets, illuminated show cases, drinking fountains, vending machines, laundry machines, or other similar type equipment, each	\$4.50
Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus.	
5. Power Apparatus:	
For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, based on rating in horsepower, kilowatts, kilovolt-amperes or kilovolt-amperes-reactive as follows:	
Up to and including 1, each	\$4.50
Over 1 and not over 10, each	\$11.50
Over 10 an not over 50, each	\$22.50
Over 50 and not over 100, each	\$44.75
Over 100, each	\$67.00
Note: For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used.	
Note: These fees include all switches, circuit breakers, contactors, thermostats, relays and other directly related control equipment.	
6. Busways:	
For trolley and plug-in type busways, each 100 feet or fraction thereof	\$7.00
An additional fee is required for lighting fixtures, motors, and other appliances that are connected to trolley and plug-in type busways. A fee is not required for portable tools.	
7. Signs, Outline Lighting and Marquees:	
For signs, outline lighting systems or marquees supplied from one branch circuit, each	\$25.00
For additional branch circuits within the same sign, outline lighting system or marquee, each	\$4.50
8. Services:	
For services of 600 volts or less and not over 200 amperes in rating, each	\$50.00
For services of 600 volts or less and not over 200 amperes to 1000 amperes, each	\$100.00
For services over 600 volts or over 1000 amperes in rating, each	\$200.00
9. Miscellaneous Apparatus, Conduits and Conductors:	
For electrical apparatus, conduits and conductors for which a permit is required but for which no fee is herein set forth	\$18.00

This fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, busways, signs or other equipment.	
--	--

MECHANICAL PERMIT FEES	
Table 7.1b. 9	
Permit Issuance Minimum Fees	Fee
1. For the issuance of each mechanical permit minimum	\$50.00
2. For the issuing of each supplemental permit for which the original permit has not expired, been canceled, nor finished	\$25.00
Unit Fee Schedule (Mechanical permit issuance fee is to be added to these costs)	
1. Furnaces	\$15.00
For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/hr(29.3kW)	
For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/hr. (29.3kW)	\$18.00
For the installation or relocation of each floor furnace, including vent	\$15.00
For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater	\$15.00
2. Appliance Vents:	
For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit.	\$8.00
3. Repairs or Additions:	
For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including the installation of controls regulated by the Mechanical Code	\$15.00
4. Boilers, Compressors and Absorption Systems:	
For the installation or relocation of each boiler or compressor t and including three horsepower (10.6kW), or each absorption system to and including 100,000 Btu/hr (29.3kW)	\$15.00
For the installation or relocation of each boiler or compressor over three horsepower (10.6kW) to and including 15 horsepower (52.7kW), or each absorption system over 100,000 Btu/hr (29.3kW) to and including 500,000 (146.6kW)	\$18.00
For the installation or relocation of each boiler or compressor over 15 horsepower (52.7kW) to and including 30 horsepower (52.7kW), or each absorption system over 500,000 Btu/hr (146.6kW) to and including 1,000,000 Btu/hr. (293.1kW)	\$35.00
For the installation or relocation of each boiler or compressor over 50 horsepower (176kW), or each absorption system over 1,750,000 Btu/hr. (512.9kW)	\$50.00
For the installation or relocation of each boiler or compressor over 50 horsepower (176kW), or each absorption system over 1,750,000 Btu/hr. (512.9kW)	\$90.00
5. Air Handlers:	
This fee does not apply to an air-handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.	
For each air handling unit to and including 10,000 Cubic Feet per minute (cfm)	\$11.00

(4719L/s), including ducts attached thereto	
For each air handling unit over 10,000 Cubic Feet per minute (cfm) (4719L/s), including ducts attached thereto	\$18.00
6. Evaporative Coolers:	
For each evaporative cooler other than portable type	\$12.00
7. Ventilation and Exhaust:	
For each ventilation fan connected to a single duct	\$8.00
For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit	\$11.00
For the installation of each hood which is served by mechanical exhaust, including the ducts for such hoods	\$11.00
8. Incinerators:	
For the installation or relocation of each domestic-type incinerator	\$18.00
For the installation or relocation of each commercial or industrial type incinerator	\$70.00
9. Miscellaneous:	
For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which no other fee is listed in this table	\$11.00

PLUMBING PERMIT FEES	
Table 7.1b. 10	
Plumbing Permit Issuance minimum Fees:	Fee
1. For the issuance of each mechanical permit minimum	\$50.00
2. For the issuing of each supplemental permit for which the original permit has not expired, been canceled, nor finished	\$25.00
Fee Schedule: (Plumbing permit issuance fee is to be added to these costs)	
1. Fixtures and Vents:	
For each plumbing fixture or trap or set of fixture on one trap (including water, drainage piping and backflow protection thereof)	\$10.00
For repair or alteration of drainage or vent piping, each fixture	\$6.00
2. Sewers, Disposal Systems and Interceptors:	
For each building sewer and each trailer park sewer	\$25.00
For each cesspool	\$35.00
For each private sewage disposal system	\$70.00
For each industrial waste pretreatment interceptor including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps	\$20.00
Rain water systems-per drain (inside building)	\$10.00
3. Water Piping and Water Heaters:	
For the installation, alteration, or repair of water piping or water treating equipment, or both, each	\$5.00
For each water heater including vent	\$12.00
4. Gas Piping Systems:	
For each gas piping system of one to five outlets	\$7.00
For each outlet over five	\$1.00
5. Lawn Sprinklers, Vacuum Breakers and Backflow Protection Devices:	
For each lawn sprinkler system on any meter, including backflow protection devices	\$15.00

therefore	
For atmospheric type vacuum breakers or backflow protection devices not included above:	
1 to 5 devices	\$15.00
Over 5 devices, each	\$1.00
For each backflow protection other than atmospheric type vacuum breakers:	
2 inches (50.8mm) and smaller	\$15.00
Over 2 inches (50.8)	\$25.00
6. Swimming Pools:	
For each swimming pool or spa:	
Public Pool	\$85.00
Public Spa	\$55.00
Private Pool	\$55.00
Private Spa	\$25.00
7. Miscellaneous:	
For each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories, or for which no other fee is listed in this code	\$10.00

Other Fees	
Table 7.1b.11	
Re-Inspection Fees:	
Two inspections for each phase of a project are included in the permit fee. A phase of a project which requires more than two inspections shall be charged for the third inspection. The fee is due in the Clerk's office before any additional inspection will be performed. The re-inspection fee is:	\$75.00
In the event that work is concealed without inspection the building official shall have the power to assess fees necessary to cover costs to the building department. These costs may include hourly costs and any additional costs incurred by the building department meet this requirement shall be the responsibility of the permit holder.	

Contractor Interference Fee:	
At the discretion of the building inspector, the following Contractor Interference Fee shall be charged for persons who interfere with an inspection. This fee may be charged per interference. The permit holder shall be responsible for this fee. This fee shall be paid before any additional inspections are performed.	\$75.00
Hourly Work:	
Hourly work shall be charged per hour at the rate of: *or the total hourly cost to the jurisdiction, whichever is greatest. Cost to the jurisdiction includes overhead, equipment fees, and employee benefits. Minimum 2-hour charge.	\$50.00*
Temporary Certificate of Occupancy:	\$100.00
For Work Commencing Without Permit: ½ the calculated permit cost but not less than:	\$150.00
Blasting Permit:	\$100.00
Demolition Permit:	\$100.00

c. BUILDING PERMIT VALUATIONS. The applicant shall provide an estimated structure value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If in the opinion of the building official, the valuation is underestimated on the application the valuation shall be determined by using the most current building valuation data table contained within the building safety journal published by the International Code Council as a guide. Final building valuation shall be set by the building official.

d. WORK COMMENCING BEFORE PERMIT ISSUANCE. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be in violation of City Ordinance and immediately subject to an additional fee equal to the amount of the required building permit as established by the City of Cleveland Permit Fee Schedules. The building official shall have the power to require disconnection of City and any other utilities as deemed necessary to ensure compliance with City Ordinance. Fees shall be paid in accordance to Table 7.1 Payment of related fee shall not exempt any person from compliance with all other provisions of this Title nor from any penalty prescribed by law.

e. RELATED FEES. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

f. REFUNDS. The building official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected.

J. INSPECTIONS.

a. GENERAL. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval because of an inspection shall not be construed to be an approval of a violation of the provisions of this Title or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Title or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

b. PRELIMINARY INSPECTIONS. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

c. REQUIRED INSPECTIONS. The building official, upon notification, shall make the inspections set forth in this Title and the policies and procedures for required inspections. Additional inspections may be required as deemed necessary by the building official. Structures or portions of structures requiring design, will require additional inspections.

d. FOOTING INSPECTION. Footing inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. Pier pads shall be formed and leveled with footings. For concrete foundations, any required forms shall be in place before inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94; the concrete need not be on the job.

e. FOUNDATIONWALL INSPECTION. Foundation wall inspections shall be made after forms and any reinforcing steel are in place and ready to pour concrete. Concrete shall not be placed. Reinforcement shall be clean of form release agent and tied sufficiently to remain in place during pour.

f. CONCRETE SLAB OR UNDER-FLOOR INSPECTION. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub floor.

g. LOWEST FLOOR ELEVATION. Elevation certification may be required when determined necessary by the building official to confirm compliance with provisions prescribed by law.

h. FRAME INSPECTION. Frame inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys, and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are installed.

i. LATH OR GYPSUM BOARD INSPECTION. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

j. FIRE-RESISTANT PENETRATIONS. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

k. BUILDING SEWER INSPECTION. Contractor shall have a site sketch completed at the scheduled time of inspection showing all installed utilities. All piping shall be supported throughout and installed in a workmanlike manner. All piping shall be visible.

l. ELECTRIC SERVICE INSPECTION. All equipment shall be installed in accordance to its listing and application.

m. DRIVEWAYS AND SIDEWALKS. Approaches shall be installed per KCAPWA.

n. OTHER INSPECTIONS. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Title and other laws that are enforced by the building official.

o. SPECIAL INSPECTIONS. Special inspections shall be performed in compliance with Section 1704 of the International Building Code and the building official.

p. FIRE PROTECTION INSPECTIONS. Inspection of all fire protection systems may be required as deemed necessary by the building official.

q. FINAL INSPECTION. Final inspection shall be made after all work require by the building permit is completed and before the structure is occupied Re-inspections. A reinspection fee may be assessed in accordance with the city's schedule of fees, for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this Title, but as controlling the practice of calling for inspection before the job is ready for such inspection or reinspection. For the purpose of this section, reinspection fees will be assessed on the second re-inspection if corrections have not been made or work is not ready for inspection. Re-inspection fees may be assessed for failure to post permit on site, the approved plans are not available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. A temporary certificate of occupancy may be issued with re-inspection fees outstanding; however, no permit will be finalized or receive a full certificate of occupancy without all associated fees being received. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

r. INSPECTION REQUESTS. It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official in advance of when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections that are required by this Title. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this Title. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

s. NOTIFICATION REQUIRED. For the following inspections 2 hours' notice is required:

- Footing,
- Foundation Wall,
- All Slabs,
- Concrete Work,
- And Building Sewer.

For all other inspections: Notification shall be given at least one day ahead of the requested inspection time.

t. FAILURE TO OBTAIN NECESSARY INSPECTIONS. In the event that work is concealed without inspection the building official shall have the power to assess fees necessary to cover costs to the building department. These costs may include hourly costs as defined in Section Table 7.1b.11 and any additional costs incurred by the building department. In the event that work is concealed without inspection the permit holder shall be responsible to provide access, testing or other means as approved by the building official. Any costs incurred to meet this requirement shall be the responsibility of the permit holder.

K. CERTIFICATE OF OCCUPANCY AND CHANGE IN USE.

a. USE AND OCCUPANCY. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Title or of other ordinances of the City of Cleveland. Changes in the character or use of an existing structure shall not be made except as specified in this Title. The building official may require a design professional registered within the State of Missouri perform a code analysis and submit plans and/or other information as deemed necessary to determine the proposed use will be in compliance with this Title. It shall be the responsibility of the permit holder to request a final inspection and to apply for a certificate of occupancy when required. The permit holder shall be excused from this responsibility only if the owner of property has applied for and secured a certificate of occupancy. After the building official inspects the building or structure and finds no violations of the provisions of this Title or other laws that are enforced by the building official, the building official shall issue a certificate of occupancy. The certificate of occupancy, or a copy, shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

b. EXCEPTION: Residential occupancies. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Title wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Title.

L. SERVICE UTILITIES.

a. CONNECTION OF SERVICE UTILITIES. No person shall make new connections from any source of energy, fuel, or power to any building or system that is regulated by this Title for which a permit is required, until released by the building official. The building official shall have the authority to authorize the temporary connection of the building or system to the source of energy, fuel, or power. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Title and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect before taking such action. If not notified

prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

M. STOP WORK ORDER

a. AUTHORITY. Whenever the building official finds any work regulated by this Title being performed in a manner contrary to the provisions of this Title or other City Ordinances or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.

b. ISSUANCE. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent, to the person doing the work or posted upon the property. Upon issuance of a stop work order, the cited work shall immediately cease or as otherwise determined by the building official. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Any violation of a stop work order will constitute a violation of this Title.

c. UNLAWFUL CONTINUANCE. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

N. ADDRESSING STANDARDS

a. ADDRESS MARKERS. All residential or commercial use buildings shall have a permanently posted address, which shall be placed at each driveway entrance and shall be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. The address shall be visible and legible from the road on which the address is located.

Address markers along one-way roads shall be visible in the intended direction of travel and the opposite direction.

Where a roadway provides access solely to a single commercial or industrial business, the address marker shall be placed at the nearest road entrance providing access to that site.

Address numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) and shall be provided with an external source of illumination or shall be of a reflective material.

When multiple buildings are located on a single tract of land, each separate building shall have its individual address posted at a location that is plainly visible from its access road or drive in addition to the site address required by this Section.

7.2 UNSAFE STRUCTURES AND EQUIPMENT

PURPOSE.

The purpose of this section is to provide for vacation and the mandatory demolition of buildings and structures or mandatory repair and maintenance of buildings or structures within the City, which are detrimental to the health, safety or welfare of the residents and declared to be a public nuisance.

7.3 DETRIMENTAL CONDITIONS.

A “dangerous building” as used herein is a building or other structure (“building”) with the following conditions that are detrimental to the health, safety or welfare of the residents of the City, the existence of which constitutes a public nuisance, and such is declared to be a public nuisance:

- a. The building is in a condition that poses an immediate danger to either:
 - (i) the lives or safety of persons, whether occupants or otherwise, or other property.
 - (ii) The building is a fire hazard for any reason, including without limitation, obsolescence, dilapidation, deterioration, damage, lack of sufficient fire resisting qualities, or faulty electrical wiring, gas connections or heating apparatus.
 - (iii) The building lacks safe or adequate facilities for means of egress in case of fire or panic.
- b. The building has any one or more of the following conditions:
 - (i) improperly distributed loads upon the floors or roof;
 - (ii) overloaded floors or roofs; or
 - (iii) insufficient strength to be reasonably safe for actual or intended use.
- c. Any portion of the building has been so damaged by any cause that the building is likely to fail or collapse, or become detached or dislodged and thereby injure persons or damage property.
- d. Any interior or exterior portion, member, appurtenance, ornamentation, or other component of the building is likely to fall or collapse, or become detached or dislodged and thereby injure persons or damage property.

- e. Any portion of the building has racked, warped, buckled, or settled to such an extent that walls or other structural portions have insufficient resistance to fire, earthquake, wind, flood, or similar perils.
- f. Part or all of the building is in danger of collapsing because of any cause, including without limitation any one or more of the following causes:
 - (i) dilapidation, deterioration, or decay;
 - (ii) faulty construction;
 - (iii) removal, movement, or instability of any portion of the ground necessary to support such building, structure, or equipment; or
 - (iv) deterioration, decay, or inadequacy of foundation.
- g. The building has exterior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle one-third of the base.
- h. The building or any portion thereof is, for any reason, unsafe for actual or intended use.
- i. The building, exclusive of the foundation has either:
 - (i) thirty-three percent or more damage or deterioration of supporting member or members; or
 - (ii) fifty percent or more damage or deterioration of non-supporting members, enclosing or outside walls or coverings.
- j. The building has been so damaged by any cause, or has become so dilapidated, deteriorated, or decayed as to attract and result in harm to children, notwithstanding that the building is not an “attractive nuisance” as that term is defined by statute or decisional law; or is likely to become a harbor for vagrants, criminals, or trespassers.
- k. The building has been constructed, exists or is being maintained in violation of any provision of the duly adopted building code, or of any law of the city pertaining to building, structure or equipment safety.
- l. The building has in any non-supporting part or portions less than fifty percent or in any supporting part member or portion less than sixty-six percent of the strength, fire resisting qualities, or weather resisting qualities required by the code for newly constructed buildings of like area, height and occupancy in the same location.

m. The building is used or intended to be used for dwelling purposes and is likely to injure or effect health, safety or welfare of persons who occupy or may occupy said building by reason of any one or more of the following conditions:

- (i) inadequate maintenance;
- (ii) dilapidation, deterioration, or decay;
- (iii) damage;
- (iv) faulty construction or arrangement;
- (v) inadequate light, ventilation, or sanitation facilities;
- or
- (vi) absence of the utilities essential to safe living.

n. The building is in such condition as to constitute a “public nuisance” as that term is defined by statute or common law.

o. The building is vacant for a period more than six months and if because of the condition of the building:

- (i) it is unsafe or unsanitary; or
- (ii) it endangers property or the health, safety, or welfare of persons.

7.4 DUTIES OF BUILDING INSPECTOR.

For purposes of this Ordinance, there is hereby established the position of “Building Inspector” to be designated by the Board of Aldermen. The Building Inspector shall:

p. Inspect, or cause to be inspected, as often as may be necessary, all buildings or the purpose of determining whether any conditions exist that render such place a dangerous building when he has reasonable grounds to believe so.

q. Inspect any building about which complaints are filed by any person to the effect that the building is or may be a dangerous building.

r. Report in writing to the Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean-up the property or upon the failure to proceed continuously with the work without unnecessary delay.

s. Appear at hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.

- t. Place a notice on a building found by him or her to be a dangerous building with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector of the City of Cleveland. This notice is to remain on this building and/or property until it is repaired, vacated, or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Cass County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the posting of said notice shall not be construed to deprive all persons entitled thereto by this Ordinance to the notice and hearing prescribed herein.

7.5 BUILDING COMMISSIONER.

For purposes of this Ordinance, there is hereby established the position of "Building Commissioner" and the Mayor shall serve as the Building Commissioner.

7.6 REPAIR, VACATION OR DEMOLITION.

The following standards shall be followed by the Building Inspector and Building Commissioner in ordering repair, vacation, or demolition:

- A. the dangerous building can reasonably be repaired to alleviate the detrimental conditions, it shall be ordered repaired.
- B. If the dangerous building cannot be reasonably repaired to alleviate the detrimental conditions, it shall be ordered demolished.
- C. In any case – repair or demolition – vacation may be ordered to ensure health, safety, and welfare of its occupants and the public.
- D. The determination of whether a building or structure is to be repaired, demolished, and/or vacated shall be made by the Building Inspector, subject to appeal to the Building Commissioner. Factors to be considered include, but are not limited to, the nature of the detrimental conditions, the time and cost necessary to fix the detrimental conditions, the value of the building, and the financial feasibility of the repair or demolition work.

7.7 PROVISION FOR SERVICE OF NOTICE OF THE DECLARATION OF NUISANCE.

- A. The Building Inspector shall provide for service of adequate notice of any declaration of nuisance ("Notice of Declaration of Nuisance"). The Notice of Declaration of Nuisance shall notify the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building or structure as shown by the land record of the Recorder of Deeds

of Cass County, of any building found by him or her to be a dangerous building under the conditions described in Section 7.3.

B. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices once a week for two consecutive weeks.

C. The Notice of Declaration of Nuisance shall state:

1. The owner and/or occupant, as the case may be, must vacate, vacate and repair, or vacate and demolish such building in accordance with the terms of the notice;
2. The owner and/or occupant, as the case may be must vacate such building or may have it repaired in accordance with the notice and remain in possession; and
3. There shall be given such reasonable time not exceeding 30 days following receipt of such notice, to commence necessary work and proceed continuously without unnecessary delay; and
4. A description of the building deemed dangerous, a statement of the particulars that make the building a dangerous building, a statement indicating that as a dangerous building, said building constitutes a nuisance and an order requiring the designated work to be commenced and proceed continuously without unnecessary delay as provided in the notice.

Section 7.8 FAILURE TO COMMENCE WORK.

A. The Building Inspector shall notify the Building Commissioner upon failure to commence work of reconditioning or demolition within the time specified in the Notice of Declaration of Nuisance, or upon failure to proceed continuously with the work without unnecessary delay.

B. The Building Commissioner, upon receiving such notification from the Building Inspector, shall:

1. call and have a full and adequate hearing upon the matter,
2. give at least ten (10) days' written notice of the hearing to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the dangerous building as shown by the land records of the Recorder of Deeds of Cass County to appear before him or her on the date specified in the notice to show cause why the building determined to be a dangerous building should not be repaired, vacated and

repaired, or vacated and demolished in accordance with the statement of particulars set forth in notice of the Building Inspector.

3. provide for any party to be represented by counsel,
 4. provide for all parties to have an opportunity to be heard on the matter.
- C. After the Building Commissioner conducts the hearing, and based on competent and substantial evidence, he or she shall:
1. issue an order making specific findings of fact that the building is a dangerous building, and issuing an order of abatement directing the building to be completed, secured, boarded, repaired, or demolished, and vacated, as the case may be, within the standards of this Ordinance. The order shall state a reasonable time from the date of issuance, within which to comply with the order, and shall further provide that if it is not complied with within such time, the Building Inspector, or his designee, may cause work to be done by the City and its own crews or by contractors employed by the City for that purpose, or the City may enter into contracts with persons engaged in the business of repairing, securing, boarding or demolishing buildings for the purpose of enforcing the order provided for in this section, provided there are unencumbered funds in the City budget for that purpose.
 2. issue an order making specific findings of fact that the evidence does not support a finding that the building is a dangerous building, and therefore no order for vacation, repair or demolition is warranted.

7.9. FAILURE TO COMPLY WITH BUILDING COMMISSIONER'S ORDER.

- A. If the owner, occupant, mortgagee, or lessee fails to comply with the Building Commissioner's order, or extension thereof within the time specified, the Building Inspector shall cause the building to be repaired, vacated, and repaired, or vacated and demolished as the case may be.
- B. The Building Inspector shall certify the charge for the work to the City Clerk who shall cause a special tax bill therefor against the property to be prepared and collected by the county collector, unless the building is demolished, secured, or repaired by a Contractor, pursuant to an order issued by the City, and such Contractor has filed a mechanic's lien against the property. At the request of the taxpayer, the bill may be paid in installments over a period of not more than ten (10) years. The tax bill, from the date of issuance, shall be deemed a personal debt against the property owner and a lien on the property until paid.

7.10. INSURANCE POLICY PROCEEDS.

- A. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building caused by or arising out of any fire, explosion, or other casualty loss, and if the covered claim payment is in excess of fifty (50) percent of the face

value of the policy covering a building or other structure, premise, or equipment, then the following procedure shall apply:

1. The insurer shall withhold from the covered claim payment, ten percent (10%) of the covered claim payment, and shall pay that amount to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this section. If a special tax bill or assessment is issued by the City for the expenses of demolition of the building as a dangerous building, the monies held by the City shall be applied toward payment of special tax bill or assessment. If there is any excess, it shall be paid by the City to the insured or as the terms of the policy, including any endorsements thereto, provide.
2. The City shall release the proceeds and any interest that has accrued on the proceeds received to the insured or, as the terms of the policy and endorsements thereto provide, within thirty (30) days after receipt of the insurance monies, unless the City has instituted legal proceedings under the provisions of this Ordinance. If the City has instituted legal proceedings under the provisions of this Ordinance, all monies in excess of that necessary to comply with the provisions of this Ordinance for the removal of the building, less salvage value, shall be paid to the insured.
3. The City may certify that, in lieu of payment of all or part of the covered claim payment under this section, it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuilt, or otherwise make the premises safe and secure. In this event the City shall issue a certificate within thirty (30) days after receipt of proof, to permit covered claim payment to the insured without deduction. It shall be the obligation of the insured or other person making claim to provide the insurance company with the written certificate provided for in this subsection.
4. No provision of this section shall be construed to make the City a party to any insurance contract and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

7.11. EMERGENCIES.

Where it reasonably appears, there is an immediate danger to the health, safety or welfare of any person, the Building Inspector may take emergency measures to vacate, and repair or demolish a dangerous building. Cost incurred in the performance of emergency work shall be paid by the City. The City Attorney may institute appropriate action against the owner of the premises where the dangerous building is or was located for the recovery of such costs.

7.12 NO PERSONAL LIABILITY.

No officer, agent or employee of the City shall render himself personally liable for any damage that may accrue to persons or property because of any act required or permitted in the discharge

of his or her duties under this Ordinance. Any suit brought against any officer, agent, or employee of the City as a result of any act required or permitted in the discharge of his duties under this Ordinance shall be defended by the City Attorney or special counsel until the final determination of the proceedings therein.

7.13 APPEAL.

Interested parties may appeal from the determination of the Building Commissioner to the circuit court having jurisdiction, as provided for and established in Chapter 536 of the Revised Statutes of Missouri.

7.15 DEMOLITION

A. PERMITS.

1. REQUIRED. Any owner or authorized agent who intends to move, demolish, or dismantle any portion, section, or equipment of a structure or to cause any such work to be done, is required by this code to first make application to the building official and obtain the required permit.

Blasting Permit:	\$100.00
Demolition Permit:	\$100.00

2. APPLICATION FOR PERMIT. To obtain a demolition permit the applicant shall first file an application therefore in writing on a form furnished by the department of building safety. The applicant shall at minimum:

- a. Identify and describe the work to be covered by the permit for which application is made.
- b. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.
- c. Be accompanied by a plot plan.
- d. Present documentation that all public utilities have been properly disconnected or request inspection of disconnection as necessary in the scope of work of the permit applied for.
- e. Indicate the use and/or occupancy for which the proposed work is intended.
- f. Accurately state the valuation of the proposed work.
- g. Indicate the length of time required to perform described work.
- h. . Indicate the name, address, and contact information of the property owner.
- i. Indicate the name, address, and contact information of the party performing the work.
- j. Indicate the name, address, and contact information of the landfill which demolition debris is to be located or provide appropriate burn permit if applicable.
- k. . Be signed and dated by the applicant.
- l. . DNR permit if disturbing more than 5 acres.
- m. . Provide other such information as required by the building official.

B. INSPECTIONS.

1. REQUIRED. At minimum the following inspections are required to establish the scope of work of a permit is satisfied:

- a. Preliminary inspection of property before any work is performed. Photographs may be taken of site and/or structures and surrounding structures.

- b. Utility disconnection inspections. Inspection shall be made of all utility disconnections.
- c. Final inspection of the property after scope of work is completed. Seed/sod and erosion protection shall be installed.
- d. Other inspection as deemed necessary by the building official.

C. ESTABLISHMENT OF FINAL GRADE/SEED OR SOD AND EROSION PREVENTION.

1. FINAL GRADE. Final grade shall be established to prevent pooling of water and direct water to collection points previously established or approved. Grade shall be returned to mow-able condition and be relative to surrounding grades and shall be free of debris which would prevent maintenance and create an unaesthetic condition.

2. SEED/SOD. Temporary and long-term vegetation shall be established per the specifications defined in the latest edition of the American Public Works Association Kansas City Chapter.

3. EROSION PREVENTION. Erosion prevention sediment controls shall be placed and maintained per the requirements of the latest addition of the American Public Works Association Kansas City Chapter.

7.16 BLASTING REGULATIONS. Rules of Department of Public Safety/ Missouri Division of Fire Safety will apply. Storage of explosives within city limits is prohibited.

A. BLASTING PERMITS.

1. PERMITS REQUIRED. No person shall do or cause to be done any blasting within the City limits without first obtaining a permit therefore from the City subject to the provisions of this Chapter. The Building Official is authorized to deny a permit request if it is determined from the data provided that the issuance of a permit would result in a high probability of property damage. In the event a permit request is denied by the Building Official, the applicant may, within two (2) weeks following the denial, file an appeal to the Board of Aldermen. Permits/Time Limit. All permits issued pursuant to the requirements of this Chapter shall be issued for a term not to exceed ninety (90) days and for a particular permit area.

2. RENEWALS. Any valid permit issued pursuant to this Chapter shall carry with it the right of one (1) ninety (90) day renewal. The holder of the permit may apply for renewal and such renewal shall be issued at no cost to the permit holder provided the applicant seeking renewal has met the requirements and conditions of this Chapter. Application for permit renewal shall be made at least ten (10) days prior to the expiration of the valid permit.

3. APPLICATION REQUIREMENTS. Each application for a blasting permit under the provisions of this Chapter shall be accompanied by a fee of one hundred dollars (\$100.00). The permit application shall be submitted in a manner satisfactory to the Building Official and shall contain the following:

- a. The name and address of the permit applicant.
- b. If the applicant is a corporation, the State of incorporation.
- c. A statement of whether the applicant, a subsidiary, affiliate, or persons controlled by or under common control with the applicant has ever held a blasting permit in any State or political subdivision which in the five (5) year period prior to the date of submission of the application herein has been suspended or revoked.
- d. A legal description of the permit area.
- e. A description of the purpose for which the blasting is to be done.
- f. A copy of the site blasting application shall be forwarded to the Fire Chief for the Western Cass Fire Protection District.
- g. Accurate maps of a scale not less than one (1) inch to one hundred (100) feet clearly showing:
 1. The land boundaries and adjacent uses to the permit area.
 2. The location and type of the closest structures to the permit area in any direction for a distance of five hundred (500) feet from the boundaries of the permit area.
 3. All easements of record, public and private, which cross or border the permit area.

B. PUBLIC LIABILITY INSURANCE.

1. PUBLIC LIABILITY INSURANCE REQUIRED FOR BLASTING. Before any permit, as required by this Chapter, is issued for the use and storage of explosives or blasting agents, every applicant for a permit shall procure public liability insurance which shall cover the blasting covered by the permit and fulfill the other requirements set forth herein.

2. CITY NAMED ADDITIONAL INSURED. The applicant shall file with the Building Official a certificate of insurance issued by the carrier concerned as evidence that the public liability insurance requirements have been complied with and the City shall be named as an additional insured.

3. COVERAGE AMOUNTS. Liability insurance shall be provided by a responsible company, licensed to do business in the State of Missouri, and shall include the minimum coverages:

- a. Two million dollars (\$2,000,000.00) per person.
- b. Two million dollars (\$2,000,000.00) per occurrence.
- c. Two million dollars (\$2,000,000.00) per property owner.
- d. Two million dollars (\$2,000,000.00) umbrella or excess liability policy.

4. ADDITIONAL REQUIREMENTS. The insurance certificate, including a rider specifically covering the insured for doing blasting, shall be required with the permit application. In specific cases where blasting is being proposed within one thousand (1,000) feet of any dam, an additional rider for the endorsement of increased limits for a specific job shall be required at the discretion of the Building Official.

C. RIGHT OF ENTRY. The City maintains the right of entry to premises where blasting operations are being conducted. This right of entry includes the purpose of determining the precise area being blasted as of any one (1) day and whether the permittee was in compliance with this Chapter.

D. SUSPENSION OR REVOCATION OF PERMIT. The Building Official shall have the authority to suspend or revoke any permit granted under the terms and conditions of this Chapter for any of the following causes:

- Any fraud, misrepresentation or false statement contained in the application for permit.
- Any violation of the Chapter.
- Any violation of the Fire Code as adopted by the City.
- Failure on the permittee's part to rectify any condition after notice.

SECTION 8 - OFF-STREET PARKING AND LOADING REGULATIONS.

8.1 Parking.

A. General Statement.

1. The purpose of this Section is to provide minimum standards for off-street parking and loading in order to lessen congestion in the streets; to ensure adequate access and parking facilities for users of buildings; and to safeguard life, health, property, and public welfare.

2. For all buildings or structures hereafter constructed, reconstructed, or expanded, off-street parking in the form of garages or areas made available exclusively for that purpose shall be provided. Such parking area shall be located entirely on private property, except the necessary drives may cross the right-of-way to connect the roadway with the parking area.

3. This issuance of a building permit shall require compliance with the parking area requirements as herein provided.

B. Schedule of Off-Street Parking.

1. Minimum number required: Off-street parking shall be provided in the amount specified below for the following uses. In the case of a use which is not specifically mentioned, the off-street parking requirements for a similar use shall apply. Similarity shall be determined by the Zoning Administrator. These requirements shall apply to each type of use regardless of the zoning district.

Cleveland Unified Development Ordinance Revision 2022

	<i>USE</i>	<i>NUMBER OF PARKING SPACES</i>	<i>REQUIRED FOR EACH</i>
1)	RESIDENTIAL		
	a) Single-Family Residences	2	Dwelling Unit
	b) Duplexes	2	Dwelling Unit
	c) Multi-Family Residences		
	Efficiency or Studio	1	Dwelling Unit
	1-2 Bedroom	1.5	Dwelling Unit
	3 or more bedroom	2	Dwelling Unit
	d) Hotels & Motels	1 Plus number required for restaurant, if any.	Room
2)	COMMERCIAL		
	a) Banks	5	1,000 sf of gfa
	b) Offices	5.5	1,000 sf of gfa
	c) Offices - Medical & Dental	1	Employee,
		4	Doctor
	d) Restaurant	1	3 Seats
	e) Bowling Alley	5	Lane
		Plus number required for restaurant, if any.	
	f) Personal Services	5	1,000 sf of gfa
	g) Retail Stores	5	1,000 sf of gfa
	h) Service Stations, Gas Stations, Auto Repair Shop or Garage	5	1,000 sf of gfa with a min. reqd of 4 spaces regardless of size of building
3)	INDUSTRIAL - INCLUDING STORAGE, WHOLESALE AND MANUFACTURING		

Cleveland Unified Development Ordinance Revision 2022

	a) Brick or lumber yard or similar area	1	Employee, plus reqd for Retail & Office space
	b) Open storage of sand, gravel & petroleum	1	Employee, plus reqd for Retail & Office space
	c) Warehouse & enclosed storage - private	1	Employee
	d) Warehouse & enclosed commercial	1	Employee, plus storage - 3,000 sf of gfa
	e) Manufacturing operations - single shift	1	Employee, plus reqd for Retail & Office space
	f) Manufacturing operations - Multi-shift	1	Employee on largest shift plus Employee second shift reqd for Retail and/or Office space
4)	INSTITUTIONAL AND OTHER		
	a) Hospitals	1	2 beds, plus Employee
	b) Nursing Homes	1	4 beds, plus Employee
	c) Auditoriums, churches, theatres, stadiums, and other places of assembly	1	4 seats
	d) Senior High Schools	1	Employee, plus 4 Students
	e) Elementary & Jr. High Schools	1	Employee, plus Classroom
	f) Day Care Facilities	1	8 Children, plus 1 Employee
* Note: Abbreviations are as follows: sf - square feet, gfa - gross floor area			

2. Method of computation:

a. Gross floor area (gfa) shall be determined by using the outside dimensions of the building for each floor. The only space which may be excluded is basement storage area.

- b. Employees shall include all persons working or serving at a place of business, including the owner, manager, doctors, nurses, technicians, teachers, kitchen workers, and all other employees.
- c. The number of employees shall be based upon the total number of employees on duty at any one time, when the maximum functional use of the building or land is being made.
- d. A Multi-shift operation shall include businesses which have more than one group of employees who are on duty for different periods of time.
- e. Where more than one type of use is located either in the same building or in separate buildings in close proximity, such that a single parking area will be serving those uses, the number of parking spaces provided shall be not less than the sum of the separate requirements for each use.
- f. When determination of the number of off-street parking spaces required by the formulas results in the requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

C. Joint Use of Parking Facilities.

Where more than one type of use is located either in the same building, or in separate buildings in close proximity, joint use of the same parking facilities will be allowed as follows:

- 1.** Uses normally open or operated during daytime hours, including retail stores, personal service establishments (such as beauty shops and barber shops), and business service establishments (such as banks and offices) may share parking facilities with the following uses:
 - a. Churches which have activities primarily on weekends or evenings may share such parking facilities to the extent of 100% of the parking spaces required.
 - b. Uses normally open or operated during evening or weekend hours, such as theaters, bowling alleys, dance halls, other places of amusement, and restaurants, may share such parking facilities to the extent of 50% of the parking spaces required.
- 2.** A written agreement for the joint use of the off-street parking facilities shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a building permit.

D. Dimensions of Parking Area.

1. Size of stalls.

A required off-street parking space shall be a rectangle which is a minimum of 9 feet wide by 19 feet deep, placed at the prescribed angle so that it lies between the curb and the aisle. Except that stalls fronting on curbs with grass adjacent, may be reduced to 18 feet.

2. Aisle width.

Aisles shall provide access to parking spaces and shall provide the necessary space for maneuvering into and out of each space. They may serve either double or single bays of parking. The width of aisles providing access and maneuvering space shall be as follows:

	<u>Parking Angle</u>	<u>Stalls Services by Aisle</u>	<u>Traffic Flow</u>	<u>Aisle Width</u>
1)	90°	One Side	One or Two Way	24 ft.
2)	90°	Both Sides	Two Way	24 ft.
3)	45°	One Side	One Way	16 ft.
4)	60°	One Side	One Way	16 ft.
5)	45°	Both Sides	One Way	16 ft.
6)	60°	Both Sides	One Way	20 ft.
7)	45°	Both Sides	Two Way	20 ft.
8)	60°	Both Sides	Two Way	20 ft.

3. Ingress and egress.

Ingress and egress shall be by means of paved driveways not exceeding thirty-five (35) feet in width at points of connection with public streets. The minimum width of driveways for ingress and egress shall be the same as those specified above for aisles. Driveway width, for the purpose of this section, shall include only the pavement and not the curbs and gutters.

The distance of a parking area entrance drive from the intersection of two streets, and the distance between curb cuts, shall be adequate to facilitate efficient traffic circulation.

E. Improvement of Parking Area.

1. Surfacing and Curbing. All off-street parking areas and all access drives shall be improved with a permanent dust-free surface consisting of a minimum of a 6" rolled stone base overlaid with a 1-1/2" asphalt surface, or a 4" asphalt base overlaid with a 1-1/2" asphalt surface, or a minimum of 4" of concrete.

All new construction in residential zoning districts that is platted after the adoption of this ordinance shall have concrete drives and parking, provided however, that this requirement may be waived by the Board of Aldermen.

All off-street parking areas and all access drives in commercial and industrial zoning districts shall have a boundary constructed of concrete curbing or an integral concrete sidewalk and curb with a vertical face.

2. Maintenance. Off-street parking areas shall be maintained in proper repair with a dust-free surface.

3. Drainage Facilities. For any use which will require a parking area to be newly constructed, added to, or altered in such a way as to affect drainage either on or off the site, as determined by the City, storm water drainage plans, including grading plans, shall be submitted to and approved by the City, prior to the issuance of a building permit.

4. Permit Required. No person, firm, or corporation shall initiate construction of a new parking lot, or expansion of an existing parking lot, without first obtaining a permit for such development from the City. Application for a permit shall be made upon the form provided and shall be accompanied by such information, plans and specifications as may be required. A permit shall not be required for resurfacing an existing parking area; and a permit shall not be required for customary driveways for single-family and duplex residential dwellings.

5. Time Limit. All required off-street parking areas shall be ready for use, including the above surfacing requirement, before the issuance of an occupancy permit. An extension of time will be granted due to adverse weather conditions.

F. Setback Requirements.

1. Off-street parking for single-family and duplex residential uses shall have no setback requirements.
2. Off-street parking for all other uses, including multi-family residential, commercial, industrial, and institutional uses, shall have a setback requirement of 10 feet (10') from the front property line. A ten-foot side and rear setback shall be maintained for these uses if the lot abuts areas zoned for agricultural, or zoned or used for residential purposes.

G. Location of Parking Areas.

Off-street automobile parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that the parking area is required to serve.

1. For one and two-family dwellings - on the same lot as the building they are required to serve.
2. For three and four-family dwellings - on the same lot or parcel of land as the building they are required to serve. For the purpose of this requirement, a group of such uses constructed and maintained under single ownership or management that are contiguous shall be assumed to be on single lot or parcel of land.
3. For apartment houses containing four (4) or more dwelling units - on the same lot or parcel of land as the building they are required to serve, or on a separate lot or parcel of land not more than three hundred (300) feet from the nearest entrance to the main

building being served, provided the lot or parcel of land selected for the parking facilities is located in an apartment district or a less restricted district.

4. For churches, hospitals, sanitariums, homes for the aged, convalescent homes, and other similar uses - the off-street parking facilities required shall be on the same lot or parcel of land as the main building or buildings being served or upon properties contiguous to that lot or parcel.
5. For uses other than those specified above, including commercial and industrial - off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land not more than five hundred (500) feet from any entrance to the main building, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.

H. Lighting of Parking Areas.

Any lights used to illuminate the parking area shall be arranged, located or screened to direct light away from any adjoining residential use.

I. Additional Parking Regulations.

1. Head-In Parking.-Head-in parking from any public right-of-way, which would allow traffic to back out directly into the public right-of-way, shall not be permitted. This paragraph shall not apply to single-family and duplex residential use.
2. Off-street parking, not required under this section, but voluntarily provided, shall comply with all the requirements with regard to location and construction.
3. Required spaces shall not be used for storage and shall be kept available for their parking function.
4. No trucks, tractors, or trailers, excluding recreational vehicles, in excess of one (1) ton capacity shall be parked in a residential zone, except for deliveries.

8.2 Loading.

Any industrial, commercial or office hereafter constructed, reconstructed, or expanded, in any district, shall provide adequate off-street facilities for the loading and unloading of merchandise and goods within or adjacent to the building, in such a manner as not to obstruct freedom of traffic movement on the public streets or alleys.

8.3 Accessible Parking Spaces requirements.

A. Accessible parking spaces shall have an adjacent aisle five (5) feet wide, and one in every eight (8) accessible spaces (but no less than one) shall be adjacent to an aisle eight (8) feet wide and the space shall be clearly marked with a sign indicating that the space is “van accessible.” Accessible parking space aisles shall be clearly marked by lines painted on or otherwise applied to the parking lot surface. Access aisles shall be on the same level as the vehicle pull-up space they serve.

B. When parking lots or parking garage facilities are provided, the number of accessible parking spaces shall be provided in accordance with Table 1 and the following provisions.

C. Accessible parking spaces shall be located on the shortest possible accessible route of travel to an accessible building entrance. In facilities with multiple accessible building entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. When practical, the accessible route of travel shall not cross lanes for vehicular traffic. When crossing vehicle traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.

D. Accessible parking spaces shall be located on a surface with a slope not exceeding 1 vertical foot in 50 horizontal feet.

E. Signs. Every parking space required by this section shall be identified by a sign, mounted on a pole or other structure 5 feet above the parking surface, at the head of the parking space. The sign shall be at least 12" by 18".

F. Method of Computation. Accessible parking spaces shall be counted as part of the total minimum number of parking spaces required herein.

G. In addition to these regulations, all accessible spaces shall comply with the requirements of the American with Disabilities Act.

Table 1.

NUMBER OF ACCESSIBLE PARKING SPACES

Total Parking Spaces Required in Lot	Minimum Number of Accessible Spaces Required
1-25	1
26-50	2
51-75	3

Cleveland Unified Development Ordinance Revision 2022

76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total spaces
Over 1000	20 spaces plus 1 space for every 100 spaces, or fraction thereof, over 1000

SECTION 9 - SIGNS

9.1 Purpose

A. The purpose of this article is to provide minimum standards to safeguard life, health, property, property values and public welfare by regulating and controlling the quality of materials, construction, installation, and maintenance of signs, in addition to the number, size, sign type, and type of illumination of all on-site signs and off-site signs and sign structures located on private property.

B. The ban of all signs on utility poles, governmental signs, public rights-of-way and other public property is necessary to protect the safety of workmen who must scale utility poles, to eliminate traffic hazards, and to preserve the aesthetic appeal of the city by eliminating clutter and visual blight.

9.2 Definitions

APPROVED COMBUSTIBLE MATERIAL: Wood, or materials not more combustible than wood, and approved combustible plastics.

APPROVED COMBUSTIBLE PLASTICS: Those plastics which, when tested in accordance with American Society for Testing Materials standard methods for test for flammability of plastics over 0.050 inch in thickness (D635-44), burn no faster than 2.5 inches per minute in sheets of 0.060-inch thickness.

ATTENTION ATTRACTING DEVICE: Any flasher, blinker, animation, banner, clock or other object designed or intended to attract the attention of the public to an establishment or to a sign.

DETACHED SIGN: Any sign not attached to a building.

ILLUMINATED SIGNS:

Semi-Illuminated Sign - Any sign which is uniformly illuminated internally over its entire area, including the area of the sign, by use of electricity or other artificial light.

Indirectly Illuminated Sign - Any sign which is partially or completely illuminated at any time by an external light source which is so shielded as to not be visible at eye level.

Fully Illuminated Sign - Any sign which is illuminated by an external or internal light source which is visible.

INCIDENTAL SIGN: A sign which guides or directs pedestrian or vehicular traffic, or a sign in conjunction with a drive-through window, which may be mounted on the ground on a building or in connection with a detached sign.

MARQUEE SIGN: Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the roof line.

MONUMENT SIGN: An identification sign which rises from the ground, and general has no clearance under it.

OFF-PREMISE SIGN: A sign, including billboards and poster panels, which directs attention to a business, commodity, service, activity, or product sold, conducted or offered off the premises where such sign is located.

ON-PREMISE SIGN: A sign which directs attention to a business, commodity, service, activity, or product sold, conducted, or offered on the premises where such sign is located.

PORTABLE SIGN: A sign that is not permanently affixed to one location and has the capability of being moved from one site to the next.

PROJECTING SIGN: Any sign extending more than one foot from the face of the building to which it is attached, or which extends more than one foot above the roof line.

ROOF SIGN: A sign, which extends above a roof or parapet wall of a building and which is wholly or partially supported by said roof.

SIGN: Any words, letters, numerals, figures, devices, designs, or trademarks by which information is made known to the public.

SIGN AREA: The area of a sign set out in these regulations shall mean the area encompassed by the perimeter of the sign.

The area of the sign shall be computed from the area enclosed by the perimeter upon which the letters, logo, etc. are placed. Except that when individual letters, logo, etc. are mounted individually and directly upon a building surface without change in the color or appearance of the surface background, the area of the sign shall be deemed to be the rectangle or other geometric form that encompasses the letters, logo, etc.

SNIPE SIGN: Any sign of a material such as cardboard, paper, pressed wood, plastic, or metal which is attached to a fence, tree, utility pole or temporary structure, or any sign which is not securely fastened to a building or firmly anchored to the ground.

SUBDIVISION AMENITY SIGN: A sign directing traffic to amenities such as clubhouse or swimming pool within the subdivision.

SUBDIVISION ENTRANCE MARKER: A detached sign identifying the subdivision, located at one or more of the subdivision entrances.

TEMPORARY SIGN: A sign of cloth or other combustible material, with or without a frame, which is usually attached to the outside of a building on a wall or store front, for a limited period of time, such as a banner, or a sign which is not permanently attached to the ground, building or other load bearing structure, such as a portable sign, balloon, or animation.

UNDER CANOPY SIGN: A display attached to the underside of a marquee or canopy and protruding over public or private sidewalks or right-of-way.

WALL SIGN: A sign attached to or erected against an exterior wall of a building or structure, which projects not more than twelve inches (12") from a wall and presents only one face with advertising copy to the public and does not extend above the roof line.

9.3 Sign Types Permitted: Zone Restrictions.

Permitted signs in each zoning district are as follows:

A. District A

1. One unilluminated sign not larger than thirty-two (32) square feet in area and not to exceed twenty (20) feet in height, pertaining to the sale, lease, or identification of the premises upon which it is located, or to the sale of products raised thereon.
2. One unilluminated sign not to exceed two (2) square feet in area which advertises a customary home occupation. If a detached sign is used, it shall not exceed three (3) feet in height and must be set back at least ten (10) feet from the front property line and five (5) feet from side or rear property lines.
3. Not more than two (2) on-premise, unilluminated or indirectly-illuminated subdivision entrance markers per street, with a maximum sign area of thirty-two (32) square feet and a maximum sign height of four (4) feet. When a structure is used to support a sign, total area and height of the structure shall not exceed forty-eight (48) square feet and six (6) feet, respectively. The structure of a subdivision entrance marker forms the outside shape and includes any frame, border, or base that forms an integral part of the display.
4. One (1) unilluminated subdivision amenity sign shall be allowed within the subdivision; it shall not exceed six (6) square feet in area, and shall not exceed eight (8) feet in height.
5. Churches and other institutional uses may display one (1) unilluminated, semi-illuminated or indirectly-illuminated detached sign showing names, activities, and services therein. The sign shall not exceed forty (40) square feet in area and shall have a setback of ten (10) feet from any property line.

B. Districts OT, RR, SR, RE, LDR and DR.

Signs as permitted in Section 9.3.A.2 thru Section 9.3.A.5.

C. Districts CN & CH

Unless otherwise provided, signs in these districts may be unilluminated, semi-illuminated or indirectly illuminated.

- 1.** Each business or commercial establishment shall be permitted not more than three (3) wall or marquee signs provided the total area of signs on a facade shall not exceed ten percent (10%) of the total area of that facade.
 - 2.** In lieu of one of the above wall or marquee signs, one projecting sign or under canopy sign shall be permitted.
 - 3.** In lieu of one of the above attached signs, one (1) detached sign shall be permitted for each free-standing commercial building. It shall be set back not less than five (5) feet from the front property line and shall be set back from side property lines a distance not less than the height of the sign. The maximum height of the detached sign shall be twenty-five (25) feet.
 - 4.** In lieu of one detached sign, one (1) unilluminated, semi-illuminated or indirectly illuminated roof sign shall be permitted. A roof sign shall not exceed fifteen (15) feet above the roof and in no case shall the total height of the building and sign exceed the maximum allowable height for the zoning district.
 - 5.** A shopping center designed as one unified entity and consisting of one or several buildings, either attached or freestanding, shall be permitted one (1) detached sign identifying the entire center. All other signs in the center shall consist of wall, projecting, under canopy or marquee signs. The maximum height of the shopping center detached sign shall be twenty-five (25) feet.
 - 6.** Incidental signs are subject to the approval of the Zoning Officer and shall not exceed nine (9) square feet in area.
- Off-Premise signs shall be permitted only along D and Y Highways:
- a. Off-Premise signs shall be allowed in zones CN & CH, shall be allowed only on private property, and shall be set back from any building or property line a distance, measured from the front and back faces of the sign, equal to the height of the sign.
 - b. Off-premise signs shall be separated by at least five hundred (500) feet.
 - c. All off-premise signs shall comply with applicable requirements as specified by the Missouri State Highway Department, if any.
 - d. The maximum height of off-premise signs shall be thirty- (30) feet.
- 7.** Signs in excess of seventy-two (72) square feet, excluding marquee and wall signs, must obtain a conditional use permit.
 - 8.** Height limitations of any sign in excess of seventy-two (72) square feet shall be incorporated in any conditional use permit granted.
 - 9.** Not more than two (2) on-premise, unilluminated or indirectly-illuminated subdivision entrance markers per street, with a maximum sign area of forty-eight (48)

square feet and a maximum sign height of six (6) feet. When a structure is used to support a sign, total area and height of the structure shall not exceed seventy-two (72) square feet and nine (9) feet, respectively. The structure of a subdivision entrance marker forms the outside shape and includes any frame, border, or base that forms an integral part of the display.

9.3 D. Sign Illumination

Sign Illumination Limits: the recommended night-time brightness level for an on premise Illuminated sign is 0.3 foot candles above ambient light conditions when measured at the appropriate distance. The appropriate distance is based on the following chart provided by the International Sign Association.

Area of sign Sq.Ft	Measurement Ft
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

9.4 Permits and Fees.

A. Permits Required.

Except as otherwise provided in this article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit from the City.

B. Permits shall not be required under the following conditions:

1. Replacing or altering changeable copy on theater marquees, billboards, and similar signs.

2. Painting, repairing, cleaning, or maintaining of a sign shall not be considered an erection or alteration which requires a permit unless a structural change is made or the alteration and painting is being done due to a change in ownership of the business or premises.

C. Exemptions.

A permit will not be required for the following listed signs. These exemptions, however, shall apply only to the requirement of the permit and shall not be construed as relieving the owner of the sign from the responsibility for its erection, maintenance and appearance.

1. Construction project signs, with a maximum size of seventy-two (72) square feet.

2. Acreage or structure "for sale" or "for rent" signs.

3. Political signs, subject to the following restrictions:

a. There shall be no political signs on any public utility pole, fence post, fences, trees, or sides of buildings.

4. Traffic or other municipal or informational signs, legal notice, railroad crossing signs, danger, warning and such temporary, emergency, or non-advertising signs necessary for traffic control or as may be approved by the Board of Aldermen.

5. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other metal.

6. Signs inside buildings, inside windows, or painted on windows or on glass portions of doors of buildings.

7. Temporary signs for special events for public, charitable, religious, or fraternal organizations, subject to the following limitations:

a. Maximum size thirty-two (32) square feet per face.

b. One (1) per street frontage.

c. To be located on premises.

d. To be placed no sooner than thirty (30) days prior to the event and removed within five (5) days following the event.

D. Application for Permit.

Application for a permit shall be made to the City upon a form provided and shall be accompanied by written approval of the property owner, site plans and specifications as may be required.

E. Permit Fees.

Every applicant, before being granted a permit hereunder, shall pay a fee to the City based upon the fee schedule used for sign permits.

SIGN PERMIT FEES	
Table 9.4. E	
Sign Permit Fee Schedule: (Permit issuance fee is included to these costs)	Fee
1. Combination Signs:	
To and including 20 square feet in area or fraction thereof	\$95.00
For each additional 20 square foot in area or fraction thereof	\$20.00
2. Flat Wall Signs:	
To an including 300 square feet	\$95.00
For each additional 300 square foot in area or fraction thereof	\$20.00
3. Marquees:	
Each marquee	\$305.00
4. Roof Signs:	
For surface area not to exceed 300 square feet	\$305.00
For each additional 300 square foot or fraction thereof	\$80.00
5. Temporary Signs:	
For each sign	\$25.00
6. Free Standing Signs:	
To and including 20 square foot of area	\$95.00
For each additional 20 square foot in area or fraction thereof	\$20.00
7. Permanent Signs	
Each Permanent Sign	\$50.00
8. Replace Existing Sign Face	\$10.00

F. Inspection.

As soon as a sign has been erected, the permittee shall notify the Building Inspector who shall inspect such sign and approve the same if it is in compliance with the provisions of this Ordinance. The Building Inspector may from time to time as he deems, inspect all signs or other structures regulated by this Ordinance, for the purpose of ascertaining whether they are secure or whether they are in need of removal or repair. If the sign does not comply with the provisions of this Ordinance, the Building Inspector shall notify the applicant in writing of such non-compliance and give the applicant ten (10) days, or less if the Building Inspector determines a hazardous situation exists, to comply.

G. Permit Revocable At Any Time.

All rights and privileges acquired under the provisions of this Ordinance, or any amendments thereto, are mere licenses revocable at any time. Installation shall be completed within six (6) months after date of issuance of the sign permit.

9.5 Additional Regulations.

A. Maintenance.

All signs, together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation. The Building Inspector may order the removal of any sign that is not maintained in accordance with the relevant provisions of the building code.

B. Prohibited Signs.

1. Snipe signs are prohibited and may be removed by the Building Official.

2. It shall be unlawful for any person to display any real estate advertisements or signs which recite that real property is to be used for purposes or will be zoned for land uses in the future, when in fact such real estate is not presently zoned for such purposes.

3. Attention attracting devices, electrical signs and illuminated signs, which are an annoyance to residential neighborhoods, or may impair night vision, or are a hazard to traffic, or interfere with or conflict with traffic signals, whether inside or outside the building, are prohibited.

4. It shall be unlawful to post or erect any sign on utility poles, governmental signs, public rights-of-way or any other public property except those placed by agencies of the federal, state or local government.

C. Engineering Design and Materials

1. Wind Pressure Resistance. All signs shall be designed and constructed to withstand wind pressure of not less than twenty-five (25) pounds per square foot.

2. Except as specifically provided elsewhere, all permanent signs, sign structures, and non-structural trim shall be constructed of approved combustible or non-combustible materials.

3. Signs along all streets and boundaries shall not interfere with line of sight within 75 feet of the point of intersection of pavement of:

- a. A vehicular accessway or driveway and a street
- b. A vehicular accessway or driveway and a sidewalk
- c. Two or more vehicular accessways or driveways

No sign which obstructs sight lines at elevations between two (2) feet and eight (8) feet above roadways shall be located at any corner lot within the triangular area formed by the right-of-way lines and a line connecting them at points seventy-five (75) feet from their point of intersection or at equivalent points on private streets.

4. Obstruction of egress, openings, ventilation. A sign shall not be erected, constructed, or maintained so as to obstruct any fire escape, window, door or other opening; or so as to prevent free passage from one part of the roof to any other part thereof. A sign shall not be attached in any form, shape or manner to a fire escape, or shall not be so placed as to interfere with an opening which is required for legal ventilation.

5. Letters, figures, characters or representations in cutout or irregular form maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

6. Illuminated Signs. Illuminated signs produced in quantity (other than signs custom-built for specific locations) shall be constructed in accordance with the "Standards for Electric Signs (U.L. 48) of the Underwriters' Laboratories, Inc." and bear the label of the Underwriters' Laboratories, Inc.

7. Electrical Signs. All electrical signs, either temporary or permanent, shall be connected to permanent electrical service installed according to the requirements of the National electrical code. All wiring for newly constructed detached signs shall be underground, unless this is determined to be prohibitive by the Building Official.

8. The following type signs shall have a seal of a registered engineer or registered architect affixed to the plans: attention attracting devices, detached signs, electrical, illuminated, marquee, portable, poster panel, projecting, and roof. In addition, the following standards will apply:

a. Projecting signs shall not project more than five feet, six inches (5'6") beyond the face of the building. Projecting signs shall be a minimum of ten (10) feet above the level of any sidewalk from the bottom of the sign. Any projecting sign within twenty-five (25) feet of a street or alley intersection shall be a minimum of fourteen (14) feet above the sidewalk from the bottom of the sign.

b. All projecting signs shall be rigid mounted, shall be supported by strong steel brackets attached to walls of buildings with through bolts, expansion bolts or other equally secure methods, and shall be braced and held firmly in place with soft iron or steel cables or chains of adequate strength. All such supports shall be attached to walls of buildings with expansion bolts or equivalent method.

c. Projecting signs which are permitted to extend above parapet walls may be attached to brackets fastened to roofs by means of through bolts but shall not be attached to any part of the wall above a point of bearing of the roof joists or rafters.

d. All roof signs shall be secured by or bear upon masonry bearing walls, columns, girders, or roof joists. No roof sign shall be erected in a manner which prevents or tends to prevent free passage from one part of the roof to any other part thereof. Spider webs and A-frame structural members shall be prohibited.

e. Roof signs located on flat roofs shall allow a minimum clear open space of six (6) feet from the roof to the lowest point at the bottom of the face of the sign, and there shall be a minimum space of five (5) feet between adjacent vertical supports.

f. Wall signs shall be securely fastened to a masonry wall by means of anchors, bolts, expansion screws or similar connectors. A wall sign which is attached to a wall of wood may be anchored with wood blocks used in connection with screws and nails.

g. Under-canopy signs of greater than four (4) square feet shall be rigidly mounted, and there shall be eight feet, six inches (8'6") clearance between the base of any rigidly mounted under-canopy sign and the sidewalk. There shall be a minimum clearance of seven feet, six inches (7'6") between the base of any non-rigidly mounted under-canopy sign and the sidewalk.

h. Detached signs shall be supported with a maximum of two (2) poles, uprights, or supports.

9.6 Temporary Signs.

Temporary signs may be permitted for special events, new ownership, or grand openings for business or organizational use. Special events do not include sales.

A. Duration of Permits. Except as specifically otherwise provided elsewhere in this section, permits for temporary signs shall be valid for twenty (21) days from date of issuance.

B. Permits Renewable. Permits for temporary signs may be renewed a maximum of one time for a maximum of twenty (21) days, except as specifically otherwise provided elsewhere in this section.

C. Number of Permits. Except as specifically otherwise provided elsewhere in this section, only one temporary sign permit may be issued at any one time for any business, industry, or shopping center. The total number of days per year which a temporary sign may be displayed at any business, industry or shopping center shall be forty-two (42) days.

D. Construction. Construction of temporary signs shall meet the same engineering design and materials standards as for permanent signs.

E. Size. Except as specifically otherwise provided elsewhere in this section, size of temporary signs shall not exceed the size of signs permitted for permanent signs of similar permitted construction and location within the same zoning district.

F. Location. Temporary signs shall be erected entirely on private property. Except as specifically otherwise provided elsewhere in this section, all temporary signs shall be located on the premises where the good, service or event is available.

SECTION 10 - NONCONFORMING SITUATIONS AND VESTED RIGHTS

10.1 Definitions. Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning set forth in this Section when used in this Article. Words used in this Article, but not defined in this Section, may be defined in Section 2 of this UDO.

A. Cost. The cost of renovation, repair or restoration shall mean the fair-market value of the materials and services necessary to accomplish a renovation, repair or restoration. Cost shall mean the total cost of all intended work, and no person may avoid the intent of this definition by doing the intended work incrementally.

B. Effective Date of This UDO. Whenever this UDO refers to the effective date of this UDO, the reference shall include the effective date of any ordinance that amends this UDO, if the ordinance, rather than this UDO as originally adopted, creates a nonconforming situation.

C. Nonconforming Lot. A lot that was not created for purposes of evading the restrictions of this UDO, which was lawfully platted and recorded and on file in the office of the Cass County Recorder prior to the effective date of this UDO, but which does not meet the minimum area requirement of the applicable zoning district.

D. Nonconforming Use. A primary use of property existing on the effective date of this UDO that occurs when property is used for a purpose or in any manner made unlawful by the use regulations or performance and design standards applicable to the zoning district in which the property is located. The term also refers to the activity that constitutes the use made of the property. The term does not refer to accessory use of property.

E. Nonconforming Structure. A structure that was lawfully constructed prior to the effective date of this UDO, but which could not be constructed under the terms of this UDO by reason of restrictions on area, lot coverage, height, setbacks (yards), location on the lot or other requirements concerning structures.

F. Structural value. The then current cost of a structure or its replacement value, if destroyed.

10.2 General statement of intent and policy. Within the zoning districts established by this UDO or its subsequent amendment, there exist a) lots; b) structures; and c) uses of land which were lawful before this UDO was adopted or amended, but which would now be prohibited, regulated or restricted under the terms of this UDO or its subsequent amendment. Such instances shall hereafter be considered lawful nonconformities. It is the intent of this UDO to recognize the legitimate interest of owners of lawful nonconformities by allowing these lawful nonconformities to continue, subject to the provisions contained herein. At the same time, it is recognized that lawful nonconformities may substantially and adversely affect the orderly development, maintenance, use and taxable value of other property in the same zoning district, property that is itself subject to the regulations and terms of this UDO. To secure eventual compliance with the standards of this UDO, it is necessary to regulate intensity and size of lawful nonconformities and to prohibit the re-establishment of nonconformities

that have been discontinued, or monitor a change to a more intense use or expansion of a use. To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date or amendment of this UDO and upon which actual building construction has been carried on diligently. The burden shall be on the landowner to establish entitlement to continuation of nonconforming situations or on the developer to establish entitlement to complete nonconforming projects. Appeals from an administrative decision related to this Section shall be to the Board of Adjustment.

10.3 Lawful nonconformities.

A. Lots. A structure may be constructed by right on any single lawful nonconforming lot within a zoning district, provided that all other requirements of the zoning district within which the lot is located are complied with, and all appropriate permits are obtained prior to any construction activity.

B. Structures. A lawful nonconforming structure may continue to exist so long as it remains otherwise lawful, provided that no reconstruction, enlargement, or alteration of the structure shall occur that will increase its nonconformity, except as provided for in Section 10.6 of this UDO.

C. Uses of land. A lawful nonconforming use of land may be continued so long as it remains otherwise lawful and provided that no enlargement, increase or extension of the lawful nonconforming use of land occurs so that a greater area of land is occupied than that which was occupied on the effective date of this UDO or any amendment thereto that makes the use non-conforming, and that no additional structures or additions to structures existing on the effective date of this UDO shall be constructed on the same lot. Further, no such lawful nonconforming use of land shall be moved or relocated in whole or in part to any other portion of the lot on which it is located, other than that portion occupied at the time of effective date of this UDO. If any lawful nonconforming use of land is not used as such for any reason for a period of more than 180 consecutive days, any subsequent use of that land shall conform to the terms of this UDO.

10.4 Change from one nonconforming use of a structure to another. A nonconforming use may be changed to a new use, provided that the new use shall be of the same general character or of a character less intensive (and thus more closely conforming) than the existing, nonconforming use. The Zoning Officer shall make the initial determination of whether a proposed use is a conforming use or is less intense, with an appeal to the Board of Adjustment. A nonconforming use may not thereafter be changed back to a less conforming use than then it was changed.

10.5 Lawful nonconforming uses superseded. Anywhere a lawful nonconforming use is replaced by a permitted use and the lawful nonconforming use is no longer occurring, that lawful nonconforming use shall not thereafter be resumed.

10.6 Reconstruction of certain lawful nonconforming structures. Should any lawful nonconforming structure be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of damage, it may only be reconstructed in conformance with the provisions of this UDO. This subsection does not apply to residential structures, which structures

may be reconstructed just as they may be enlarged or replaced as provided in Section 10.8. Reconstruction of a lawful nonconformity, where permitted, must commence within one hundred eighty (180) days of destruction. In those instances where reconstruction does not commence within this limited time frame, the lawful nonconformity will be considered discontinued and the structure shall only be reconstructed as a permitted use.

10.7 Completion of nonconforming projects -- vested rights. All nonconforming projects with respect to which a permit was issued prior to the effective date of this UDO may be completed in accordance with the terms of their permits, so long as those permits were validly issued, remain unrevoked and unexpired. If a development has been approved for completion in stages, this subsection shall apply only to the phase that is under construction.

10.8 Exception for residential nonconforming use. Any structure used for residential use and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of the previously existing nonconformities.

10.9 Repair, maintenance, and restoration. Minor repairs to and routine maintenance of structures and property, where nonconforming situations exist, are permitted, and encouraged. Major renovation, i.e., work estimated to cost more than fifty percent (50%) of the structural value of the structure to be renovated, shall not be permitted.

10.10 Determination of structural value and replacement cost. To determine the structural value and replacement cost of a lawful nonconforming structure, the owner seeking to undertake maintenance, reconstruction or repair, or restoration of a lawful nonconforming structure must submit written estimates, which must be obtained from three (3) separate contractors, detailing the cost of the applicable improvement or repair and the cost of replacement of the entire lawful nonconforming structure. The Zoning Administrator will establish the structural value and/or replacement cost based upon the average of these estimates.

SECTION 11 - VIOLATIONS AND ENFORCEMENT

11.1 Responsibility for Enforcement. The Zoning Administrator and Chairman shall primarily enforce this UDO. If any building or structure is erected, constructed, reconstructed, altered, converted, moved or maintained, or any building, structure, or land is used in violation of this Ordinance or regulations made under its authority, the City may institute any proper action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, conversion, moving, maintenance or use; to restrain, correct or abate the violation; to prevent the occupancy or use of the building, structure, or land; or to prevent any illegal act, conduct, business or use in and to the premises.

11.2 Types of Violations. Any of the following shall be a violation of this UDO and of law and shall be subject to the remedies and penalties provided in this Ordinance, the City Code or the general police powers granted by Missouri law:

A. Subdivision, Development or Use Without Permit. To engage in any subdividing, development, use, construction, remodeling, or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of this UDO without all of the required permits, approvals, certificates and other forms of authorization required by this UDO in order to conduct or engage in such activity;

B. Subdivision, Development or Use Inconsistent with Permit. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity;

C. Subdivision, Development or Use Inconsistent with Conditions. To violate, by act or omission, any term, conditions, or qualification placed by the Commission, Board of Aldermen or Board of Adjustment, as applicable, upon a required permit, certificate or other form of authorization granted by the Commission, Board of Aldermen or Board of Adjustment to allow the use, development, sign, or other activity upon land or improvements thereon;

D. Subdivision, Development or Use Inconsistent with Unified Development Ordinance. By erecting, constructing, reconstructing, remodeling, altering, maintaining, moving, or using any building, structure or sign or by using any land in violation or contravention of any zoning, subdivision, sign or general regulation of this UDO, or any amendment thereof;

E. Making Lots or Setbacks Nonconforming. By reducing or diminishing any lot area so that the setbacks or open spaces shall be smaller than prescribed by this UDO and the Final Plat;

F. Increasing Intensity of Use. By increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive requirements of this UDO;

G. Continuing Violations. By continuing any of the violations of this section, each day that a violation continues shall be considered a separate offense.

H. Removing, Defacing or Obscuring Notice. By removing, defacing, obscuring or otherwise interfering with any notice required by this UDO.

11.3 Remedies and Enforcement Powers. The City shall have the following remedies and enforcement powers:

A. Withhold Permits. The City may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements thereon upon that there is an uncorrected violation of a provision of this UDO or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. Instead of withholding or denying an authorization, the City may grant such authorization subject to the condition that the violation be corrected. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

B. Revoke Permits. Any permit may be revoked when the Zoning Administrator determines:

1. That there is departure from the plans, specifications, or conditions as required under terms of the permit;
2. That the same was procured by false representation or was issued by mistake; or
3. That any of the provisions of this UDO are being violated.

Such revocation may also include certificates to occupy or conduct business. Written notice of such revocation shall be served upon the owner, the owner's agent, or contractor or upon any person employed on the building or structure that such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed. As soon as is practically reasonable, Zoning Administrator shall hold a hearing with the permit holder or other adversely affected person.

C. Stop Work. With or without revoking permits, the City may stop work on any building or structure on any land that there is an uncorrected violation of a provision of this Unified Development Ordinance or of a permit of other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

D. Revoke Plan or Other Approval. Where a violation of this UDO involves a failure to comply with approved plans or conditions that the approval of such plans was made subject, the Board of Aldermen may, upon notice to the applicant and other known parties in interest (including any holder of building permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance, the provision of security of such other conditions as the Board of Aldermen may reasonably impose.

E. Injunctive Relief. The City may seek an injunction or other equitable relief in court to stop any violation of this UDO or of a permit, certificate or other form of authorization granted hereunder.

F. Abatement. The City may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition that they existed prior to the violation.

G. Other Remedies. The City shall have such other remedies as are and as may be from time to time provided by Missouri law and the City code for the violation of zoning, subdivision, sign or related UDO provisions. The remedies and enforcement powers established in this Section shall be cumulative.

11.4 Enforcement Procedures.

A. Non-Emergency Matters. In the case of violations of this Unified Development Ordinance that do not constitute an emergency or require immediate attention, the Zoning Administrator shall give notice of the nature of the violation to the property owners or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereinafter stated, after the persons receiving notice shall have ten days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Mail or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters. In the case of violations of this UDO that constitute an emergency situation as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the City may use the enforcement powers available under this Section without prior notice, but the Zoning Administrator shall attempt to give notice simultaneously with beginning enforcement action to the property owner, to any other person who is party to the agreement and to applicants for any relevant permit.

11.5 Violations of Prior Regulations. All violations under the previous regulations that exist within the City as of the effective date of this Unified Development Ordinance, shall continue to be violations and shall not be considered to be legal, nonconforming situations under this UDO. The City shall have the authority to secure remedies for violations of those regulations to the same extent that it may secure similar remedies for violations of this UDO.

11.6 Penalty for violations and civil remedies.

A. Civil Citations. If the Zoning Administrator determines that a violation of this Ordinance or regulations made under its authority has occurred, the Zoning Administrator may issue the violator a civil citation, which shall be proceeded upon in accordance with the provisions herein. The civil citation shall be issued to the violator by the Zoning Administrator upon a uniform municipal infraction form provided by the clerk of the municipal court, which

shall include a notice or summons to answer the charges against him within the time specified on the form for hearing before the municipal court. Upon issuance of a civil citation, the Zoning Administrator shall provide a copy of the notice or summons to the clerk of the municipal court.

B. Plea and Fines. Any person issued a civil citation for a violation of this Ordinance or regulations made under its authority, for which payment of a fine may be made to the municipal court, shall have the option of paying the fine in the sum and within the time specified in the civil citation upon entering a plea of guilty and upon waiving an appearance in court. It shall be the duty of the municipal court to accept payment of a fine. The payment of a fine to the municipal court shall be deemed an acknowledgment of conviction of the alleged offense and the court, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment. Any person issued a civil citation may, in the alternative, enter a plea of not guilty, and upon the entry of a plea of not guilty, shall be entitled to a trial as authorized by law.

C. Fines for Violations. Violations of any provision of this Ordinance are hereby declared to be public offenses and, pursuant to the authority of RSMo. 89.120, misdemeanors. The owner or general agent of a building or premises where a violation of any provision of the regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where a violation has been committed or exists, or the owner, general agent, lessee or tenant of any part of the building or premises in which a violation has been committed or exists, or the general agent, architect, builder, contractor or any other person who commits, takes part in or assists in any violation or who maintains any building or premises in which any violation exists shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00) for each and every day that such violation continues, but if the offense be willful, on conviction of the offense, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each day that such violation continues or by imprisonment for ten (10) days for each and every day the violation continues or by both the fine and imprisonment, in the discretion of the court. For the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than two hundred fifty dollars (\$250.00) or more than five hundred dollars (\$500.00) for each and every day that the violation shall continue or by imprisonment for ten (10) days for each and every day that the violation shall continue or by both fine and imprisonment in the discretion of the court.

D. Penalty After Notice of Violation. Any person who, having been served with an order to correct a violation, shall fail to comply with the order within ten (10) days after the service or shall continue to violate any provision of this Ordinance in the same manner as stated in the order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

E. Civil Lawsuits. The City shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this Ordinance and to abate nuisances maintained in violation thereof. In the event that any building or structure is or is proposed to be erected, constructed, altered, converted, moved or maintained in violation of this Ordinance, or any building, structure or land is proposed to be used in violation of this Ordinance, the City Attorney, or other appropriate authority of the City may, in addition to any other remedies, institute injunction, mandamus or any other appropriate

actions or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, moving, maintenance or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.