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Sec. 64-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agriculture means the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in the county. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is ten acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops. The storage of crops, grains, feeds or other products shall be limited to those raised on or to be consumed on the premises.

Alteration means any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

Apartment means a room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single-family, or a group of individuals living together as a single housekeeping unit.

Basement means a story below the first story as defined under "story," counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

Block means a piece or parcel of land entirely surrounded by public highways or streets. In cases where the platting is incomplete or disconnected, the public works director shall determine the outline of the block.

Boardinghouse or *lodginghouse* means a building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for not more than three persons for compensation, pursuant to previous arrangement, but not for the public or transients.

Breezeway means a pedestrian connection between two buildings, having a permanent roof and floor and having no sidewalls except that screen wire or lattice having at least 50 percent open area may be attached in the form of sidewalls.

Buffer means a permanent fence, planting or screening providing privacy for adjacent property.

Building means an enclosed structure, anchored to permanent foundation, and having exterior or party walls, and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls each portion or section of such building shall be regarded as a separate building; except, that two buildings connected by a breezeway having a contiguous roof shall be deemed as one building.

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Curb level means the top of the curb in front of the lot or in case of a corner lot, along that abutting street where the curb level is the highest.

Day care center means a group program providing care for more than ten children in a family home or more than four children in a facility other than a family home, for any part of the 24-hour day.

Day care home means a family home in which care is given to ten children or less, not related to the day care provider, for any part of the 24-hour day.

Dwelling means a building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, boardinghouses and lodginghouses, apartment houses and apartment hotels, but not hotels or motels. Types of dwellings are as follows:

- (1) *One-family dwelling* means a detached building arranged, intended or designed for occupancy by one family.
- (2) *Two-family dwelling* means a building arranged, intended or designed for occupancy by two families.
- (3) *Multiple-family dwelling* means a building or portion thereof arranged, intended or designed for occupancy by three or more families, including apartment houses, garden apartments, row houses and apartment hotels.

Family means one or more persons who are related by blood, marriage or adoption or part of a custodial program approved by a probate or circuit judge, living together and occupying a single housekeeping unit with a single kitchen facility, or a group of not more than five (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit cost sharing basis.

Farming means the use of a tract of land, not less than five acres, for the cultivating and harvesting of crops, or the raising and managing of livestock or poultry, and may include the residence of those persons engaged in agricultural production or other buildings customarily provided in conjunction with the farm use.

Floor area, commercial, means that area of a building surrounded by permanent walls and covered by permanent roof and excluding storage area, utility rooms, washrooms, vaults and other areas not generally used by patrons.

Floor area, residential, means that area of living space surrounded by permanent walls and covered by permanent roof and excluding garages or carports and excluding unfinished rooms below grade.

Foster family home means a facility maintained by a person who has under his care one to three mentally handicapped residents not related to him by blood or marriage and unaccompanied by parent or guardian, providing a homelike atmosphere and the opportunity for utilization of community educational, training, recreational, socializational and health facilities; and being certified by the state department of mental health if required.

Garage.

- (1) *Commercial garage* means a building or portion thereof designed or used for the storage, sale, hiring, care or repair of motor vehicles, which garage is operated for commercial purposes.
- (2) *Community garage* means a building or portion thereof other than a public, private or storage garage providing storage for automobiles with facilities for washing, but no other services, such garage to be in lieu of private garages within a block or portion of a block.
- (3) *Private garage* means an accessory building for storage only of automobiles.
- (4) *Storage garage* means a building or portion thereof, except those defined as a private, commercial or a community garage, providing storage for motor vehicles, with facilities for washing, but no other service.

Garden apartment building means an apartment building with separate entrances to each apartment located on the exterior of the building and is located on a lot either singly or together with other similar

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apartment buildings, the total ground floor area of which does not exceed 25 percent of the area of the lot, and having landscaped open spaces and grounds.

Group care home means a facility generally located in residential environments providing such minimum medical or supervisory personnel as may be required to meet the standards of Federal, State or local governmental licensing agencies. These facilities may provide medical, behavioral, psychiatric, social, educational, rehabilitative or protective services for persons with a disability. Such facilities are occupied by not more than 10 persons, including 8 or fewer persons with a disability, who need not be related by blood or marriage and not to exceed 2 staff residents who need not be related by blood or marriage to each other or to the residents, which dwelling is licensed by a regulatory agency of this state.

Height of building means the vertical distance measured from the average finished grade abutting the building to the level of the highest point of the roof beams of a flat roof or roof with a pitch of not more than one inch to the foot, or to the mean height level of the top of the main plates and highest for other roofs.

Height of building or wall forming a yard or court means the vertical distance from the lowest level of such yard to the highest point of any boundary wall.

Home occupation. Regulations governing home occupations in residential districts are presented in [section 64-36\(a\)\(11\)](#).

Hotel means a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than 12 sleeping rooms, and no provisions for cooking in individual rooms.

Indirect illumination means lighting of a sign or object in such a way that the source of light cannot be seen.

Lot means a parcel of land occupied or to be occupied by one building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter and having its principal frontage upon a public street.

Lot, corner, means a lot abutting upon two or more streets at their intersection; a corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the public works director.

Lot depth means the mean horizontal distance from the front street line to the rear line.

Lot, interior, means a lot whose side lines do not abut upon any street.

Lot line means the line bounding a lot as defined herein.

Lot line, front, means the boundary between a lot and the street upon which it fronts.

Lot line, rear, means the boundary line which is opposite and most distant from the front street line, except that in the case of uncertainty, the public works director shall determine the rear line.

Lot line, side, means any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or a side street line.

Lot, through, means an interior lot, having frontage on two streets.

Lot width means the horizontal distance between side lines, measured at the front building line.

Mobile home means a factory-constructed residential unit in one or more sections for towing to the point of use and designed to be used without a permanent foundation as a single-family dwelling unit on a yearround basis.

Mobile home court means land used or intended to be used, let or rented for occupancy by one or more mobile homes.

Nonconforming use, building or yard, means 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 nonconforming use if established prior to December 1, 1969, or prior to any amendment hereof.

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Residential care center (including Hospice facilities) means a facility which provides care, treatment or custody for ten or more people providing such medical or supervisory personnel as may be required to meet the standards of Federal, State or local governmental licensing agencies. These facilities may provide medical, behavioral, psychiatric, social, educational, rehabilitative or protective services for persons with a disability and affords an opportunity for utilization of community educational, training, recreational, socializational and health facilities and may in addition to those services provide educational, nursing or other specialized services within the facility; and being licensed by the state department of mental health if required.

Residential schools and/or learning centers means a facility which primarily provides special education or training to mentally handicapped students on a residential basis and is licensed by the state department of mental health if required.

Senior housing apartments/developments means a dwelling that is specifically designed for, and occupied by elderly persons under a federal, state, or local program, or a dwelling that is occupied solely by persons who are [62](#) or older, or a dwelling which houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

Stable, private, means an accessory building for the keeping of horses, ponies, or cows, owned by occupants of the premises, and not kept for remuneration, hire or sale.

Stable, riding, means a structure in which horses or ponies used exclusively for pleasure riding or driving are housed, boarded or kept for hire; including riding track.

Story means that part of a building included 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 a floor and the ceiling next above. A top story attic is a half-story, when the main line of the eaves is not above the middle of such story. The first story is a half-story when between 50 and 75 percent of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air.

Street means a right-of-way which affords the principal means of vehicular access to property abutting thereon.

Street line means the dividing line between the street and the abutting property.

Structural alterations means any change in the supporting members of a building, such as foundation, bearing walls, columns, beams or girders.

Structure means anything constructed or erected, which requires locating on the ground, or attached to something having a location on the ground; including, but not limited to, satellite signal receiving dishes and other similar telecommunications equipment, advertising signs, billboards and poster panels, but exclusive of customary fences or boundary or retaining walls.

Tourist court or motel means a tract or parcel of land upon which one or more tourist sleeping units and required parking areas are located.

Transient housing, means a dwelling that is specifically designed for, and occupied by displaced residents without access to traditional housing options needing temporary housing while transitioning to traditional housing (6 months or less).

Variance means relief from one of the provisions of this chapter, as applied to a specific piece of property, as distinct from rezoning, as set out in [division 14](#) of article VI of [chapter 2](#).

Yard means 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. Where lots abut a street that is designated a thoroughfare on the thoroughfare plan of the city, all yards abutting such street shall be measured from a line one-half the proposed right-of-way width from

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the centerline, or from the lot line, whichever provides the greater setback. On other lots, all yards abutting a street shall be measured from a line 25 feet from the centerline or from the lot line, whichever provides the greater setback.

Yard, front, means a yard across the full width of the lot extending from the front line of the building to the front line of the lot.

Yard, rear, means a yard between the rear lot line and the rear line of the main building and the side lot lines.

Yard, side, means a yard between the main building and the adjacent side line of the lot and extending entirely from a front yard to the rear yard thereof.

(Code 1969, § 34-1; Code 1982, § 31-2; Ord. No. 7321, § 2, 6-6-1977; Ord. No. 7341, § 3, 8-1-1977; Ord. No. 7763, § 3, 9-8-1981; Ord. No. 8162, § 1, 7-28-1986; Ord. No. 8420, § 6, 4-17-1989; Ord. No. 8566, § 1, 1-21-1991; Ord. No. 8738, § 1, 12-21-1992; Ord. No. 9551, § 1, 3-19-2007; Ord. No. 9777, § 1, 4-5-2010, eff. 7-1-2010)

Sec. 64-2. Penalties.

Any person violating any provision of this chapter shall be subject to penalties as provided in [section 1-14](#) and in the city fine schedule, in addition to any specific penalties provided in this chapter.

Sec. 64-3. Violations; penalties.

- (a) *Injunctive relief.* In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this chapter, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of the building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Such regulations shall be enforced by the Community Development Director and/or departmental designee, who is empowered to cause any building, structure, place or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provisions of the regulations enumerated herein.
- (b) *Penalties.* The owner or general agent of a building or premises in or upon which a violation of any provisions of this chapter has been committed or shall exist; or the lessee or tenant of any part of the building or premises in or upon which such violation has been committed or shall exist, or the general agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be subject to penalties as provided in general penalties in [section 1-14](#)

(Code 1969, § 34-29; Code 1982, § 31-29)

Sec. 64-4. Planning and Zoning Commission and Zoning Board of Adjustment.

- (a) A planning and zoning commission is established in division 10 of article VI of chapter 2 in accordance with the provisions of RSMo ch.89 regarding the planning and zoning of cities. The term "commission," when used in this chapter, shall be construed to mean the planning and zoning commission. The creation, composition, powers and duties, as well as other details regarding the commission are enumerated in division 10 of article VI of [chapter 2](#).

As part of these responsibilities the planning and zoning commission shall periodically review, update and revise the Sedalia Master Plan, under the direction of the Community Development Director or designated professional staff. This process may include an annual review to ensure that

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planning and zoning decisions have been consistent with the contents of the plan; and every five (5) year update of the plan to make adjustments to plan goals and objectives based on changes in the community; and an every ten (10) year revision of the plan incorporating broader public involvement.

- (b) A zoning board of adjustment is established in [division 14](#) of article VI of [chapter 2](#) in accordance with the provisions of RSMo ch. 89 regarding the zoning of cities. The term "board," when used in this chapter, shall be construed to mean the zoning board of adjustment. The powers and duties of the board are enumerated in [division 14](#) of article VI of [chapter 2](#). The zoning board of adjustment shall consist of five members, who shall be residents of the municipality and who shall be appointed by the mayor and approved by the city council. Members shall be appointed for staggered terms of five years each. Three alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The board shall elect its own chairperson who shall serve for one year.

(Code 1969, § 34-5; Code 1982, § 31-5; Ord. No. 8756, § 1, 2-16-1993)

Sec. 64-5. Changes and amendments.

- (a) The council may, from time to time on its own motion, or on petition after public notice and hearings thereon, as provided herein, amend, supplement, change, modify or repeal the regulations and restrictions as established herein. Before taking any action upon any proposed amendment, supplement, modification or change, the same shall be referred by the council to the city planning and zoning commission for report and recommendation. In case of a protest against such amendment, supplement, change, modification or repeal, duly signed and acknowledged by the owners of 30 percent or more, either of the land, exclusive of streets and alleys included in such proposed change, or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, such amendment shall not be passed except by the favorable vote of two-thirds of all the members of the council.
- (b) No action on an amendment, change, modification or repeal shall be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the city.
- (c) Both the city planning and zoning commission and council may, in considering amendment, supplementation, change, modification or repeal of the regulations and restrictions as established herein, consider the effect of such action on stormwater runoff onto property in the vicinity and into city streets and storm sewer systems.

(Code 1969, § 34-25; Code 1982, § 31-25; Ord. No. 8325, § 1, 12-21-1987; Ord. No. 8378, § 1, 9-6-1988)

State law reference— Similar provisions, RSMo 89.060.

Sec. 64-6. Compliance with chapter.

Except as hereinafter provided:

- (1) No building or structure shall be erected, constructed, reconstructed or altered, nor shall any building, structure or land be used for any purpose other than is permitted in the district in which such building, structure or land is situated.
- (2) No building or structure shall be erected, constructed, reconstructed or altered to exceed the height or area limit herein established for the district in which such building or structure is located.

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- (3) No lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by this chapter, nor shall the density of population be increased in any manner, except in conformity with the area regulations established herein.

(Code 1969, § 34-6; Code 1982, § 31-6)

Sec. 64-7. Enforcement of chapter; permits and administrative variances / exceptions.

It shall be the duty of the Community Development Director and/or departmental designee to enforce the provisions of this chapter. No building or structure shall be erected, constructed or reconstructed, or maintained, nor shall it be altered in such a manner as to prolong the life of the building or structure, nor shall the use of any land be changed without first obtaining a permit from the Community Development Director and/or departmental designee to be issued in accordance with the terms of this chapter. No permit shall be issued unless there shall first be filed in the office of the Community Development Director and/or departmental designee by the applicant therefor, information satisfactory to the Community Development Director and/or departmental designee which shall include a plan in duplicate, drawn to scale, correctly showing the location and actual dimensions of the lot to be erected, constructed, reconstructed, enlarged or altered, with measurements from all lot lines to foundation lines of the building, together with a true statement in writing, signed by the applicant, showing the use for which such building or land is arranged, intended or designed; and no permit shall be issued by the Community Development Director and/or departmental designee unless such plan or information shall show that such building or land is to conform in all particulars with the provisions of this chapter. A record of such applications and plans shall be kept in the office of the Community Development Director and/or departmental designee. The Community Development Director and/or departmental designee shall have power to revoke any permit which has been issued, in case of violation of the condition of such permit.

(Code 1969, § 34-27; Code 1982, § 31-27)

Additionally, the Community Development Director may use administrative discretion in granting certain variances / exceptions under the following circumstances:

- (1) To ensure that accommodations can be made to properly and safely provide American with Disabilities Act (ADA) improvements (e.g. setback variances to accommodate ramps to building entries, etc.).
- (2) To address improvements required by Federal or State legislation (e.g. Homeland Security requirements such as specific fencing / barriers / etc.)
- (3) To allow up to a ten (10) percent variance in the specified height and area regulations in this chapter.

Secs. 64-8—64-33. Reserved.

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[Sec. 64-35. District map adopted; district boundaries.](#)

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[Sec. 64-47. District FP, floodplain.](#)

[Secs. 64-48—64-71. Reserved.](#)

Sec. 64-34. Districts.

(a) For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, alteration or use of buildings, structures or land, the city is hereby divided into districts as follows:

District A	Agricultural district
District R-1	Single-family residential district
District R-2	Two-family residential district
District R-3G	Garden apartment district
District R-3	Apartment house district
District C-O	Nonretail district
District C-1	Local business district

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District C-2	General business district
District C-3	Commercial district
District M-1	Light industrial district
District M-2	Heavy industrial district
District FP	Floodplain district
District RS	Residential suburban dwelling district

- (b) In addition, planned districts equivalent to these districts are provided for in [section 64-49](#)
(Code 1969, § 34-3; Code 1982, § 31-3; Ord. No. 7763, § 4, 9-8-1981)

Sec. 64-35. District map adopted; district boundaries.

- (a) Boundaries of the districts, as enumerated in [section 64-34](#), are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the zoning district map; and such map and all the notations, references and information shown thereon is hereby made as much a part of this chapter as if the same were set forth in full herein. It shall be the duty of the planning and zoning commission to keep on file in its office an authentic copy of such map, and all changes, amendments or additions thereto.
- (b) When definite distances in feet are not shown on the zoning district map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the Community Development Director and/or departmental designee, due consideration being given to location as indicated by the scale of the zoning district map.
- (c) When streets or alleys on the ground differ from the streets or alleys as shown on the zoning district map, the Community Development Director and/or departmental designee may apply the district designations on the map, to the streets or alleys on the ground in such manner as to conform to the intent and purpose of this chapter.
- (d) Whenever any street or alley is vacated, the particular district in which the adjacent property lies shall be automatically extended to the centerline of any such street or alley.
- (e) All territory which may hereafter be annexed to the city shall automatically either, if improved land, have the classification its current use would indicate, or if it is unimproved land, it shall have such classification its intended use would indicate, under the classifications contained in this chapter until such classification shall have been changed by an amendment to this chapter as provided by law. Such amendment to be enacted within 90 days of annexation. In the event, the council or the owners of said land desire a different classification for such annexed land, then such change shall be first submitted to the planning and zoning commission for its approval or disapproval prior to the council's action on such classification change.

(Code 1969, § 34-4; Code 1982, § 31-4; Ord. No. 8718, § 1, 9-21-1992)

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Sec. 64-36. District A, agricultural.

- (a) *Purpose / Intent.* The district A, agricultural, is designed to:
- (1) Preserve prime agricultural land for the production of food and fiber;
 - (2) Protect existing farm operations from nonfarm persons objecting to normal farmland uses; and
 - (3) Restrict low density rural, suburban or urban development in the rural area until public utilities and services are available or feasible.
- (b) *Permitted use regulations.* In district A, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed or altered except for one or more of the following uses:
- (1) Farming.
 - (2) Farm dwellings provided for the owner and tenants in conjunction with farm use.
 - (3) Housing for migrant workers.
 - (4) Accessory farm buildings and structures, including barns, sheds, silos, windmills, stables, pens and kennels.
 - (5) Grain elevators.
 - (6) Orchards.
 - (7) Nurseries and greenhouses.
 - (8) Forest and lumbering operations.
 - (9) Mining, quarrying or other extracting activity of raw materials.
 - (10) Monument sales.
 - (11) Cemeteries.
 - (12) Churches.
 - (13) Fishing preserves.
 - (14) Parks, playgrounds, golf courses and other open land recreational uses, but not including intensive commercial amusement uses such as pitch-and-putt golf courses, driving ranges, miniature golf courses, automobile racetrack or amusement parks.
 - (15) Public and semipublic camps such as Boy Scout, Girl Scout, 4-H, church, but not including overnight travel-trailer or recreational vehicular commercial facilities.
 - (16) Radio or television stations, transmitters or towers.
 - (17) Roadside stands for the retail sale of farm produce grown on the premises.
 - (18) Sanitary landfills and refuse disposal areas, but not including hazardous waste as defined by federal and state law.
 - (19) Schools.
 - (20) Truck farms.
 - (21) Veterinarian clinics, animal hospitals, or animal boarding stables or kennels.
- (c) *Specific use regulations.* In addition to the permitted use regulations, certain specific land and building uses shall be allowed when individually reviewed and approved by the planning and zoning commission and the city council, as follows:
- (1) Airports.
 - (2) Billboards.

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- (3) Commercial amusement parks and uses, including pitch-and-putt golf courses, driving ranges, miniature golf courses or automobile racetracks.
 - (4) Commercial or industrial business directly serving a farm.
 - (5) Crematories or mausoleums.
 - (6) Drive-in movies.
 - (7) Feedlots (a livestock holding area where neither crop nor forage growth can be sustained, and shall be subject to the requirements of the clean water commission, department of natural resources in the state before being approved by the commission and council).
 - a. Small feedlots (less than 1,000 head of livestock or the equivalent) shall have a letter of approval from the department of natural resources prior to the approval of the commission and council.
 - b. Large feedlots (over 1,000 head of livestock or the equivalent) shall have a permit for a point source of pollution from the department of natural resources prior to the approval of the commission and council.
 - c. Sewage disposal or water supply treatment plants and other public or semipublic utility facilities.
 - (8) Isolation homes, penal institutions, sanitariums or asylums.
 - (9) Nursing and care homes subject to inspection and license requirements.
 - (10) Any public building or land use by any department of the city, county, state or federal governments.
 - (11) Shooting ranges and hunting preserves.
 - (d) *Density*. In district A, there shall be a maximum area density of five percent of the land area being covered by buildings or structures.
 - (1) *Area*. All lots or parcels shall contain a minimum area of five acres.
 - (2) *Height*. No height restriction (except as prescribed by Federal Aviation Agency of the United States).
 - (3) *Front yards*. Any building hereinafter constructed shall provide for a front yard having a minimum depth of at least 80 feet from the centerline of the traveled road. Corner lots shall provide such setback for both roads.
 - (4) *Side and rear yards*. Side and rear yards shall be a minimum of 50 feet.
- (Code 1982, § 31-16.1; Ord. No. 7763, § 5, 9-8-1981)

Sec. 64-37. District R-1, single-family residential.

- (a) *Purpose / Intent*. The Single-Family Residential District is intended to provide for low density (7,000 square feet or larger lot) residential use areas developed in a manner that reflects a suburban character. The typical dwelling densities would be 3 to 6 units per acre associated with areas identified as Suburban Residential Development in the Sedalia Master Plan.
- (b) *Use regulations*. In district R-1, single-family residential, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered except for one or more of the following uses:
 - (1) Dwellings, one-family;
 - (2) Churches and publicly owned and operated community buildings, public museums, public administrative buildings, public libraries, police stations and fire stations, if located in accordance with at least one of the following:

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- a. On a lot already devoted to the use for which the building permit is required;
 - b. On a lot having a side line common to a public park, playground or directly across a street from any one or combination of such uses;
 - c. On a corner lot having a minimum of 100 feet frontage;
 - d. On a lot three sides of which adjoin streets;
 - e. On a lot approved by the city council, following public hearing, as being a location where such building will not materially injure neighboring property for residential use.
- (3) Public parks and playgrounds, including public recreation or service buildings within such parks;
 - (4) Public schools, elementary, junior, middle and high, and private schools with curriculum equivalent to that of a public elementary, junior, middle or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus; and day care centers operated within or in conjunction with said schools;
 - (5) Day care homes;
 - (6) Foster family homes;
 - (7) Group care homes;
 - (8) Golf courses and clubhouses appurtenant thereto (except miniature golf courses, driving ranges and other similar activities operated as a business);
 - (9) Railroad rights-of-way, not including railroad yards;
 - (10) Agriculture, nurseries and truck gardens limited to the propagation and cultivation of plants; provided, that no retail or wholesale business shall be conducted upon the premises; and provided, that no obnoxious soil or fertilizer renovation is conducted thereon. Greenhouses may be constructed upon approval of the board under such regulations as the board may impose as to size, location or other conditions;
 - (11) Accessory uses, including automobile parking area, customarily incident to the uses stated in this subsection (a) and located on the same lot therewith, not involving the conduct of a business or industry.
 - a. A billboard, signboard or advertising sign shall not be permitted as an accessory use, except that the placing of an unilluminated "For Sale" or "For Rent" sign not more than eight square feet in area may be permitted as an accessory use, and except that churches and other institutions may display signs showing names, activities and services therein provided, and that during construction of a building one unilluminated sign showing the names of contractors or architects for such buildings shall be permitted, providing such sign shall not be more than 64 square feet in area, and shall not be set more than five feet in front of the established or customary building line, and such sign shall be removed immediately upon completion of the building.
 - b. For any dwelling house there shall be permitted one private garage with space for not more than one motor vehicle for each 2,000 square feet in lot area, or servants' quarters; provided, that such garage or servants' quarters shall be located not less than 60 feet from the front lot line, nor less than three feet from any side or rear lot line, and in the case of corner lots not less than the distance required for residences from side streets; and further provided that such servants' quarters shall be occupied only by servants employed on the premises. A garage may be constructed across a common lot line by mutual agreement between property owners. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building; except, that on a corner lot, a private garage, when attached to the main building and not exceeding the height of the main building, may extend into the required rear yard to a point not less than 18 feet from the rear lot line, and shall not occupy more than 30 percent of the required

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rear yard. No part of a detached accessory building shall be closer than ten feet to the main building.

- c. A private stable will be allowed on a lot owned by the same property owner or owners, having an open area, not including any structures or buildings, of more than 20,000 square feet; provided, that it is located not less than 100 feet from the front line, not less than 30 feet from any side or rear lot line. On such lots there shall not be kept more than one horse, pony or mule in an open area, not including any structures or buildings, for each 10,000 square feet of lot area owned by the same property owner or owners. On such lots there shall not be kept more than one cow for each 20,000 square feet of open lot area, not including any structures or buildings, owned by the same property owner or owners. No other animals, other than those stated in this subsection, are permitted to be kept outside on property located within the city limits. No more than a total of 25 domestic chickens, geese, ducks, or turkeys shall be permitted for each 20,000 square feet of open lot area, not including any structures or buildings, owned by the same property owner or owners. No such domestic chickens, geese, ducks or turkeys shall be kept or housed nearer than 100 feet to the front lot line or 30 feet from any side or rear lot line. No other birds or fowl, other than those stated in this subsection, are permitted to be kept outside on property located within the city limits, including, but not limited to, emus, ostriches and peacocks.
- d. Community garages may be permitted by the council. Such community garages may provide facilities for washing cars; and access thereto, if from the street, shall be by not more than one driveway. Such garages shall be at least six feet from any party lot line and shall be set back from any front or side street line at least ten feet more than would be required for a dwelling house in the same location, and shall not be over one story or 16 feet high. No commercial vehicle of more than 2½ tons capacity shall be housed in any such community garage.
- e. Temporary real estate sales office, located on property being sold, and limited to period of sale, but not exceeding two years without special permit from the council.
- f. A hobby shop may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation; provided, that the articles produced or constructed are not sold either on or off the premises and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
- g. Home occupations in residential districts.
 1. *Intent and purpose.* The conduct of certain businesses (home occupations, as defined in [section 64-1](#)) in residential districts may be permitted under the provisions of this section. It is the intent of this regulation to:
 - i. Insure the compatibility of home occupations with the residential neighborhood in which they are located;
 - ii. Maintain and preserve the residential character of residential neighborhoods; and
 - iii. Guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas.
 2. *Permitted home occupations.* The following is a non-exhaustive list of customary home occupations that may be allowed if they meet the performance standards in subparagraph 3. below:
 - i. Administrative or professional office.
 - ii. Artists, sculptors, authors, photographers and composers.
 - iii. Catering.
 - iv. Computer programming and data processing.

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- v. Direct sale product distribution (Amway, Avon, Tupperware, etc.) provided parties for the purpose of selling merchandise or taking orders shall not be held more than once a month, shall be limited to ten customers and shall be held between the hours of 8:00 a.m. and 10:00 p.m.
 - vi. Dressmakers, seamstresses, and tailors.
 - vii. Home crafts, such as model making, rug weaving, woodworking, ceramics and similar activities, provided that no machinery or equipment shall be used or employed other than that which would customarily be found in the home or machinery and equipment that would ordinarily be employed in connection with a hobby or avocation.
 - viii. Mail order, not including retail sales from the site.
 - ix. Massage therapy.
 - x. Music and art teachers or other tutoring services.
 - xi. Telephone answering service.
 - xii. Washing and ironing service.
 - xiii. "Work at home" activities where employees of a business, located at another location, perform work for the business in their own residence, provided all physical contact between the business and the employee occurs at the place of business and not the residence, other than the initial installation of any equipment or other work facilities. The work activities of the employee shall conform with all other requirements of this section.
 - xiv. Hair cutting, styling and beautician services, provided:
 - A. Only one chair is permitted and only one customer is allowed in the home at a time;
 - B. Use is limited to single-family homes; and
 - C. The use complies with all building and other applicable codes of the City of Sedalia and State of Missouri regulations and standards.
 - xv. Pet grooming.
 - xvi. Dispatching of transfer, moving and delivery vans and trucks (but no parking of said vehicles in a residential district; see [section 58-390](#)).
3. *Performance standards.* To be permitted as a home occupation, all of the following conditions must be satisfied:
- i. Registration is required for all home occupations. Where state certification, registration or licensing is required, such certification shall be presented with the registration application.
 - ii. The home occupation can be located in the principal residential building or in a detached structure on the applicant property provided the structure meets all applicable city codes. The area utilized for the home occupation shall not exceed 600 square feet on the applicant property.
 - iii. No goods, stock in trade, or other commodities shall be displayed and/or stored outdoors, or be displayed at any exterior window.
 - iv. The home occupation shall not cause an alteration in the appearance of the structure nor be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, or the emission of sounds, noises, odors, dust, vibrations, or traffic generated.

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- v. One sign pertaining to the home occupation shall be permitted. The sign shall be attached flat against the building, shall not be illuminated, and shall not exceed four square feet in area. Signs existing prior to the adoption of this article, which were lawful when constructed, but have become nonconforming as a result of the enactment or amendment of this article shall not be extended, enlarged, modified or structurally altered; however, routine maintenance limited to painting of the sign may be performed.
 - vi. Home occupations shall be personally operated, conducted, managed and supervised by a person who is a resident of the dwelling. The number of nonresidents engaged or employed on the premises in the home occupation shall not exceed two.
 - vii. The use of mechanical or electrical equipment which interferes with radio or television reception, or any activity which creates noise, vibration, smoke, dust, odors, heat, or glare shall be prohibited. No highly explosive or combustible material shall be used or stored on the premises.
 - viii. The operation of any wholesale or retail business is prohibited, unless it is conducted entirely by mail, internet or by occasional home invitation and does not involve either the shipment or resale of merchandise on the premises.
 - ix. There shall be no regular and steady visitation or concentrated coming and going of clients or off-site employees to or from the premises. Customers are limited to no more than ten per day and are limited to the hours of 8:00 a.m. to 10:00 p.m.
 - x. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to the United States mail, similar parcel delivery service, or private vehicles in compliance with [section 58-390](#) of the City of Sedalia Code of Ordinances.
 - xi. The home occupation shall not involve the use of commercial vehicles for their business delivery of materials to or from the premises, other than one vehicle (not to exceed one ton rating) owned by the resident of the dwelling, which shall be parked in an adequate off-street parking area.
 - xii. Parking generated by the conduct of a home occupation shall be subject to one off-street parking space per 300 square feet of home occupation business space.
 - xiii. Appropriate plans, showing conformance with this section, shall be approved by the community development department.
4. *Prohibited home occupations.* The following shall not be permitted as home occupations:
- i. Animal hospitals, stables, kennels, and veterinarian medical offices.
 - ii. Automobile sales, service, repairing and painting.
 - iii. Funeral chapels or funeral homes.
 - iv. Gift shops.
 - v. Palm reading or fortune telling.
 - vi. Restaurants.
 - vii. Tattoo or body piercing parlors.
5. *Registration of home occupations.*
- i. Persons operating home occupations shall register their business with the community development department. Upon approval, a business license must be

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obtained from the City of Sedalia. Failure to register a home occupation is a violation of this chapter.

- ii. Registration of home occupations shall commence upon the effective date of this chapter. Home occupations shall be registered by means of a questionnaire.
6. *Registration requirements.*
- i. Persons desiring to operate home occupations shall complete a one-time application and submit a \$25.00 fee to the City of Sedalia.
 - ii. After the community development department certifies that the home occupation complies with the provisions of this section, the permit may be issued for the operation of the home occupation.
 - iii. If the community development department denies a permit for a home occupation, the operator may appeal the decision to the board of adjustment, in accordance with [section 2-682](#)
 - iv. Permits for home occupations are issued to individual operators for a specified location. Permits for home occupations are not transferrable.
7. *Existing home occupations.* A nonconforming home occupation which was lawfully established and in operation on April 5, 2010 (the date the regulation is adopted) maybe continued indefinitely, provided that all performance standards outlined in subparagraph 6. are complied with within six months of the effective date of this [section 64-36\(a\)\(11\)g](#).

For exceptions see [section 64-124](#), pertaining to special use permits; and [section 64-152](#), pertaining to nonconforming uses; and [division 14](#) of article VI of [chapter 2](#), pertaining to the powers and duties of the board.

- (c) *Height and area regulations.* In district R-1 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows:
- (1) *Height.* Buildings or structures shall not exceed 35 feet, and shall not exceed 2½ stories in height.
 - (2) *Front yards.* Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be at least 25 feet. Any structure hereafter constructed shall be at least 25 feet from the right-of-way line of the public street or alley abutting the front yard, or as otherwise measured in [section 64-154\(d\)\(2\)](#).
 - (3) *Side yards.* There shall be a side yard on each side of a building not less than ten percent of the width of the lot; except, that such side yard shall not be less than six feet, and need not be more than 15 feet. Buildings on corner lots, where interior lots have been platted or sold fronting on the side street, may project not more than ten feet in front of the line established for buildings by the front yard requirements for the interior lots on the side street; provided, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on December 1, 1969, to less than 28 feet; and provided, that the side yard regulations in this subsection shall be observed.
 - (4) *Rear yards.* The depth of the rear yard shall be at least 30 feet.
 - (5) *Width of lot.* The minimum width of a lot shall be 60 feet; provided, that where a lot has less width than herein required, in separate ownership on December 1, 1969, this regulation will not prohibit the erection of a one-family dwelling.
 - (6) *Lot area per family.* Every dwelling hereafter erected or altered shall provide a lot area of not less than 7,000 square feet per family; provided, that where a lot has less area than herein required in separate ownership on December 1, 1969, this regulation shall not prohibit the erection of a one-family dwelling. Where a public or community sewer is not available and in

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use for the disposal of all sanitary sewage, each lot shall provide not less than 15,000 square feet per family.

- (7) *Floor area.* Every dwelling hereafter erected, constructed, reconstructed or altered in a district R-1 shall have a floor area excluding basements, open and screened in porches and garages, of not less than 650 square feet for each dwelling unit.
- (8) *Parking regulations.* See [section 64-155](#)

For exception see [section 64-154](#), pertaining to height, area and fencing exceptions.

(Code 1969, § 34-7; Code 1982, § 31-7; Ord. No. 7321, § 2, 6-6-1977; Ord. No. 7341, § 4, 8-1-1977; Ord. No. 8162, § 2, 7-28-1986; Ord. No. 8391, § 1, 11-7-1988; Ord. No. 9407, § 1, 10-18-2004; Ord. No. 9441, §§ 1, 2, 6-6-2005; Ord. No. 9777, §§ 2—4, 4-5-2010, eff. 7-1-2010)

Sec. 64-38. District R-2, two-family residential.

- (a) *Purpose / Intent.* The Two-Family Residential District is intended to provide for low density and medium density residential use (3,500 square feet or larger lot) areas developed in a manner that reflects an urban or suburban character. The typical dwelling densities would be 7 to 12 units per acre and associated with areas identified as Urban and Suburban Residential Development in the Sedalia Master Plan.
- (b) *Use regulations.* In district R-2, two-family residential, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses:
 - (1) Any use permitted in district R-1;
 - (2) Two-family dwellings;
 - (3) Accessory uses as provided in district R-1; except, that in district R-2 a private garage may provide space for not more than one motor vehicle for each 1,500 square feet of lot area.

For exceptions see [section 64-124](#), pertaining to special use permits; [section 64-152](#), pertaining to nonconforming uses; and [division 14](#) of article VI of [chapter 2](#), pertaining to the powers and duties of the board.

- (c) *Height and area regulations.* In district R-2 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:
 - (1) *Height.* Same as district R-1.
 - (2) *Front yards.* Same as district R-1.
 - (3) *Side yards.* Same as district R-1, including regulations for corner lots adjacent to reversed frontage.
 - (4) *Rear yards.* Same as district R-1.
 - (5) *Width of lot.* Same as district R-1.
 - (6) *Lot area per family.* Every dwelling hereafter erected or altered shall provide a lot area of not less than 6,000 square feet per family for one-family dwellings, or 3,500 square feet per family for two-family dwellings; provided, that where a lot has less area than herein required, in separate ownership, on December 1, 1969, this regulation shall not prohibit the erection of a one-family dwelling. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than 15,000 square feet per family.
 - (7) *Floor area.* Every single-family dwelling hereafter erected, constructed, reconstructed or altered in a district R-2 shall have a floor area, excluding basements, open and screened porches and

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garages, of not less than 650 square feet for each dwelling unit; and every two-family dwelling shall have not less than 500 square feet for each dwelling unit.

- (8) *Parking regulations.* See [section 64-155](#)

For exceptions see [section 64-154](#), pertaining to height, area and fencing exceptions.

(Code 1969, § 34-8; Code 1982, § 31-8)

Sec. 64-39. District R-3G, garden apartment.

- (a) *Purpose / Intent.* The Garden Apartment District is intended to provide for medium density residential use (2,500 square feet or larger lot) areas developed in a manner that reflects an urban or suburban character. The typical dwelling densities would be 13 to 17 units per acre and associated with areas identified as Urban and Suburban Residential Development in the Sedalia Master Plan.
- (b) *Use regulations.* In district R-3G, garden apartment, 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) Any use permitted in district R-2;
 - (2) Garden apartment buildings;
 - (3) Customary accessory uses located on the premises and not involving the conduct of a business or industry.

For exceptions see [section 64-124](#), pertaining to special use permits; [section 64-152](#), pertaining to nonconforming uses; and [division 14](#) of article VI of [chapter 2](#), pertaining to the powers and duties of the board.

- (c) *Height and area regulations.* In district R-3G, the height of buildings, the minimum amount of open space and the minimum lot area per family permitted on any lot shall be as follows:
- (1) *Height.* Buildings or structures shall not exceed 35 feet and shall not exceed 2½ stories in height.
 - (2) *Setback from streets.* No building shall be located closer to a public or private street line than 25 feet.
 - (3) *Setback from property lines.* No building shall be located closer to a property line, other than a street line, less than a distance equal to its height. In the event the R-3G property abuts a zoning district with more restrictive side and rear yard requirements, such side and rear yard requirements as contained in the adjoining zoning district shall be used in the R-3G property which abuts said zoning district instead of the R-3G side and yard requirements.
 - (4) *Setback for parking and service areas.* No parking or service area shall be closer than six feet to a property line or private street line, or closer than 25 feet to a street line. In the event the R-3G property abuts a zoning district with more restrictive requirements for the placement of parking and service areas, such more restrictive requirements as contained in the adjoining zoning district shall be used in the R-3G property which abuts said zoning district for the placement of such parking or service areas instead of the R-3G setbacks for parking and service areas.
 - (5) *Lot area for dwelling unit.* Not more than one dwelling unit for each 2,500 square feet of lot area shall be permitted.
 - (6) *Relationship between buildings.* The location of buildings on the tract shall be such that adequate light and air are available to all dwelling units. In addition, no two buildings or opposite portions of a building around a court shall have a closer relationship than the following:
 - a. Back to back, 40 feet;

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- b. Front to front, 50 feet;
- c. End to end, 20 feet;
- d. Corner to corner, 15 feet;
- e. End to back, 25 feet;
- f. End to front, 40 feet; and
- g. No building shall face directly upon the rear of another building.

No building shall be constructed in a garden apartment project until the site plan has been studied and approved by the planning and zoning commission after review by the public works director. The site plan shall include the improvements required in the subdivision process set forth in [chapter 52](#).

- (7) *Parking regulations.* Two parking spaces on the premises completely off any public street shall be provided for each dwelling unit in this district.
- (8) *Private streets.* The minimum standards are for a private street contained in a site plan for a garden apartment project are as follows:
 - a. Right-of-way: 50 feet;
 - b. Construction: two-inch base rock, four-inch bituminous base, two-inch asphaltic concrete surface coarse;
 - c. Minimum pavement width: 27 feet; and
 - d. Curb and guttering: two feet required.

For exceptions, see [section 64-152](#), pertaining to nonconforming uses.

- (c) *Restrictions for subdividing.* An R-3G, garden apartment development may not be subdivided into separate ownerships unless each lot of the resulting subdivision meets the requirements of [chapter 52](#). Acknowledgment of this restriction shall be made by an instrument by the owner and recorded with the county recorder of deeds at the owner's expense before approval of the planning and zoning commission as set forth in subsection (b)(6) of this section.

(Code 1969, § 34-9; Code 1982, § 31-9; Ord. No. 8566, §§ 2, 3, 1-21-1991)

Sec. 64-40. District R-3, apartment house.

- (a) *Purpose / Intent.* The Garden Apartment District is intended to provide for medium to high density residential use (1,200 square feet or larger lot) areas developed in a manner that reflects an urban character. The typical dwelling densities would be 17 to 36 units per acre and associated with areas identified as Urban Residential Development in the Sedalia Master Plan.
- (b) *Use regulations.* In district R-3, apartment house, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses:
 - (1) Any use permitted in district R-3G;
 - (2) Apartment houses, or multiple-family dwellings;
 - (3) Boardinghouses and lodginghouses;
 - (4) Fraternity or sorority houses and dormitories;
 - (5) Hospitals, sanitariums or homes for convalescents or aged other than for the insane or feeble minded or alcoholics or drug addicts;
 - (6) Day care centers;

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- (7) Residential care center;
- (8) Private clubs or fraternal orders, except those whose chief activity is carried on as a business;
- (9) Philanthropic or eleemosynary institutions, other than penal institutions;
- (10) Accessory uses customarily incident to any of the uses in this subsection (a) and located on the same lot, not involving the conduct of a business or industry.

For exceptions see [section 64-124](#), pertaining to special use permits; [section 64-152](#), pertaining to nonconforming uses; and [division 14](#) of article VI of [chapter 2](#), pertaining to powers and duties of the board.

- (b) *Height and area regulations.* In district R-3 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:
- (1) *Height.* Buildings or structures shall not exceed 45 feet and shall not exceed three stories in height.
 - (2) *Front yards.* Same as district R-1.
 - (3) *Side yards.* Same as district R-1, including regulations for corner lots adjacent to reversed frontage; provided, that the width shall be increased one inch for each foot of height of building above 35 feet.
 - (4) *Rear yards.* The depth of the rear yard shall be at least 25 feet.
 - (5) *Width of lot.* Same as district R-1 for single- and two-family dwellings. A multifamily dwelling to be constructed or converted in this district shall have a minimum lot width of 100 feet.
 - (6) *Lot area per family.* Every building or portion of a building hereafter erected or altered shall provide a lot area for one-family and two-family dwellings, the same as in district R-2. The lot area for multiple-family dwellings shall be 1,200 square feet per family; provided that where a lot has less area than herein required in single ownership, at the time of the passage of the ordinance from which this provision is derived, this regulation shall not prohibit the erection of a one-family dwelling. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than 15,000 square feet per family.
 - (7) *Floor area.* Every single- or two-family dwelling hereafter erected, constructed, reconstructed or altered in a district R-3 shall have a floor area as required in district R-2.
 - (8) *Parking regulations.* See [section 64-155](#)

For exceptions see [section 64-154](#), pertaining to height, area and fencing exceptions.

(Code 1969, § 34-10; Code 1982, § 31-10; Ord. No. 7321, § 2, 6-6-1977; Ord. No. 7341, § 5, 8-1-1977)

Sec. 64-41. District C-O, nonretail.

- (a) *Purpose / Intent.* The Nonretail District is intended for the development of professional offices and personal services primarily in a suburban or highway commercial context. This district is primarily associated with the Commerce Corridor and the Mixed-Use Center (using a PUD) or Neighborhood Center (using a PUD) areas identified in the Sedalia Master Plan.
- (b) *Use regulations.* In district C-O, nonretail, 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) Any use permitted in district R-3;

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- (2) Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies;
- (3) Other offices, limited to the following:
 - a. Accountants;
 - b. Architects;
 - c. Brokers;
 - d. Engineers;
 - e. Dentists;
 - f. Lawyers;
 - g. Physicians, osteopaths, chiropractors;
 - h. Real estate and insurance;
- (4) Hairdressers;
- (5) Mortuaries;
- (6) Customary accessory uses;
- (7) Radio and television studios;
- (8) Hearing aid dispensers.

No merchandise shall be handled or displayed except inside buildings and no equipment or vehicle other than motor passenger cars shall be stored outside a building in this district for more than 24 hours in a 30-day period.

- (c) *Height and area regulations.* In district C-O the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:
 - (1) *Height.* No building or structure shall exceed 2½ stories in height.
 - (2) *Front yards.* A front yard of not less than 30 feet shall be provided.
 - (3) *Side yards.* There shall be a side yard on each side of a building of not less than seven feet for one-story buildings, ten feet for two-story buildings and 20 feet for 2½ story buildings. Not less than 15 feet shall be provided on the street side of a corner lot.
 - (4) *Rear yards.* The depth of the rear yard shall be at least 30 feet.
 - (5) *Requirements for dwellings.* See corresponding districts.
 - (6) *Parking regulations.* See [section 64-155](#)

For exceptions see [section 64-152](#), pertaining to nonconforming uses.

(Code 1969, § 34-11; Code 1982, § 31-11; Ord. No. 7335, § 2, 7-18-1977; Ord. No. 9093, § 1, 11-2-1998)

Sec. 64-42. District C-1, local business.

- (a) *Purpose / Intent.* The Local Business District is intended for the development of commercial retail and services primarily in a suburban or highway commercial context. This district is primarily associated with the Commerce Corridor and the Mixed-Use Center (using a PUD) or Neighborhood Center (using a PUD) areas identified in the Sedalia Master Plan.

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- (b) *Use regulations.* In district C-1, local business, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses:
- (1) Any use permitted in district C-O;
 - (2) Assembly halls;
 - (3) Automobile parking lots for passenger cars only;
 - (4) Bakeries employing not more than five persons on the premises;
 - (5) Banks;
 - (6) Barbershops and beauty shops;
 - (7) Bicycle repair shops, electric repair and fix-it shops;
 - (8) Cleaning, pressing and dyeing establishments, employing not more than five persons on the premises; provided, that only nonexplosive cleaning fluids shall be used;
 - (9) Clinics (medical or dental);
 - (10) Filling stations; provided, that all storage tanks for gasoline shall be below the surface of the ground;
 - (11) Frozen food lockers for individual or family use;
 - (12) Garages (storage);
 - (13) Greenhouses (commercial);
 - (14) Ice delivery stations for storage and sale of ice at retail only;
 - (15) Laundries employing not more than five persons on the premises;
 - (16) Lodge halls;
 - (17) Offices;
 - (18) Photographic service shops;
 - (19) Printing shops; provided, that the total mechanical power used in the operation of such printing plant shall not exceed five horsepower;
 - (20) Radio and television shops or studios;
 - (21) Restaurants, cafes or cafeterias, where there is no floor show or other form of entertainment and where there is no sale or consumption of liquor;
 - (22) Schools operated as a business;
 - (23) Shoe repair shops;
 - (24) Shops for custom work or the manufacture of articles to be sold at retail only, on the premises; provided, that in such manufacture the total mechanical power shall not exceed five horsepower for the operation of any one shop; and provided, that the space occupied by the manufacturing use permitted herein shall not exceed 50 percent of the total floor area of the entire building or the equivalent of the ground floor area thereof; and provided further, that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
 - (25) Signs limited to signs advertising services or products offered on the premises;
 - (26) Stores, shops and markets for retail trades; provided, that merchandise is not displayed, stored or offered for sale on the premises outside of a building within the required front yard;
 - (27) Studios;

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- (28) Accessory uses customarily incident to any of the uses stated in this subsection (a), including air conditioning plants, ice and refrigerating plants, purely incidental to a main activity permitted on the premises, and when operated by electricity or gas;
- (29) The stores specified in this subsection (a), shops or businesses shall be retail or service establishments exclusively. No drive-in or curb services shall be permitted.

For exceptions see [section 64-124](#), pertaining to special use permits; [section 64-152](#), pertaining to nonconforming uses; and [division 14](#) of article VI of [chapter 2](#), pertaining to powers and duties of board.

- (c) *Height and area regulations.* In district C-1 the height of the buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows; provided, that buildings erected exclusively for dwelling purposes shall comply with the front, side and rear yard requirements of district R-2:
 - (1) *Height.* Buildings or structures shall not exceed 35 feet and shall not exceed 2½ stories except that where a district C-1 joins a district R-3 to M-2 inclusive within the same block, the height may be increased to 45 feet or three stories within that block.
 - (2) *Front yards.* Same as district R-1; provided, that where established buildings in this district within same block have front yards of less depth, the board may reduce the required depth.
 - (3) *Side yards.* No side yard is required; except, that where a side line of a lot in this district abuts upon the side line of a lot in a district R-1 to R-3 inclusive, a side yard of not less than five feet shall be provided and a side yard of not less than ten feet shall be provided on the street side of a corner lot.
 - (4) *Rear yards.* The depth of the rear yard shall be at least 15 percent of the depth of the lot, but such depth need not be more than 20 feet, except that on a corner lot no rear yard is required within 50 feet of a side street, unless the rear line adjoins a district R-1 to R-3 inclusive.
 - (5) *Width of lot.* The minimum width of a lot shall be 50 feet if used exclusively for uses enumerated in district R-1 to R-3 inclusive, except as otherwise provided in district R-1. For other uses the width may be less.
 - (6) *Lot area per family.* Same as district R-3.
 - (7) *Parking regulations.* See [section 64-155](#)

For exceptions see [section 64-154](#), pertaining to height, area and fencing exceptions.

(Code 1969, § 34-12; Code 1982, § 31-12)

Sec. 64-43. District C-2, general business.

- (a) *Purpose / Intent.* The General Business District is intended for concentrated areas of commerce in an urban context / form. This district is primarily associated with the Downtown area identified in the Sedalia Master Plan.
- (b) *Use regulations.* In district C-2, general business, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses:
 - (1) Any use permitted in district C-1, except transient dwelling houses;
 - (2) Armories;
 - (3) Automobile or trailer sales rooms or yards, other than premises where used vehicles are dismantled;
 - (4) Beer gardens, bowling alleys, dance halls, shooting galleries, skating rinks and similar commercial recreation buildings or activities; provided, that the same shall be not less than 200 feet from any existing clinic, hospital, school or church; and shall not be less than 200 feet from

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a district R-1 to R-3 inclusive, unless approved by the board under such restrictions as seem appropriate after consideration of noise and other detrimental factors incident to such use;

- (5) Billboards and advertising signs, where otherwise permitted by ordinance;
- (6) Billiard halls;
- (7) Bus passenger stations;
- (8) Commercial garages;
- (9) Drive-in restaurants, refreshment stands, etc., where persons are served in automobiles;
- (10) Gymnasiums and recreational buildings (commercial);
- (11) Hospitals for small animals if within an enclosed building;
- (12) Newspaper publishing plants;
- (13) Radio and television broadcasting stations and studios, except towers;
- (14) Restaurants, cafes, cafeterias, taverns and night clubs;
- (15) Social service agency administrative offices and their related retail business provided that such retail business locations are not located closer than 2,000 feet from another social service agency retail business.
- (16) Storage in bulk of, or warehouse for, such materials as: clothing, drugs, dry goods, food, furniture, glass, groceries, hardware, household goods, liquor, lubricating oil, millinery, paints, paint materials, pipe, rubber, shop supplies, tobacco, turpentine and varnish and wines, all when incidental to sale of retail on the premises;
- (17) Swimming pools (commercial);
- (18) Telephone central offices and exchanges;
- (19) Theaters;
- (20) Tire shops;
- (21) Wholesale sales offices and sample rooms;
- (22) Any retail business or use of a similar character to those listed above and not included in district C-3, M-1 and M-2; provided, that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
- (23) Accessory uses customarily incident to any of the uses in this subsection (a).

For exceptions see [section 64-124](#), pertaining to special use permits; [section 64-152](#), pertaining to nonconforming uses; and [division 14](#) of article VI of [chapter 2](#), pertaining to powers and duties of the board.

- (c) *Height and area regulations.* In district C-2 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows; provided, that buildings erected for dwelling purposes exclusively shall comply with the front, side and rear yard requirements of district R-3.
 - (1) *Height.* Buildings or structures shall not exceed 100 feet and shall not exceed eight stories in height.
 - (2) *Front yards.* No front yard is required; except, that where a portion of a district C-2 lies within the same block and fronts upon the same street with a portion of a district R-1 to C-3 inclusive, and no lot within the district C-2 is occupied by a building with a front yard of less depth than required in that portion of a district R-1 to C-1, inclusive adjoining, then in such case the front yard requirements of such adjoining district R-1 to C-1 inclusive shall likewise be applicable to such portion of district C-2.

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- (3) *Side yards.* No side yard is required except that where a sideline of a lot abuts a lot in a district R-1 to R-3 inclusive a side yard of not less than five feet shall be provided.
- (4) *Rear yards.* No rear yard required.
- (5) *Width of lot.* Same as district C-1.
- (6) *Lot area per family.* Every building or portion of a building hereafter erected or used for dwelling purposes shall provide a lot area of not less than 600 square feet per family.
- (7) *Parking regulations.* See [section 64-155](#)
- (8) **New Construction.** All new construction shall relate to the immediate context – new buildings in a block with a continuous edge should be set up to the sidewalk or public right-of-way and be flush with the front facades of neighboring buildings to reinforce the street façade.

The demolition or removal of existing buildings shall be strongly discouraged.

Size and shape – all new commercial buildings shall maintain the overall size, scale, height, and horizontal or vertical orientation of the original commercial buildings in the area.

Rhythm – the rhythm (repetition of the location and size of the door and window openings) created by neighboring buildings shall be maintained on the façade of new buildings.

Regulating lines – all new construction shall relate to the major regulating lines of adjacent buildings – building height, cornice or building cap, upper level windows, distinction between upper façade and storefront, display windows and bulkhead.

Materials – all new construction shall be compatible in materials, size, scale, color and texture with the neighboring buildings.

For exceptions see [section 64-154](#), for height, area and fencing exemptions.

(Code 1969, § 34-13; Code 1982, § 31-13)

Sec. 64-44. District C-3, commercial.

- (a) *Purpose / Intent.* The Commercial District is intended for the development of commercial services primarily in a suburban or highway commercial context. This district is primarily associated with the Commerce Corridor and Employment areas identified in the Sedalia Master Plan.
- (b) *Use regulations.* In district C-3, commercial, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses:
 - (1) Any use permitted in district C-2;
 - (2) Automobile, boat, truck or trailer rooms or yards provided no dismantled vehicles or parts are stored or displayed outside the building;
 - (3) Automobile repair garages; provided, that no repair operations or storage of parts of dismantled vehicles takes place outside the building;
 - (4) Automobile washing; provided, that the plot plan shall be approved by the city council, after report of the public works director relative to adequacy of backup space and other possible conflicts with street traffic and neighboring property;
 - (5) Feed stores;
 - (6) Miniature golf courses; provided, that any floodlights shall be directed away from adjoining residence districts;
 - (7) Motels, motor hotels, tourist homes;
 - (8) Sale of lawn ornaments, ornamental iron, ornamental fences;

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- (9) Plumbing, heating and air conditioning shops; provided, that no equipment or material is stored on the premises in the front or side yards;
- (10) Pop bottling plants;
- (11) Rental stores;
- (12) Sale and maintenance of farm equipment;
- (13) Storage in bulk of, or warehouse for, such materials as are incidental to sale on the premises or permitted in this subsection (a);
- (14) Retail sale of LP gas; provided, that installation of all equipment is in compliance with the state LP gas law; and further provided, that no tank used as a container of LP gas shall be located closer than 100 feet to a property line or to an existing dwelling or to a district R-1 to R-3 inclusive;
- (15) Accessory uses customarily incident to any of the uses in this subsection (a).

For exceptions see [section 64-124](#), pertaining to special use permits; [section 64-152](#), pertaining to nonconforming uses; and [division 14](#) of article VI of [chapter 2](#), pertaining to powers and duties of the board.

- (c) *Height and area regulations.* In a district C-3 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows; provided, that buildings erected exclusively for dwelling purposes shall comply with the front, side and rear yard requirements of district R-3.
 - (1) *Height.* Same as district C-1.
 - (2) *Front yards.* Same as district C-1.
 - (3) *Side yards.* Same as district C-1.
 - (4) *Rear yards.* Same as district C-1.
 - (5) *Width of lot.* Same as district C-1.
 - (6) *Lot area per family.* Same as district R-3.
 - (7) *Parking regulations.* See [section 64-155](#)

For exceptions see [section 64-154](#), pertaining to height, area and fencing exceptions.

(Code 1969, § 34-14; Code 1982, § 31-14)

Sec. 64-45. District M-1, light industrial.

- (a) *Purpose / Intent.* It is the intent of the Light Industrial District Regulations to provide standards for areas suitable for industrial, distribution and storage activities, to preserve land for the expansion of these basic economic activities, and to free these areas from intrusion by incompatible land uses. These areas should be served with adequate transportation facilities, and the users of this land may conduct activities that create low to moderate hazards to neighboring lands. This district is primarily associated with Employment areas identified in the Sedalia Master Plan.
- (b) *Use regulations.* In district M-1, light industrial, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses:
 - (1) Any use permitted in district C-3;
 - (2) Bakeries;
 - (3) Blacksmith or wagon shops;

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- (4) Bottling works;
- (5) Bus barns or lots;
- (6) Canning or preserving factors;
- (7) Carpenter, cabinet or pattern shops; provided, that no mechanical power in excess of five horsepower is used in the operation of any one machine;
- (8) Carpet cleaning establishments;
- (9) Chemical laboratories not producing noxious fumes or odors;
- (10) Cleaning, pressing and dyeing plants;
- (11) Cold storage plants;
- (12) Creameries;
- (13) Dog pounds if within an enclosed building;
- (14) Electroplating works;
- (15) Flour mills, feed mills and grain processing;
- (16) Forges (hand);
- (17) Freight terminals (rail or truck);
- (18) Galvanizing works;
- (19) Garages (public);
- (20) Grain elevators;
- (21) Ice plants;
- (22) Laundries;
- (23) Lumber yards;
- (24) Machine shops; provided, that no mechanical power in excess of five horsepower is used in the operation of any one machine;
- (25) Manufacture of products such as: artificial flowers, feathers, plumes, awnings, bags, blacking, small boats, bone products, rooms and brushes, buttons and novelties, candy, canvas products, cement products, concrete blocks, chemicals (nonoffensive), cigars, cleaning or polishing preparations, clothing, coffee (roasting), cosmetics, cotton seed, peanut or similar products, drugs or medicines, electrical signs, extracts, food products, fruit juices, gas or electric fixtures, ice cream, leather products, light metal products, musical instruments, paper products, sausage, shell products, shoes and boots, syrup, terracotta or tile handcraft products, textiles, toys, wooden ware;
- (26) Milk bottling or distribution plants;
- (27) Monument or marble works, finishing and carving only, excluding stone cutting;
- (28) Moving, transfer or storage plants;
- (29) Photo engraving plants;
- (30) Planning mills; provided, that no mechanical power in excess of five horsepower is used in the operation of any one machine;
- (31) Plumbing and sheet metal shops (allowing punching of material of one-eighth inch or less in thickness);
- (32) Printing plants;
- (33) Produce markets (wholesale);

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- (34) Railroad freight yards;
- (35) Sales rooms, yards and service for farm machinery, contractors' equipment and oil well supplies;
- (36) Sign painting plants;
- (37) Stables (public) or wagon sheds;
- (38) Storage in bulk of, or warehouse for, such materials as: asphalt, brick, building material, cement, coal, contractors' equipment, cotton, feed, fertilizer, gasoline, grain, gravel, grease, hay, ice, lead, lime, machinery, metals, oil, plaster, poultry, roofing, rope, sand, stone, tar, tarred or creosoted products, terracotta, timber, wood, wool, all when incidental to sale at retail or for purpose of constructing improvements on the premises;
- (39) Tool and die shops for the making of tools, jigs, fixtures, equipment and like items; provided, the rating of any single machine does not exceed 25 horsepower, and there shall be no stamping, casting, molding or blanking done on the premises;
- (40) Tracks (team, loading, or storage);
- (41) Veterinary hospitals;
- (42) Accessory uses customarily incident to any of the uses in this subsection (a).

For exceptions see [section 64-124](#), pertaining to special use permits; [section 64-152](#), pertaining to nonconforming uses; and [division 14](#) of article VI of [chapter 2](#), pertaining to powers and duties of the board.

- (c) *Performance standards.* To be a permitted industrial use in the Light Industrial District (M-1), whether as a permitted use, accessory use or as a special use, such use must meet the following performance standards:
 - (1) Physical Appearance. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in building when such containers are not readily visible from the street.
 - (2) Fire Hazard. No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes or other to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other City ordinances.
 - (3) Noise. No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, heat frequency or shrillness.
 - (4) Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
 - (5) Air Contaminants. Air contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke

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of a density designated as Number One shall be permitted for one (1) four (4) minute period in each one-half (1/2) hour. Light colored contaminants of such an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths (.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (1/2) hour, at which time it may equal, but not exceed six tenths (.6) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.

Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or to the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

- (6) Odor. The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not be considered obnoxious within the meaning of this Ordinance.
 - (7) Gasses. The gases sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million. All nitrous fumes shall not exceed one (1) part per million. Measurements shall be taken at the property line of the particular establishment involved.
 - (8) Vibration. All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (3/10,000) of an inch measured at the property line. The use of steam or broad hammers shall not be permitted in this district.
 - (9) Glare and Heat. All glare, such as welding arcs and open furnaces, shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.
- (d) *Height and area regulations.* In district M-1 the height of buildings, minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows; provided, that buildings erected for dwelling purposes exclusively shall comply with the front, side and rear yard requirements of district R-3.
- (1) *Height.* Buildings or structures shall not exceed 56 feet and shall not exceed three stories in height.
 - (2) *Front yards.* Same as district C-2; except, that a setback of not less than 25 feet shall be provided along any local thoroughfare as shown on the thoroughfare plan of the city and not less than 50 feet shall be provided along any state highway.

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- (3) *Side yards.* Same as district C-1; except, that setback of not less than 25 feet shall be provided along any local thoroughfare as shown on the thoroughfare plan of the city and not less than 50 feet shall be provided along any state highway.
- (4) *Rear yards.* Same as district C-1.
- (5) *Width of lot.* Same as district C-1.
- (6) *Lot area per family.* Same as district R-3.
- (7) *Parking regulations.* See [section 64-155](#)

For exceptions see [section 64-154](#), for height, area and fencing exemptions.

(Code 1969, § 34-15; Code 1982, § 31-15; Ord. No. 7529, § 3, 6-18-1979)

Sec. 64-46. District M-2, heavy industrial.

- (a) *Purpose / Intent.* It is the intent of the Heavy Industrial District Regulations to provide areas and standards for development of those areas suitable for industrial and storage activities, and particularly to separate potentially high hazard activities from those less hazardous and to prevent the encroachment of less hazardous activities into the high hazard areas. This district is primarily associated with Employment areas identified in the Sedalia Master Plan.
- (b) *Use regulations.* In district M-2, heavy industrial, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed or altered except for one or more of the following uses:
 - (1) Any use permitted in district M-1, except dwelling houses, clubs, hotels, educational and institutional uses; provided, that the necessary watchman, caretakers, etc., will be permitted to live on the premises of industrial plants;
 - (2) Ammonia, bleaching powder, chemical plants;
 - (3) Assaying works (other than gold or silver);
 - (4) Auto wrecking and salvage yards; provided, that such yards are completely fenced with a solid painted wood or painted metal wall not less than eight feet high and kept in good repair;
 - (5) Blooming or rolling mills;
 - (6) Breweries or distilleries;
 - (7) Carpenter, cabinet or pattern shops;
 - (8) Chemical laboratories;
 - (9) Cider mills;
 - (10) Coal car dumps;
 - (11) Coal distillation and byproduct plants;
 - (12) Coal hoists, pockets or trestles;
 - (13) Coke ovens;
 - (14) Concrete or asphalt mixing plants;
 - (15) Cooperage works;
 - (16) Cotton ginning or baling works;
 - (17) Dog kennels (commercial);
 - (18) Dog pounds;

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- (19) Enameling works;
- (20) Electric power plants;
- (21) Forges (power);
- (22) Foundries (iron, brass, bronze, aluminum);
- (23) Hides and skins (storage, curing or tanning);
- (24) Japanning works;
- (25) Junkyards, including storage, sorting, baling or processing of rags, paper or metal;
- (26) Lumber mills;
- (27) Machine shops;
- (28) Manufacturing of such products as adding machines, cash registers, typewriters; alcohol; asphalt; basket material; boats; boilers; boxes; bronze; cans; carbon batteries; electric lamps; carbon or lamp black; carriage or wagon parts; celluloid or similar materials; clay, shale and glass products; creosote; cutlery or tools; disinfectant, insecticides; dyes; electrical machinery; furniture; glass; iron and steel; locomotives; motor cars, bicycles, airplanes, nuts, bolts, screws, etc.; oil cloth, linoleum; paint; Japan, lacquer, oil, turpentine, varnish, enamel, etc.; railway cars; rubber, synthetic rubber, rubber products; shoddy; soap; starch; glucose, dextrin; tar products; tobacco (chewing); tools; vinegar; wine;
- (29) Meat or fish packing or storage plants;
- (30) Metal stamping, shearing, punching works, etc.;
- (31) Monument or marble works;
- (32) Oil compounding and barreling plants;
- (33) Planning mills;
- (34) Plumbing and sheet metal shops;
- (35) Railroad round houses or shops;
- (36) Rock crushers;
- (37) Salt works;
- (38) Sheet metal shops;
- (39) Steel furnaces;
- (40) Stone cutting;
- (41) Structural iron or pipe works;
- (42) Sugar refineries;
- (43) Tar distillation or manufacture;
- (44) Tool and die shops;
- (45) Wire or rod mills;
- (46) Wood distillation plants (charcoal, tar, turpentine, etc.);
- (47) Wood scouring works;
- (48) Any other uses not now or hereafter prohibited by ordinance of the city regulating nuisances; except, that the following uses will be permitted only by approval of the city council after report from the health department, fire department and city planning and zoning commission:
 - a. Acid manufacture;

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- b. Cement, lime gypsum or plaster of Paris manufacture;
- c. Distillation of bones;
- d. Explosive manufacture or storage;
- e. Fertilizer manufacture and storage;
- f. Gas manufacture;
- g. Garbage, offal or dead animal reduction or dumping;
- h. Paper or pulp manufacture;
- i. Smelting of tin, copper, zinc or iron ores;
- j. Stockyards or slaughtering;
- k. Wholesale storage of gasoline;

(49) Accessory uses customarily incident to any of the uses in this subsection (a).

For exceptions see [section 64-124](#), pertaining to special use permits; [section 64-152](#), pertaining to nonconforming uses; and [division 14](#) of article VI of [chapter 2](#), pertaining to powers and duties of the board.

(c) *Performance standards.* To be permitted industrial uses in Heavy Industrial District (I-2), whether as a permitted use or as special use, such uses must meet the following performance standards:

- (1) Appearance. Junk, salvage, auto wrecking, and similar operations shall be shielded from view from streets and from adjacent properties in another district by means of a sturdy, sight-obscuring 10 foot high fence in good repair, and two rows of alternate planted evergreen trees.
- (2) Fire Hazard. All flammable substances involved in any activity established in this district shall be handled in conformance with the latest edition of the Fire Prevention Code published by the American Insurance Association and other city ordinances.
- (3) Noise. All noises and noise causing activities shall be muffled so that they will not create a disturbance greater than normal peak hour traffic noise on a major street when observed from any area Residential District. Major street noise for comparison purposes shall be measured at the property line.
- (4) Sewage and Other Liquid Waste. No operation shall be carried on which involves the discharge into a sewer, water course, or the ground of a liquid wastes of any radioactive nature, or liquid waste of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
- (5) Air Contaminants. Air contaminants and smoke shall be less dark than designated Number Two on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designed as Number Two shall be permitted for one (1) four(4) minute period in each one-half (1/2) hour. Light-colored contaminants of such opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

Particulate matter or dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths (.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.

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Due to the fact that the possibilities of air contaminants cannot be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any source whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health, or safety of any such considerable number of persons or the general public or to cause or have a natural tendency to cause injury or damage to business, vegetation, or property.

- (6) Odor. Odor causing operations shall be controlled so as to reduce escape of odors to the minimum practical within the limits of technology and economics.
- (7) Gases. All noxious gases shall be controlled to the extent that they will not be injurious to life and property. The gases sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million, carbon monoxide shall not exceed twenty-five (25) parts per million, and nitrous fumes shall not exceed five (5) parts per million. All measurements shall be made at the property line.
- (8) Vibration. All machines including punch presses and stamping machines shall be mounted so as to minimize vibration. Vibration shall not be so excessive that it interferes with industrial operations on nearby lots.
- (d) *Height and area regulations.* In district M-2 the height of buildings and the minimum dimensions of lots and yards shall be as follows:
 - (1) *Height.* Same as district M-1.
 - (2) *Front yards.* Same as district M-1.
 - (3) *Side yards.* Same as district C-1.
 - (4) *Rear yards.* Same as district C-1.
 - (5) *Width of lot.* No minimum.
 - (6) *Parking regulations.* See [section 64-155](#)

For exceptions see [section 64-154](#), for height, area and fencing exemptions.

(Code 1969, § 34-16; Code 1982, § 31-16; Ord. No. 7529, § 4, 6-18-1979)

Sec. 64-47. District FP, floodplain.

- (a) *Purpose / Intent.* The district FP, floodplain, is designed to preserve the natural overflow areas along the rivers, streams and drainageways of the city. When urban development is allowed to encroach in the floodplain, extraordinary public expenditures may be required for the protection of persons and property for the relief of distress in areas subject to periodic flooding. Therefore, it is the purpose of this district to:
 - (1) Prohibit the placement of fill materials and structures which would raise the flood level, or decrease the storage capacity of the floodplains, or unduly obstruct floodwater flows;
 - (2) Protect human life, prevent property damage, minimize business interruptions, and reduce rescue and relief efforts, which generally must be undertaken at public expense;
 - (3) Minimize expenditures of public moneys for costly flood control projects, and reduce the damage to public facilities in the floodplain such as water mains, sewer lines, streets and bridges;

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- (4) Minimize flood blight areas and maintain property values and a stable tax base adjacent to the floodplain;
 - (5) Discourage the victimization of unwary home and land buyers;
 - (6) Provide for public awareness of the flooding potential; and
 - (7) Minimize surface water and groundwater pollution which will affect human, animal or plant life.
- (b) *Definition.* The term "floodplain," as shown on the zoning map, means the natural water storage area of the drainageway having a chance occurrence in any year of one percent (the average 100-year frequency flood), the boundary line and elevations to be determined by the Department of Housing and Urban Development, Federal Insurance Administration as identified on the flood insurance rate map.
- (c) *Permitted use regulations.* In district FP, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered except for one or more of the following uses:
- (1) Agricultural uses such as farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, orchards and forestry (except buildings).
 - (2) Fishing, preservation of scenic and scientific areas, public and private fish hatcheries, soil and water conservation facilities, and wildlife preserves.
 - (3) Loading areas, parking areas, lawns, gardens, play areas and other similar open space uses.
 - (4) Private and public recreational uses such as golf courses, tennis courts, ballfields, archery ranges, picnic grounds, boating areas, parks, hiking, bicycle and horseback trails.
 - (5) Streets, bridges, utility transmission lines and pipelines.
- (d) *Specific use regulations.* In addition to the permitted use regulations, certain specific land and building uses shall be allowed when individually reviewed and approved by the planning and zoning commission and the city council, subject to such conditions as the commission deems necessary to protect the floodplain and maintain the intent of the district, as follows:
- (1) Extraction of sand, gravel and other materials.
 - (2) Buildings or structures accessory to permitted open space uses.
 - (3) Camping areas.
 - (4) Storage yards (only for material which is not subject to flood damage or flotation).
 - (5) Hunting areas, firearms ranges and shooting preserves.
 - (6) Fill areas when not raising the flood level or decreasing the storage capacity of the floodplain.
- (Code 1982, § 31-16.2; Ord. No. 7763, § 5, 9-8-1981)

~~Sec. 64-48. District RS, residential suburban dwelling.~~

- ~~(a) *Intent.* The district RS, residential suburban dwelling, is designed to allow low-density residential development in the rural fringe area of the city where all municipal or public services may be limited or lacking to serve normal urban development, demands or densities.~~
- ~~(b) *Permitted use regulations.* In district RS, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered except for one or more of the following uses:~~
- ~~(1) Single-family dwellings.~~
 - ~~(2) Mobile homes resting on permanent foundations and securely anchored.~~
 - ~~(3) Farming.~~

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- ~~(4) Public parks and playgrounds.~~
 - ~~(5) Golf courses (not including golf driving ranges, pitch-and-putt, or miniature golf).~~
 - ~~(6) Schools, public and parochial.~~
 - ~~(7) Churches.~~
 - ~~(8) Cemeteries.~~
 - ~~(9) Greenhouses and nurseries.~~
 - ~~(10) Signs, including public, residential and temporary only.~~
 - ~~(11) Customary accessory uses and structures located on the same lot with the principal use, including tennis courts, swimming pools, private garages, garden houses, barbeque ovens and fireplaces, but not including any use unrelated to the principal use or any activity commonly conducted for gain or profit.~~
 - ~~(12) Home occupations.~~
- ~~(c) Specific use regulations. In addition to the permitted use regulations, certain specific land and building uses shall be allowed when individually reviewed and approved by the planning and zoning commission and the city council, as follows:~~
- ~~(1) Airports.~~
 - ~~(2) Public facilities when used by the city, county, state or federal governments.~~
 - ~~(3) Public utilities, including radio towers, electric or telephone substations, water wells and treatment plants, sewage treatment facilities, and pipeline valves or substations.~~
 - ~~(4) Private stable and livestock or fowl pens may be allowed on a lot having an area of more than 100,000 square feet, provided that it is located not less than 100 feet from the front lot line or not less than 30 feet from any side or rear lot line. On such lots, there shall not be kept more than one horse, pony or mule for each 10,000 square feet of lot area, one cow for each 20,000 square feet of lot area and 25 fowl shall be permitted for each 20,000 square feet of lot area.~~
- ~~(d) Off street parking. Off street parking shall be required in district RS to be determined by the commission by the type of land use.~~
- ~~(e) Density. In district RS, there shall be a maximum density of eight persons per acre and not exceeding 15 percent of the land area being covered by buildings or structures.~~
- ~~(1) Area. All lots or parcels shall contain a minimum area of 100,000 square feet.~~
 - ~~(2) Height. No building or structure shall exceed 28 feet in height, or two stories, except as otherwise provided in this section.~~
 - ~~(3) Front yards. Any building hereinafter constructed shall provide for a front yard having a minimum depth of at least 80 feet from the centerline of the traveled street or road. Corner lots or double frontage lots shall provide such setback for both streets.~~
 - ~~(4) Side yards. Side yards shall have widths of at least 20 feet each.~~
 - ~~(5) Rear yards. Rear yards shall have a depth of at least 30 feet.~~
- ~~(Code 1982, § 31-16.3; Ord. No. 7763, § 5, 9-8-1981)~~

Sec. 64-49. Planned districts.

- ~~(a) Generally. Each of the residential, commercial or industrial districts (R-1 to M-2 inclusive) hereinbefore set forth shall have a separate and distinct counterpart, known, and herein referred to as a planned residential, planned business or planned industrial district. A planned district shall be for the purpose of permitting and regulating the uses heretofore permitted in the equivalent district,~~

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~~and further provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces subsequent to the approval of the plan by the planning and zoning commission and city council. The intent is to allow development of tracts of land to their fullest extent, and at the same time observe the general intent and spirit of these regulations.~~

~~(b) *Planned residential districts.* Planned residential districts may be permitted as follows:~~

<i>Planned-District</i>	<i>Equivalent-District</i>
RP-1	R-1
RP-2	R-2
RP-3G	R-3G
RP-3	R-3

~~In general, the height and bulk of buildings, the amount of open space, light and air, the concentration of population, the parking and loading requirements shall be equal to those in the equivalent district. The uses permitted shall be the same as in the equivalent district. Variations and departures from normal practice may, however, be permitted. Each building need not face on a public street, and more than one building may be located on a lot. Building may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be grouped in clusters or around courts and may be served by private drives in lieu of public streets. Buildings may be located closer to lot lines than otherwise permitted, provided such buildings are architecturally suitable for such a relationship to adjoining buildings and property. Any building or portion thereof may be owned in condominium under applicable state laws governing the same.~~

~~(c) *Planned commercial and industrial districts.* Planned commercial and industrial districts may be permitted as follows:~~

<i>Planned-District</i>	<i>Equivalent-District</i>
CP-0	C-0
CP-1	C-1
CP-2	C-2
CP-3	C-3
MP-1	M-1
MP-2	M-2

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~~In general, the height and bulk of buildings, the amount of open space, the parking and loading requirements shall be equal to those in the equivalent district, except that off-street parking and setback requirements in district CP-2 shall be the same as in district C-3. The uses permitted and any performance standards shall be the same as in the equivalent district. This district may be used to provide for and encourage the grouping of business or residential buildings into centers in keeping with modern concepts of office center, service center, shopping center or industrial park design. The further intent and purpose shall be to reduce the need for strips of commercial development along thoroughfares, and to encourage centers and clusters offering the equivalent in goods and services.~~

~~(d) *Procedure for rezoning property to a planned district.* A tract of land may be zoned to a district RP-1 through MP-2 inclusive only upon application by the owner or his agent, and only upon approval of a development plan for the tract. The proponents of a planned development shall prepare and submit to the planning and zoning commission a preliminary development plan containing the following elements:~~

- ~~(1) The boundaries of the tract to be developed, and the area adjacent for a distance of not less than 300 feet;~~
- ~~(2) The existing topography of the tract;~~
- ~~(3) The proposed location and arrangement of buildings, structures, parking areas, existing and proposed streets, drives, and other public ways, public property, drainage, screening, landscaping and other features of the proposed development;~~
- ~~(4) Sufficient approximate dimensions to indicate the relationship between buildings, streets, drives and property lines;~~
- ~~(5) The planning and zoning commission shall advertise and hold a public hearing on the application and plan, as provided by law for changes and amendments. If the development plan is found to be in the best interests of the city, and is acceptable to the planning and zoning commission, the plan shall be approved, properly endorsed and identified and sent on to the council for action;~~
- ~~(6) Upon final approval of the preliminary development plan, and rezoning of the land, construction may proceed, and conformance with the plan and all supporting documentation is mandatory. All final plans shall be submitted to the planning and zoning commission, and approved as to compliance with the preliminary development plan prior to the issuance of a building permit. All decisions of the planning and zoning commission may be appealed to the council, who may reverse or affirm the same.~~

~~(Code 1969, § 34-17; Code 1982, § 31-17)~~

Secs. 64-48—64-71. Reserved.

ARTICLE III. PLANNED UNIT DEVELOPMENT (PUD)

[Sec. 64-72. Intent.](#)

[Sec. 64-73. Design standards.](#)

[Sec. 64-74. Administration.](#)

[Sec. 64-75. Preliminary development plan.](#)

[Sec. 64-76. Final development plan.](#)

[Secs. 64-77—64-102. Reserved.](#)

Sec. 64-72. Intent.

The planned unit development, hereinafter PUD, is designed to allow comprehensively planned projects which would provide innovative and imaginative approaches to urban design and land subdivision and development. The PUD is a process of developer and city negotiation, rather than a set of minimum requirements resulting in a standard land use product. It permits a flexibility of established land regulations as contained in the zoning districts and plat and subdivision regulation. When an area is developed under this article PUD, plat and subdivision requirements may be waived, zoning district requirements pertaining to area, height, spacing, and use may be waived or modified and various land use mixtures (both vertical and horizontal) may be permitted with appropriate application of building codes, screening, landscape buffers, and setback restrictions. In essence, the developer, with the review of a planning team and the approval of the city planning and zoning commission (hereinafter commission), may write their own rules for land subdivision and development of a planned unit. However, in no case shall the purpose of zoning and platting nor the intent of the district regulations be violated.

The use of the PUD should be focused on accomplishing the goals and principles outlined in the Sedalia Master Plan Chapter 4 Physical Development Pattern based upon the location of the proposed development. This is most critical when the proposed development is mixing residential densities; and/or residential, commercial and/or employment uses; and/or when it is located within the Mixed-Use Centers and Neighborhood Centers.

(Code 1982, § 31-17.1(a); Ord. No. 8045, § 1, 12-3-1984)

Sec. 64-73. Design standards.

The planned unit development shall be planned as integral units and may be residential, commercial, industrial, or a combination of land uses. When land uses are mixed, the PUD shall be designed to be compatible with adjacent areas. PUDs shall meet all zoning district requirements unless specifically addressed in the approved development plan, however, in no case shall a PUD be less than two acres in size, nor shall a PUD be less than five acres in size if commercial or industrial uses are included.

- (1) *Environmental design.* Existing trees, groves, waterways, scenic points, historic spots, and other natural assets and landmarks shall be preserved whenever possible. The location of trees must be considered when designing open spaces and planning the location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finish grade levels. Excessive site clearing of topsoil, trees, and natural features will be discouraged. A general landscaping plan shall be required for all PUDs.
- (2) *Open space.* Common open space will be encouraged for environmental amenity or collective enjoyment by occupants of the development.
- (3) *Building spacing.* Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as

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appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, or uses and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings. Yard, setback, lot size, type of dwelling unit, height, frontage requirements, and use restrictions may be waived for the PUD, provided that the spirit and intent of zoning are complied with in the total development plan, as determined by the commission. If topographical or other barriers within 50 feet of the perimeter of the development do not provide reasonable privacy for existing uses adjacent to the development, the commission shall impose either of the following requirements, or both:

- a. Structures located on the perimeter of the development must be set back in accordance with the provisions of the zoning district controlling the area within which the development is situated; and
 - b. Structures located on the perimeter of the development must be well screened in a manner which is approved by the commission.
- (4) *Traffic circulation.* Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within PUDs shall not be connected to local streets outside the development in such a way as to encourage their use by through traffic. The pedestrian circulation system and its related walkways shall be insulated completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic. All nonresidential land uses within a PUD shall have direct access to a major street or frontage road, especially where large parking areas are included. Standards of design and construction for roadways, within PUDs may be modified as is deemed appropriate by the commission. Right-of-way width and street pavement widths may be reduced as deemed appropriate by the commission, especially where it is found that the plan for the PUD provides for the separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities.
- (5) *Community services.* PUD approvals shall not be granted unless such facilities as water lines, sanitary sewer lines, and major streets exist in sufficient quantity to serve the PUD without overloading or creating traffic along local streets in residential neighborhoods, or unless the developer is willing to install them at his own expense.
- (6) *Phase development.* PUDs may be designed to be developed in phases. If the PUD is proposed in a residential zoning district, 20 percent of the total dwelling units must be physically constructed before any commercial use may begin construction.

(Code 1982, § 31-17.1(b); Ord. No. 8045, § 2, 12-3-1984)

Sec. 64-74. Administration.

- (a) *Principal interests.* A planned unit development should generally satisfy the requirements of final subdivision plats in the city and state statutes relating to the making and adopting of a city plan. The administration of a PUD involves the interaction and negotiation of three principal interests:
- (1) *Developer.* The landowners or the representative of the landowners which is authorized to file a PUD application in their names and represent their interests in negotiating the terms of the PUD.
 - (2) *Planning team.* A review committee, chaired by the commission chairperson and composed of public works director, parks director, fire chief, police chief, and other professional or administrative personnel as requested by the commission. The planning team's function is to

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provide a review of the proposed PUD and make recommendations to maintain high quality planning standards to achieve a desirable urban environment.

- (3) *Commission.* The city planning and zoning commission has many and varied functions to perform in PUD projects. They determine whether the PUD conforms with the adopted city plan and land regulations, conduct public hearings to receive citizen input, and negotiate the terms for acceptance for the PUD.
- (b) *Preconference.* It is intended that the filing, review, negotiation, deliberation, and approval process for a PUD avoids confusion or undue hardships on either the developer, planning team, or commission. The preconference is a joint informational meetings of the developer and planning team for their general review and understanding of the proposed PUD and the development policies of the city. Before filing any application for a PUD, the developer shall submit to the chairperson preliminary plans, maps, sketches, and basic site information. The chairperson shall arrange a joint meeting for consideration and advice as to the relation of the proposed PUD to general development and policies of the city. The general outline of the proposed PUD is to be presented, reviewed, and discussed with opinions, suggestions, and general recommendations given to inform and assist the developer. Suggestions made during the preconference are not legally binding but merely informed reaction to development proposals which should guide the developer in preliminary plans.

(Code 1982, § 31-17.1(c); Ord. No. 8045, § 3, 12-3-1984)

Sec. 64-75. Preliminary development plan.

- (a) *Major substantive review stage.* The preliminary development stage is the point at which major substantive review of the proposed PUD takes place. Recommendations are made on any necessary zoning changes or city plan revisions, and the citizens have a chance for a major response to the proposed development.
- (b) *Developer.* The developer shall initiate the action or a PUD by filing, with the building official, the following:
 - (1) *Fee.* Filing fee in the amount set forth in the city's fee schedule.
 - (2) *Documentation.* Written documents as follows:
 - a. A legal description of the total site proposed for subdivision and/or development, including a statement of present and proposed ownership and present and proposed zoning.
 - b. A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the developer. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the developer.
 - c. A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.
 - d. Quantitative data for the following: total number and type of dwelling units, parcel size or minimum parcel sizes, proposed lot coverage of buildings and structures, approximate gross and net residential densities, total amount of open space (including a separate figure for useable open space), total amount of nonresidential construction (including a separate figure for commercial or institutional facilities), and other studies as required by the planning team.
 - e. A copy of the proposed covenants, easements, and other provisions or land use restrictions proposed in the PUD.
- (3) *Site plan and supporting maps.* A site plan and any maps necessary to show the major details of the proposed PUD shall contain the following information:

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- a. The existing site conditions including contours at two-foot to five-foot intervals, watercourse, floodplains (100-year flood elevations), unique natural features, and forest cover.
 - b. Proposed lot lines and plot designs. In industrial and commercial portions of a PUD, the requirements for final lot lines or plot plan may be waived, considering the general flexibility required by the subdivider or developer to size lots to meet needs of individual projects. However, if the requirement for lot lines is waived, then the PUD site plan and other appropriate written documents must address minimum lot sizes permissible.
 - c. The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per type, and nonresidential structures (including commercial, industrial and public facilities).
 - d. The location and size in acres of square feet of all areas to be conveyed, and dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses.
 - e. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development).
 - f. The existing and proposed pedestrian circulation system, including its inter-relationship with the vehicular circulation system, indicating proposed treatments of points of conflict.
 - g. The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines.
 - h. A general landscape plan, indicating the treatment of materials used for private and common open spaces.
 - i. Enough information on land adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape.
 - j. The proposed treatment of the perimeter of the PUD including materials and techniques used such as screens, fences, and walls.
 - k. Any additional information as required by the planning team necessary to evaluate the character and impact of the proposed PUD.
- (c) *Planning team.* After the developer has initiated action by filing the proposed PUD with the building official, the planning team has 30 days to review the PUD in detail, then convey their findings and recommendations in writing to the commission.
- (d) *Commission.* The commission shall take the following actions:
- (1) Determine if the proposed PUD is in conformance with the intent of this chapter and the purposes of [chapter 52](#), pertaining to plat and subdivision regulations.
 - (2) Conduct a public hearing, then consider the concerns the local citizens have expressed relating to the proposed PUD.
 - (3) Review the recommendations of the planning team and negotiate or arbitrate the differences between the developer, planning team, or local citizens.
 - (4) Determine if the PUD is in conformance with the adopted city plan.
 - (5) After weighing all the evidence, the commission shall either approve the PUD as presented, approve the PUD subject to certain specified modifications, or disapprove the PUD. If the PUD is approved and a zoning change is required, the PUD shall be presented at the next regularly scheduled city council meeting for council approval or disapproval. If the PUD is approved

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subject to modifications, no zoning change actions shall occur until after final development plans have been approved.

(Code 1982, § 31-17.1(d); Ord. No. 8045, § 4, 12-3-1984)

Sec. 64-76. Final development plan.

- (a) *Filing time limit.* If the developer fails to apply for final approval within one year following the approval of the preliminary development plan, the approval shall be deemed to be null and void. At its discretion and for good cause, the commission may extend for six months the period for filing of the final development plan.
- (b) *Final review.* The final development plan shall be filed with the building official and sent to the planning team for review. The planning team shall within 30 days of filing with the building official determine that the final development plan does not vary substantially from the previously approved preliminary development plan and that all new information provided is in compliance with the ordinances requirements.
- (c) *Commission action.* The final development plan shall then be sent to the commission for final approval and appropriate changes in the zoning map and city plan shall be completed. If the commission does not approve a final development plan, their specific reasons for disapproval shall be stated in writing and made part of the public record, as well as presented to the developer.
- (d) *Acceptance and recording.* After commission approval, the PUD shall be sent with a recommendation to the city council for acceptance of streets, easements, public ways, public areas, and official recording in the county recorder's office. A performance bond may be required by the council for the construction of all public improvements including streets, utilities, and public areas. Following the council's formal acceptance and recording, engineering and/or building permits may be issued and construction may begin.
- (e) *Failure.* If the developer does not substantially complete the PUD, or any stage of the planned unit development, within the time limits proposed by the construction schedule, the commission shall review the PUD and may recommend that the time for completion be extended, that the PUD be amended, or that the approval be revoked and a new precise plan shall be required for any further development on subject property. If the developer has not begun development with the time limits imposed by the construction schedule, the approved and accepted PUD shall be considered null and void. Any zoning changes which resulted from the PUD approval shall automatically revert back to the original districts.
- (f) *Changes.* Minor changes in the location, siting, and height of buildings and structures or the position of lot lines so long as the new lot lines do not violate minimum lot sizes permitted by the zoning classification or subdivision/development plan, may be authorized by the commission and city council without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:
 - (1) A change in the use or character of the development;
 - (2) An increase in the problems of traffic circulation or public utilities;
 - (3) A reduction in approved open space;
 - (4) A reduction of off-street parking and loading space; or
 - (5) A reduction in required pavement width.

All other changes in use, or any changes in the provision of common open spaces and changes other than listed in this subsection, must be made by the city council after report of the planning team and recommendations by the commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in

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community policy. Any changes which are approved in the final plan must be recorded as amendments in accordance with the procedure established for recording of the initial final plan documents.

(Code 1982, § 31-17.1(e); Ord. No. 8045, § 5, 12-3-1984)

Secs. 64-77—64-102. Reserved.

ARTICLE IV. BED AND BREAKFAST ESTABLISHMENTS

[Sec. 64-103. Purpose; special use permit required.](#)

[Sec. 64-104. Minimum standards—Residential districts.](#)

[Sec. 64-105. Same—Commercial and industrial districts.](#)

[Secs. 64-106—64-123. Reserved.](#)

Sec. 64-103. Purpose; special use permit required.

This article provides standards for the establishment of bed and breakfast establishments within the city limits of the city, in both residential, commercial and M-1 districts. Bed and breakfast establishments are required to apply for a special use permit as authorized and follow the procedures set forth under [section 64-124](#), [section 64-126](#) and shall meet the requirements as set forth in this article.

(Code 1982, § 31-70; Ord. No. 8849, § 1, 8-15-1994)

Sec. 64-104. Minimum standards—Residential districts.

The minimum standards for bed and breakfast establishments located in residential districts R-1, R-2, R-3 or R-3G are as follows:

- (1) The bed and breakfast establishment must be the principal residence of the owner, must be occupied by said owner while the bed and breakfast establishment is in operation and shall be a single-family residential structure.
- (2) An annual city business license is required.
- (3) An annual inspection by the code enforcement departments and the fire departments, respectively, including one fire inspection per year, may occur plus other inspections may be held if complaints are received.
- (4) One nonfamily employee is allowed per 12-hour shift with a maximum of two nonfamily employees allowed per bed and breakfast establishment.
- (5) A guest register is required to be kept on the premises and shall be retained by the bed and breakfast establishment for one year after it has been filled.
- (6) No other business is allowed to take place upon the premises of the bed and breakfast establishment. For example, no catering, gift shops, bakery or reception facility are allowed upon said premises. However, the bed and breakfast establishment is allowed to give away promotional material.
- (7) Food and beverage service.
 - a. Each bed and breakfast establishment shall serve breakfast or brunch and the cost of said breakfast or brunch shall be included in the price of the room.
 - b. Breakfast shall be served only to overnight guests of the bed and breakfast establishment.
 - c. If the bed and breakfast establishment is located within a residential district (R-1, R-2, R-3 or R-3G), then it is not subject to the provisions of article V of [chapter 12](#), pertaining to food service and food handlers.
 - d. No liquor or alcoholic beverages are allowed to be sold by or given away by the bed and breakfast establishment.
- (8) Guestrooms.

ARTICLE IV. BED AND BREAKFAST ESTABLISHMENTS

- a. A maximum of four guestrooms per bed and breakfast establishment is allowed.
 - b. Each guestroom is required to have a door lock.
 - c. No cooking is allowed in a guestroom.
 - d. A maximum of three persons per sleeping room is allowed.
 - e. Guestrooms shall be a part of the primary residential structure and shall not have been specifically constructed or remodeled for bed and breakfast purposes unless one year has passed since the end of such construction or remodeling. Any interior modification shall be described in the application for the special use permit.
- (9) A minimum of 400 feet shall be between each bed and breakfast establishment located in a residentially zoned district.
- (10) Each bed and breakfast establishment shall have a minimum of 2,500 square feet of finished interior living space, excluding porches and garages.
- (11) No guest of a bed and breakfast establishment can stay at said establishment more than 15 consecutive days out of every 30-day period.
- (12) A minimum of two bathrooms shall be located within each bed and breakfast establishment with one bathroom designated for the owners and employees of the bed and breakfast establishment and one bathroom designated for the guests of the bed and breakfast establishment.
- (13) Minimum fire and safety standards for a bed and breakfast establishment in a residential district are as follows:
- a. Self-illuminated or illuminated exit signs: one per level;
 - b. Minimum of three-foot-wide corridors;
 - c. Emergency lighting in common corridors;
 - d. A smoke detector in each guestroom;
 - e. A smoke detector in each common corridor;
 - f. Fire extinguishers: one per common corridor per level and one each in the kitchen and mechanical (furnace) room;
 - g. Posting of emergency exit maps inside on each guestroom door;
 - h. "No smoking in bed" signs posted inside on each guestroom door (each bed and breakfast establishment can use the signs provided by the city fire department or their own design, after it has been approved by the city fire department);
 - i. One exit directly to the outside for each level above the ground floor level; and
 - j. Two exits off the main level directly to the outside but one of said exits can be through the kitchen or mechanical (furnace) room.
- (14) Minimum exterior appearance for a bed and breakfast establishment in a residential district are as follows:
- a. Exterior lighting shall comply with sections [64-214\(4\)](#) and [64-155](#)
 - b. Off-street parking: two parking spaces shall be provided off-street for the owners of the bed and breakfast establishment and one space shall be provided off-street for each guestroom;
 - c. Exterior signs: only one exterior sign is allowed with a three-foot square maximum. Said sign cannot be illuminated or animated but can be installed on the bed and breakfast establishment or on a rod or post in the yard. If the sign is installed in the yard, it shall meet the setback requirements as required by chapter 46;

ARTICLE IV. BED AND BREAKFAST ESTABLISHMENTS

- d. No exterior alterations, other than those necessary to ensure the safety of said structure shall be made to any building.
 - (15) Pets are allowed in a bed and breakfast establishment, if permitted by the owners of said bed and breakfast establishment.
 - (16) The owner must comply with all other city ordinances as well as all county, state and federal laws, rules or regulations concerning health, safety, licensing, nondiscrimination or any other applicable laws, rules or regulations.
- (Code 1982, § 31-71; Ord. No. 8849, § 1, 8-15-1994)

Sec. 64-105. Same—Commercial and industrial districts.

The minimum standards for bed and breakfast establishments located in commercial districts C-O, C-1, C-2, C-3 and the industrial M-1 district are as follows:

- (1) An annual city business license is required.
- (2) An annual inspection by the code enforcement departments and the fire departments, respectively, including one fire inspection per year, may occur plus other inspections may be held if complaints are received.
- (3) A guest register is required to be kept on the premises and shall be retained by the bed and breakfast establishment for one year after it has been filled.
- (4) Food and beverage service.
 - a. Each bed and breakfast establishment shall serve breakfast or brunch to at least its guests, and the cost of said breakfast or brunch shall be included in the price of the room. If the establishment is in an area zoned C-1, C-2, C-3 or M-1, it may serve other meals to guests and may serve meals to nonguests as well.
 - b. The bed and breakfast establishment is subject to the provisions of article V of [chapter 12](#), pertaining to food service and food handlers.
 - c. Alcoholic beverages may be sold or given away by the bed and breakfast establishment so long as it meets the provisions relating to alcoholic beverages in this Code.
- (5) Guestrooms.
 - a. A maximum of four guestrooms per bed and breakfast establishment is allowed.
 - b. Each guestroom is required to have a door lock.
 - c. No cooking is allowed in a guestroom.
 - d. A maximum of three persons per sleeping room is allowed.
 - e. Guestrooms shall be a part of the primary residential structure and shall not have been specifically constructed or remodeled for bed and breakfast purposes unless one year has passed since the end of such construction or remodeling. Any interior modification shall be described in the application for the special use permit.
- (6) Each bed and breakfast establishment shall have a minimum of 2,500 square feet of finished interior living space, excluding porches and garages.
- (7) A minimum of two bathrooms shall be located within each bed and breakfast establishment with one bathroom designated for the owners and employees of the bed and breakfast establishment and one bathroom designated for the guests of the bed and breakfast establishment.
- (8) Minimum fire and safety standards for a bed and breakfast establishment located in commercial districts C-O, C-1, C-2, C-3 and the industrial M-1 district are as follows:

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- a. Self-illuminated or illuminated exit signs: one per level;
 - b. Minimum of three-foot-wide corridors;
 - c. Emergency lighting in common corridors;
 - d. A smoke detector in each guestroom;
 - e. A smoke detector in each common corridor;
 - f. Fire extinguishers: one per common corridor per level and one each in the kitchen and mechanical (furnace) room;
 - g. Posting of emergency exit maps inside on each guestroom door;
 - h. "No smoking in bed" signs posted inside on each guestroom door (each bed and breakfast establishment can use the signs provided by the city fire department or their own design, after it has been approved by the city fire department);
 - i. One exit directly to the outside for each level above the ground floor level;
 - j. Two exits off the main level directly to the outside but one of said exits can be through kitchen or mechanical (furnace) room; and
 - k. Such additional requirements as required by the applicable building code and fire code as currently in effect at the time of the application for the bed and breakfast establishment.
- (9) Minimum exterior appearance for a bed and breakfast establishment in commercial districts C-O, C-1, C-2, C-3 and the district M-1 light industrial are as follows:
- a. Exterior lighting: shall comply with sections [64-214](#) and [64-155](#)
 - b. Off-street parking: two parking spaces shall be provided off-street for the owners of the bed and breakfast establishment and one space shall be provided off-street for each guestroom;
 - c. Exterior signs: shall comply with the requirements of chapter 46.
- (10) Pets are allowed in a bed and breakfast establishment, if permitted by the owners of said bed and breakfast establishment.
- (11) The owner must comply with all other city ordinances as well as all county, state and federal laws, rules or regulations concerning health, safety, licensing, nondiscrimination or any other applicable laws, rules or regulations.

(Code 1982, § 31-73; Ord. No. 8849, § 1, 8-15-1994)

Secs. 64-106—64-123. Reserved.

ARTICLE V. SPECIAL USE PERMITS

[Sec. 64-124. Uses; public hearing required.](#)

[Sec. 64-125. Mobile home park; preliminary development plan required; procedure.](#)

[Sec. 64-126. Application for bed and breakfast establishment.](#)

[Secs. 64-127—64-150. Reserved.](#)

Sec. 64-124. Uses; public hearing required.

Any of the uses in this section may be located in any district by special use permit of the city council, after public hearing, and after recommendation of the planning and zoning commission, under such conditions as to operations, site development, parking, signs and time limit, as may be deemed necessary in order that such use will not seriously injure the appropriate use of neighboring property, and will conform to the general intent and purpose of this chapter. Such uses shall comply with the height and area regulations of the district in which they may be located; except that radio, television and microwave towers and drive-in theater screens may exceed the height regulations.

- (1) Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals or fairgrounds;
- (2) Aviation fields or airports, subject to regulations concerning airports;
- (3) Bed and Breakfast Establishments
- (4) Cemeteries, mausoleums or crematories for the disposal of the human dead;
- (5) Drive-in theaters;
- (6) Electric substations;
- (7) Golf driving ranges, commercial or illuminated;
- (8) Gun clubs, skeet shoots or target ranges;
- (9) Hospitals for the insane or feeble minded or alcoholics or drug addicts, or penal or correctional institutions;
- (10) Day care centers in district R-1 or R-2;
- (11) Picnic groves and fishing lakes, including minor and incidental concession facilities for patrons only;
- (12) Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials; provided, that no permit shall be issued until and unless the location, site plan and method of operation, including necessary structures, have been submitted to and approved in writing by the council;
- (13) Refuse dumps;
- (14) Reservoirs, wells, towers, filter beds or water supply plants;
- (15) Residential care centers in district R-1 or R-2;
- (16) Residential schools and/or learning centers;
- (17) Riding stables and tracks;
- (18) Sewage, refuse, garbage disposal plants or sanitary fills;

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- (19) Tourist cabins, motels or mobile home courts;
- (20) Wireless Communications Facilities including cell phone, radio, television and microwave towers per the Uniform Wireless Communications Infrastructure Deployment Act of Missouri (RSMo Sections 67.5090 – 67.5103);
- (21) Buildings and premises for public utility services, or public service corporations, which buildings or uses the council deems reasonably necessary for public convenience or welfare;
- (22) Automobile or trailer sales rooms or yards, other than premises where used vehicles are dismantled;
- (23) Commercial gymnasiums and recreation centers. For all indoor and outdoor sports, meetings and amusements including tennis, indoor and outdoor, miniature golf, billiards (pool), video arcade, basketball, aerobics, volleyball, racquetball, weightlifting, dancing, soccer, boxing, wrestling, swimming, tanning, including minor and incidental concession facilities for patrons only;
- (24) Car cleaning service;
- (25) Commercial ambulance garages and offices.
- (26) Residential or outpatient facilities for the treatment of alcohol and other drug abuse, provided that said facilities shall only be permitted in district C-1, C-2, C-3, M-1 or M-2.

(Code 1969, § 34-18; Code 1982, § 31-18; Ord. No. 7321, § 2, 6-6-1977; Ord. No. 7341, § 6, 8-1-1977; Ord. No. 8006, § 1, 7-16-1984; Ord. No. 8097, § 1, 6-17-1985; Ord. No. 8114, § 1, 8-19-1985; Ord. No. 8128, § 1, 12-2-1985; Ord. No. 8292, § 1, 9-21-1987; Ord. No. 8551, § 1, 11-19-1990)

Sec. 64-125. Mobile home park; preliminary development plan required; procedure.

- (a) Construction of a mobile home park within the zoning jurisdiction of the city shall begin only after a special use permit has been granted by the city council, in compliance with this chapter. No such permit shall be granted, however, until a preliminary development plan for the proposed mobile home park has been prepared and submitted by the developer to the planning and zoning commission, and found satisfactory by such commission, and further submitted to the city council with a recommendation for approval.
- (b) Such plan shall be accurately drawn, at a scale acceptable to the public works director, and shall show the following:
 - (1) Proposed street and drive pattern;
 - (2) Proposed mobile home spaces and their approximate dimensions;
 - (3) Any existing streets in or abutting the property;
 - (4) Location and size of parking spaces;
 - (5) Location and size of park and playground area;
 - (6) Screening and landscaping;
 - (7) Legal description of the tract;
 - (8) Name of the developer and the firm preparing the plan;
 - (9) North point, scale and date.
- (c) The planning and zoning commission shall, upon submission of three copies of the plan and an application for a special use permit, publish notice and hold a hearing on the proposal, in conformance with this chapter. The decision of the commission to recommend approval or denial of the proposed mobile home park shall be based upon the following criteria:
 - (1) The proposed project will be in harmony, in general, with the comprehensive plan of the city;

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- (2) Safe and efficient ingress and egress of vehicular and pedestrian traffic and an adequate level of utility and other services are ensured;
- (3) A safe and healthful living environment will exist for the occupants of the park.
- (d) Upon hearing and consideration of the project, the planning and zoning commission shall, within reasonable time, submit its recommendation and an endorsed copy of the plans to the city council for final action.
- (e) After 24 months from the date of approval of a special use permit by the city council, if the mobile home park is not improved in accordance with the plans to the extent that utilities, surfaced drives and occupied mobile home spaces exist over at least 20 percent of the area of the approved park, the special use permit shall expire, and further development and additional occupancy of the park shall be prohibited. All mobile homes shall be removed within six months of the date of expiration of a special use permit. The owner or his agent may apply for a new special use permit in the case of expiration or cancellation under procedures set out in this chapter.
- (f) The fee for issuance of the permit shall be as set forth in the city fee schedule.

(Code 1969, § 31-34; Code 1982, § 18-21)

Sec. 64-126. Application for bed and breakfast establishment.

For an application for a special use permit for a bed and breakfast establishment, the following information must be submitted:

- (1) Name and address of each owner;
- (2) A floor plan and a site plan must be submitted. Both plans need to be drawn to scale, showing the location of the guestrooms, windows, doors, fire exits, smoke alarms and fire extinguishers but need not be a stamped set of drawings drawn by an architect or engineer for a bed and breakfast establishment located in a residential district. If the bed and breakfast establishment is to be located in a commercial district, then the floor plan and site plan submitted shall be a stamped set of drawings drawn by an architect or engineer;
- (3) State sales tax number is required;
- (4) City business license is required;
- (5) Any interior modifications of the proposed bed and breakfast establishment in the last year prior to said application date; and
- (6) The names and addresses of all of the property owners within a 185-foot radius of the location of the proposed bed and breakfast establishment.

(Code 1982, § 31-72; Ord. No. 8849, § 1, 8-15-1994)

Secs. 64-127—64-150. Reserved.

ARTICLE VI. ADDITIONAL REGULATIONS

[Sec. 64-151. Accessory uses.](#)

[Sec. 64-152. Nonconforming uses.](#)

[Sec. 64-153. Completion and restoration of existing buildings.](#)

[Sec. 64-154. Height, area and fencing exceptions.](#)

[Sec. 64-155. Off-street parking and loading regulations.](#)

[Sec. 64-156. Alternate Parking Plan.](#)

[Sec. 64-157. Guideline; shared parking](#)

[Sec. 64-158. .](#)

[Secs. 64-9—180. Reserved.](#)

Sec. 64-151. Accessory uses.

- (a) A driveway or walk to provide access to premises in districts C-1 to M-2 inclusive shall not be permitted in districts R-1 to R-3 inclusive.
- (b) Buildings or structures or uses which are accessory to the use permitted in one district shall not be permitted in a district of a higher classification.

(Code 1969, § 34-19; Code 1982, § 31-19)

Sec. 64-152. Nonconforming uses.

- (a) A nonconforming use of land existing lawfully on December 1, 1969, may be continued.
- (b) The lawful use of a building existing on December 1, 1969, may be continued although such use does not conform with the provisions hereof, and such use may be extended throughout such portions of the building as are arranged or designed for such use, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. If such nonconforming building is removed, the future use of such premises shall be in conformity with the provisions of this chapter.
- (c) A nonconforming use if changed to a conforming use or more restricted, nonconforming use, may not thereafter be changed back to a less restricted use than that to which it was changed. If by amendment to this chapter any property is hereafter transferred to a more restricted district by change in the district boundaries, or the regulations and restrictions in any district are made more restrictive or a higher classification, the provisions of this chapter relating to the nonconforming use of buildings or premises existing on December 1, 1969, shall apply to buildings or premises occupied or used at the time of the passage of such amendment.
- (d) Repairs and alterations may be made to a nonconforming building; provided, that no structural alterations or extensions shall be made, except those required by law or ordinance unless the building is changed to a conforming use; provided, that the board, by special permit in the case of evident hardship, may grant an extension of a nonconforming use not exceeding 25 percent of the ground area of the building.
- (e) Notwithstanding the other provisions of this section, a nonconforming use shall terminate, and the property required to be used only in conformance with the uses permitted in the zoning district in

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which the land is present, if any buildings or structures on the nonconforming property are left vacant for a period of at least one year and either:

- (1) The condition of any buildings or structures on the nonconforming property is found to violate any of the provisions of article X of [chapter 10](#), pertaining to property maintenance; or
- (2) Any buildings or structures on the nonconforming property are found to be dangerous buildings under the provisions of article XI of [chapter 10](#)

(Code 1969, § 34-20; Code 1982, § 31-20; Ord. No. 8421, § 1, 4-17-1989)

Sec. 64-153. Completion and restoration of existing buildings.

- (a) Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and plans for which are on file with the Community Development Director and/or departmental designee on December 1, 1969, and the construction of which in either case shall have been diligently prosecuted within one year of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within such year in which entire building shall be completed, according to such plans as filed, within two years from December 1, 1969.
- (b) Nothing in this chapter shall be taken to prevent the restoration, within 12 months of a nonconforming building destroyed to the extent of not more than 75 percent of its reasonable value (exclusive of foundations) by fire, explosion or other casualty, or act of God, or the public enemy; provided, that when such restoration becomes involved in litigation, the time required for such litigation shall not be counted as a part of the 12 months allowed for reconstruction, and nothing in this chapter shall be taken to prevent the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction, but any building so damaged more than 75 percent of its value may not be rebuilt, repaired or used unless it is made to conform to all regulations for buildings in the district in which it is located.
- (c) The provisions of this chapter shall not apply to prevent the extension of any building, existing in any district on December 1, 1969, to the height to which the walls, foundation and framework of such existing building originally were intended, designed and constructed to carry; provided that the actual construction of the extensions in height permitted by this subsection shall have been duly commenced within ten years from December 1, 1969.

(Code 1969, § 34-21; Code 1982, § 31-21)

Sec. 64-154. Height, area and fencing exceptions.

- (a) *Generally.* The regulations and requirements as to height of buildings and area of lots which may be occupied by buildings, front yards, side yards, rear yards and other regulations and requirements as stated in this chapter, shall be subject to the following exceptions and additional regulations stated in this section.
- (b) *Height.*
 - (1) In any district, public or semipublic buildings, such as hospitals, hotels, churches, sanitariums or schools, either public or private, where permitted, may be erected to a height not exceeding 75 feet; provided, that such buildings shall have yards the depth or width of which shall be increased one foot on all sides for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.
 - (2) Dwellings in district R-1 or R-2 may be increased in height not exceeding ten feet in addition to the limitations of 2½ stories, or 35 feet as prescribed in such districts; provided, that two side yards of not less than 15 feet in width each are provided. In no case shall such dwelling, however, exceed three stories in height.

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- (3) Parapet walls and false mansards shall not extend more than six feet above the height limit. Flagpoles, chimneys, cooling towers, electric display signs, elevator bulkheads, penthouses, finials, gas tanks, grain elevators, stacks, storage towers, radio towers, ornamental towers, monuments, cupolas, domes, spires, standpipes and necessary mechanical appurtenances may be erected as to height in accordance with existing or hereafter adopted ordinances of the city council.
 - (4) On through lots 125 feet or less in depth, the height of a building may be measured from the curb level of either street. On through lots of more than 125 feet in depth, the height regulations for the street permitting the greater height, shall apply to a depth of not more than 125 feet from that street.
 - (5) In the vicinity of an airport no building or structure shall be erected nor any tree allowed to grow in any area under any approach or transition plane, or turning zone, as defined hereafter, any portion of which building or structure intrudes or may intrude into such plane or zone; except, that this shall not prohibit the erection of buildings or structures to a total height of not over 35 feet; and no land shall be used in any area under an approach or transition plane within 10,000 feet of the reference point of the airport, for the erection of places of public assembly or concentration of population such as churches, schools, theaters or hospitals.
 - a. An approach plane is an area commencing at a line 200 feet distant from the end of an active runway on an airport. From this point the approach plane rises upward on a plane surface at the ratio of one foot of vertical rise for every 50 feet of horizontal distance. This plane is bounded by lines commencing at the 200-foot mark previously mentioned 500 feet distant on each side of the continuation of the centerline of the aforesaid runway, and these lines continue along the plane gradually extending outward, so that at a distance of 50,000 feet, they are extended to a point 8,000 feet distant on each side of the extended centerline of the runway.
 - b. A transition plane begins at the flared sides of the approach plane on a slope outward of one foot in height for each seven feet of horizontal distance.
 - c. A turning zone is a plane 150 feet above the designated reference point on the landable area and extending in all directions to a distance of 20,000 feet from this reference point. Landable area is the area of the airport used for the landing, take-off or taxiing of aircraft.
 - d. No limitation on height shall be required beyond the limit of 20,000 feet from the designated reference point, except within the approach and transition planes.
 - (6) Electric power plant mechanical appurtenances may exceed the height requirements as outlined in [section 64-45](#) (district M-2, heavy industrial district). Mechanical appurtenances shall not exceed 90 feet in height. Mechanical appurtenances include cooling stacks, venting stacks and sound mufflers.
- (c) *Area per family.* The number of families permitted by the lot area requirements per family, for any building:
- (1) Used jointly for business and dwelling purposes or industry and dwelling purposes, shall be reduced in the same proportion as the floor area devoted to business or industry bears to the entire floor area of the building; provided that floor area below the first floor of such buildings shall not be included in any calculation under this provision.
 - (2) Providing jointly for hotel and apartment house uses, shall be reduced in the same proportions as the total floor area devoted to hotel or nonhousekeeping rooms bears to the total floor area devoted to both uses.
- (d) *Yard exceptions.*
- (1) In district R-1 to R-3 inclusive, where lots comprising 40 percent or more of the frontage, on the same side of a street between two intersecting streets, excluding reverse corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire

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frontage; except, that where a recorded plat has been filed showing a setback line which otherwise complies with the requirements of this chapter, yet is less than the established setback for the block as provided in this subsection (d)(1), such setback line shall apply; provided, that the board may permit variations in case of hardship, or where the configuration of the ground is such as to make conformity with the front yard requirements impractical.

- (2) Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest line of the building.
 - (3) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, that none of the projections stated in this subsection (d)(3) shall extend into a court more than six inches nor into a minimum yard more than 24 inches; and provided further:
 - a. Canopies or open porches having a roof area not exceeding 60 square feet may project a maximum of six feet into the required front or rear yard;
 - b. Open paved terraces may project not more than ten feet into a front or rear yard; and
 - c. Existing open porches extending into the required yard shall not be enclosed.
 - (4) An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four feet into a rear yard.
 - (5) A terrace garage in a district R-1 to R-3 inclusive may be located in a front or side yard, provided:
 - a. It is completely recessed into the terrace, and that the height of the terrace is sufficient to cover and conceal the structure from above;
 - b. The doors when open shall not project beyond any property line; and
 - c. The structure is set back at least four feet from the front property line.
 - (6) In any district, a detached accessory building not exceeding 24 feet or two stories in height, or in any case not higher than the main building, may occupy not more than 30 percent of a rear yard; except, that in district R-3, C-1, C-2, C-3, M-1 or M-2, if such building is not more than one story or 16 feet high, it may occupy 40 percent of a rear yard. A detached accessory building may be connected with the main building by a lightly constructed, covered passage, open on each side, not more than six feet wide inside, the roof of which is not more than 12 feet high at its highest point, and is not an extension of the roof of the main building.
 - (7) No building or structure shall be located closer than 25 feet to the street line of Broadway, on either side, between Warren and Marshall Avenues.
 - (8) No rear yard shall be required in districts C-1 to M-2 inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway track connection.
 - (9) In computing the depth of a rear yard for any building where such yard abuts an alley, one-half of such alley may be assumed to be a portion of the rear yards.
 - (10) In any district where buildings on adjoining lots, used exclusively for dwelling purposes, do not conform to the side yard requirements of this chapter, the board may vary the side yard requirements; provided, that no building may be built nearer than three feet to the side lot line; and provided that the width of the building allowable under the regulations of this chapter may not be increased.
- (e) *Fences or other enclosures.* The term "fence," as used in this subsection, means hedges, shrubs, trees, or similar screening material, or an enclosure made of wood, steel, aluminum, vinyl, iron or concrete, serving to obstruct a view, separate or enclose areas, or designate property lines.

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- (1) It shall be unlawful to construct or maintain a fence which causes material damage to the occupants of adjacent property by obstructing their view shutting out sunlight or hindering ventilation.
- (2) A fence used in a front yard that extends beyond the 25-foot setback required in an area zoned as residential or the front corner of an existing structure shall not extend above 36 inches in height. Any property owner desiring a front yard fence higher than 36 inches up to and including a maximum of six feet will have to obtain a variance from the zoning board of adjustment. Said variance, if granted, shall only be for a fence that is constructed or consists of material that is open and see-through for the passage of light and air.
- (3) Any fence, in an area zoned as residential, that is over six feet in height is a structure and requires building permit as set out in article IV of [chapter 10](#), pertaining to the building code of the city.
- (4) It shall be unlawful to erect or cause to be erected, maintained or cause to be maintained, any fence, wall or other obstruction upon, across, along or adjoining any street, sidewalk or street right-of-way of this city.
- (5) It shall be unlawful to erect or cause to be erected maintain or cause to be maintained any fence composed of barbed wire, razor ribbon, spikes, or any other sharp or pointed material, except in any district zoned light industrial, heavy industrial or agricultural and said owner of the property has acquired a special use permit under the procedures of [section 64-124](#) and so long as said barbed wire is at least six feet above the ground in districts zoned light industrial and heavy industrial. Any political subdivision, including the city, or a utility company, may erect a fence topped by barbed wire along such streets or alleys so as to restrict access to utility equipment or structures which are not contained within a building and does not have to make a special use permit application. If they are in an area zoned as residential, chainlink fences must be constructed so that no links have exposed points extending above the uppermost pipe extending from post to post.
- (6) It shall be unlawful to construct or maintain a fence or any other sort of enclosure, any part of which is charged with or designed to be charged with electrical current, within the city; unless the electrical current is routed through a controller which is approved by the Underwriters' Laboratory, industrial commission of the state or the National Bureau of Standards which has not been altered, and which produces no more than 25 milliamps of power; and unless the fence is to be used in the raising of livestock. Subsection (e)(8) of this section does not apply to this subsection.
- (7) A fence on a commercial or manufacturing zoned property may be of necessary height to serve the property's security and safety needs, except as set out in subsection (e)(1) of this section.
- (8) Any fence now existing or under construction on the effective date of the ordinance from which this section is derived shall not be held to have violated the provisions of this subsection. This provision does not apply where additions or modifications are made to a fence after said effective date.

(Code 1969, § 34-22; Code 1982, § 31-22; Ord. No. 8294, § 9-21-87; Ord. No. 8873, § 1, 3-6-1995; Ord. No. 9127, § 1, 3-15-1999; Ord. No. 9479, § 1, 2-21-2006; Ord. No. 9576, § 1, 7-16-2007)

Sec. 64-155. Off-street parking and loading regulations.

- (a) *Parking—Apartment houses, multiple-family dwellings, or motels.* For all apartment houses, multiple-family dwellings or motels hereafter erected, constructed, reconstructed or altered, except in district C-2, provision in the form of garages or open parking areas shall be made for the storage or parking of motor passenger vehicles for the use of occupants on the premises. Two parking spaces for each dwelling unit and one space for each sleeping unit in motels shall be provided. For senior housing apartments/developments, parking spaces shall be calculated based on 1.25 parking space for each dwelling unit.

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- (b) *Same—One-family or two-family dwellings.* For all one-family or two-family dwellings hereafter erected, constructed, reconstructed or altered, provision in the form of garages or open parking areas shall be made for the parking of motor passenger vehicles on the premises. Such parking shall provide space for two vehicles for each family unit.
- (c) *Same—Hotels, apartment hotels, fraternity and sorority houses, dormitories, lodginghouses or clubs.* For all hotels, apartment hotels, fraternity and sorority houses, dormitories, lodginghouses and clubs, hereafter erected, constructed, reconstructed or altered, except in district C-2, provision in the form of garages or open parking areas shall be made for the storage or parking of motor passenger vehicles for the use of occupants or members. One parking space shall be provided for each of the first 20 individual guestrooms or suites; and one additional parking space for every two guestrooms or suites in excess of 20. Such parking shall be on the premises or within 300 feet on land zoned for business or industry, or by special use permit.
- (d) *Same—Hospital or institutions.* For all hospitals and philanthropic or eleemosynary institutions hereafter erected, constructed, reconstructed or altered, except in district C-2; provision in the form of garages or open parking areas shall be made for the storage or parking of motor passenger vehicles. One parking space shall be provided for each two beds and for each two employees and staff doctors. Such parking shall be on the premises or within 300 feet of the main building entrance by special use permit. These parking provisions shall also apply to residential care centers and residential schools and/or learning centers unless the residents of such facilities are prohibited from owning or operating motor vehicles.
- (e) *Same—Places of assembly.* For every structure or part thereof hereafter erected, constructed, reconstructed or altered, to be used as a theater, auditorium, church, stadium or other place of public assembly, except in district C-2, there shall be provided and maintained accessible off-street parking space for motor passenger vehicles on the basis of one vehicle for each four seats of the total audience seating capacity of the building structure or part thereof. Such parking shall be located on the same lot with such building, structure or part thereof, or within 300 feet thereof, on land zoned for business or industry, or by special use permit. **Restaurant establishments shall provide 10 parking spaces per 1,000 square feet of gross floor area.**
- (f) *Same—Business or industrial buildings.* Any business building hereafter erected, constructed, reconstructed or altered, except in district C-2, shall provide accessible off-street parking at the rate of one parking space for each 200 square feet of floor area in the building. For all business or industrial buildings hereafter erected, converted or extended in districts M-1 and M-2, provision shall be made for off-street parking. The number of parking spaces provided shall be equal to two spaces for every three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection therewith. Such parking space shall be on the same lot with the main building, or within 300 feet therefrom, on land zoned for business or industry. For all warehouses including self storage warehouses hereafter erected, converted or extended except in district C-2, the number of parking spaces provided shall be equal to one space per 500 square feet of floor area in the building.
- (g) *Improvements of parking area.* All open parking areas as required for the number of parking spaces provided in this section and the driveways, except those serving single-family dwellings, two-family dwellings and industrial buildings, shall be surfaced with a permanent pavement material as follows:
- (1) Asphaltic concrete.
 - (2) Portland cement concrete.
 - (3) Any other all-weather material that is approved by the public works director.

Ingress and egress shall be surfaced with a permanent pavement material as stated in this subsection (g) from the edge of the street pavement or curblin to the street right-of-way line regardless of the building use or zoning classification. Also, ingress and egress shall be in accordance with the city's policy and standards for driveways and curb cuts. Any unpaved parking areas existing before January 1, 1992, are exempt from the paving requirement. However, if the existing building is added on to, the number of parking spaces required by the additional shall be paved. This pavement of the parking area as required

ARTICLE VI. ADDITIONAL REGULATIONS

for the number of parking spaces for the addition, shall be surfaced with a permanent pavement material as stated in this subsection (g). Ingress and egress shall be surfaced with a permanent pavement material as stated in this subsection (g) from the edge of the street pavement or curbline to the street right-of-way line. Also, ingress and egress shall be in accordance with the city's policy and standards for driveways and curb cuts. The person proposing the improvements for a parking area has one year from the date of the certificate of occupancy to satisfy the requirements for paving and must provide the city with a cash bond for the amount of the parking area improvements. This amount will be determined by the city and by the person proposing the parking area improvements being equal to the present prevailing construction costs of the necessary parking area improvements. If the parking area improvements have been made prior to the certificate of occupancy, then a cash bond is not required. No parking shall be permitted within six feet of an adjoining lot located in districts R-1 to R-3 inclusive. Any lights used to illuminate the parking area shall be so arranged as to direct the light away from any adjoining premises located in a districts R-1 to R-3 inclusive. Where such parking area is located in districts R-1 to R-32 inclusive, no fee shall be charged for parking thereon, and no signs of any kind shall be erected except those necessary for the orderly parking thereon.

- (h) *Loading space for business and industry.* Any business or industrial building, hospital, institution or hotel hereafter erected, constructed, reconstructed or altered, 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.

(Code 1969, § 34-23; Code 1982, § 31-23; Ord. No. 7341, § 7, 8-1-1977; Ord. No. 8449, § 1, 7-17-1989; Ord. No. 8639, § 1, 12-16-1991; Ord. No. 9551, §§ 2, 3, 3-19-2007)

ARTICLE VI. ADDITIONAL REGULATIONS

Sec. 64-156. Alternate Parking Plan

- a. The number of parking spaces to be provided for a specific property or development may be established through administrative approval of an Alternate Parking Plan.
- b. Such plans shall be submitted to the Chief Building Official for review and consideration.
- c. A request for approval of an Alternate Parking Plan shall be accompanied by the following information:
 1. A parking demand study or other data that establishes the number of spaces required for the specific use. The study or data may reflect parking for the same use existing at a similar location or for similar uses at other locations. Published studies may be utilized to back up alternative parking requests.
 2. If shared parking is proposed for a mixed use development, the sum of peak parking demands by use category shall be accommodated for day and night hours on weekdays and weekends. The guidelines for shared parking contained in this Article may be used in lieu of a separate study.

Section 64-157. Guidelines; shared parking

The parking spaces provided for separate uses may be combined in one lot but the required spaces assigned to each use may not be assigned to another use, except as follows:

- a. One-half of the parking spaces assigned to a church, theater or assembly hall whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.
- b. Parking spaces may be shared by more than one use if the Director finds that the total number of spaces will be adequate at the peak hours of the uses they serve. (Amend.1)
- c. Parking spaces that are proposed to be shared among two or more uses must be clearly available to each use and not appear in any way to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.
- d. Shared parking arrangements must be evidenced by a written agreement acceptable to the Director, and approved by the owners of each of the affected properties or uses. The approved agreement shall be recorded and a copy supplied to the Director.

Sec. 64-158. Certificate of occupancy.

- (a) *Required.* No vacant land shall be occupied or used except for agricultural uses, and no building hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Community Development Director and/or departmental designee.
- (b) *Content; record.* The certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Community

ARTICLE VI. ADDITIONAL REGULATIONS

Development Director and/or departmental designee, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

- (c) *Prerequisite to building permit.* No permit for excavation for any building shall be issued before application has been made for certification of occupancy.
- (d) *For buildings.* Certificate of occupancy for a new building or the alteration of an existing building shall be applied for in writing coincident with the application for a building permit, and shall be issued within ten days after the erection or alteration of such building, or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate a temporary certificate of occupancy may be issued by the Community Development Director and/or departmental designee for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises, or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.
- (e) *For land.* Certificate of occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within ten days after the application has been made, provided such use is in conformity with the provisions of these regulations.
- (f) *For nonconforming uses.* A certificate of occupancy shall be required for all nonconforming uses. Application for certificate of occupancy for nonconforming uses shall be filed within 12 months from December 1, 1969, accompanied by affidavits of proof that such nonconforming use was not established in violation of this chapter.

(Code 1969, § 34-28; Code 1982, § 31-28)

Secs. 64-157—180. Reserved.

ARTICLE VII. SIGNS

ARTICLE VII. SIGNS ^[2]

[DIVISION 1. - GENERALLY](#)

[DIVISION 2. - SIGN CONSTRUCTION AND MAINTENANCE STANDARDS](#)

[DIVISION 3. - MASTER SIGN PLANS](#)

FOOTNOTE(S):

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State Law reference— Authority for municipal regulation of outdoor advertising, RSMo 71.288; restriction on municipal sign regulations, RSMo 67.317; billboards, RSMo 226.500 et seq. ([Back](#))

DIVISION 1. GENERALLY

DIVISION 1. GENERALLY

[Sec. 64-181. Penalties.](#)

[Secs. 64-182—64-200. Reserved.](#)

Sec. 64-181. Penalties.

Any person violating any provision of this article shall be subject to penalties as provided in [section 1-14](#) and in the city fine schedule, in addition to any specific penalties provided in this article.

Secs. 64-182—64-200. Reserved.

DIVISION 2. SIGN CONSTRUCTION AND MAINTENANCE STANDARDS

[Sec. 64-201. Definitions.](#)

[Sec. 64-202. Enforcement, violations and penalties.](#)

[Sec. 64-203. Purpose.](#)

[Sec. 64-204. Prohibited signs and devices.](#)

[Sec. 64-205. Nonconforming signs.](#)

[Sec. 64-206. Signs in residential and agricultural districts.](#)

[Sec. 64-207. Signs in C-O through C-3, M-1, M-2 or PUD districts.](#)

[Sec. 64-208. Signs in C-O through C-3, M-1, M-2 or PUD districts contiguous to U.S. highways.](#)

[Sec. 64-209. Standards for signs.](#)

[Sec. 64-210. Ground signs.](#)

[Sec. 64-211. Freestanding signs.](#)

[Sec. 64-212. On-site informational signs.](#)

[Sec. 64-213. Billboards.](#)

[Sec. 64-214. Application for a sign permit.](#)

[Sec. 64-215. General restrictions on sign regulations and maintenance.](#)

[Sec. 64-216. Appeals and variances.](#)

[Sec. 64-217. Historic marker signs.](#)

[Secs. 64-218—64-330. Reserved.](#)

Sec. 64-201. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Awning means any structure entirely supported by the wall or canopy to which it is attached and which is covered by canvas, cloth or other similar temporary material and/or which can be retracted or rolled to the structure by which it is supported.

Billboards means all signs which advertise a product or business not located on the same lot or premises as the sign. The term "billboards" includes, but is not limited to, billboards, junior poster panels (billboards less than 100 square feet in surface area), and freestanding signs on separate parcels. The term "billboards" does not include real estate, subdivision and subdivision real estate signs.

Canopy means any structure other than an awning attached to a building at the inner end and projected outward either supported or cantilevered. A portico shall be considered a canopy for the purpose of this division.

Device, attention-attracting, means wind-operated mechanisms, flashing lights and any other type of fluttering or flashing object designed or intended to attract the attention of the public, but shall not include three-dimensional signs or those otherwise defined under this division.

Erect means to build, construct, attach, hang, place, suspend or affix a sign to a wall, pole or structure.

DIVISION 2. SIGN CONSTRUCTION AND MAINTENANCE STANDARDS

Facing or surface means any area of a sign upon, against or through which the advertising message is displayed or illustrated on the sign, including structural trim, which displays or upon which is displayed any graphic, message, name or symbol of any kind for the purpose of advertising, announcing, directing or attracting attention from the outside of a building and which can be seen from a single location on an adjacent street; provided that the ends or thickness of a sign shall not be counted as a separate sign face unless an advertising message is displayed thereon.

Flag means a piece of cloth or other flexible material varying in size, shape, color and design, usually attached at one edge to a staff or cord and used as the symbol of a nation, state or city, may also be imprinted with an advertising message or design.

Frontage means the length of the lot along the abutting street. The front of a lot abutting more than one street is considered separate for each street.

Indexing means turning and stopping action of the sections of a multiprism sign designed to show several messages in the same area.

Premises means that portion of a lot or building occupied by a single occupant, exclusive of common area, if any, shared with adjacent occupants. Permitted sign area shall be separately calculated for multitenant, commercial buildings only when said tenants have a separate entrance for their exclusive use.

Shopping center means any area containing four or more shops, stores and other places of business permitted in zoning districts C-O through C-3, and providing off-street parking facilities in common for all of the businesses and their customers.

Sign means a device, flag, illustration, structure or part of a structure, including structural trim, which displays or upon which is displayed any graphic, message, name or symbol of any kind for the purpose of advertising or promoting the interest of any service, establishment, product or person. A cross or other religious symbol on a religious building or site shall not be considered a sign. Sign supports are not a part of the sign for the purpose of computing dimension. The following are types of signs:

- (1) *Animated* means any sign which includes action or motion. For purposes of this division, the term "animated sign" does not refer to flashing, changing or indexing, all of which are separately defined.
- (2) *Awning and canopy* means a sign attached to or illustrated on a canopy or awning, respectively.
- (3) *Banner* means a sign made of any lightweight, nonrigid material such as plastic, vinyl, fabric, or other flexible material with no enclosing framework (including flags of similar material containing distinctive colors, patterns, or symbols used as a attractive device or symbol of a private entity).
- (4) *Changeable (automatic)* means an electronically or electrically controlled time, temperature and date sign, message center or readerboard, where different copy changes are shown on the same location.
- (5) *Changeable copy (manual)* means a sign on which copy or sign panels may be changed manually in the field, such as boards with changeable letters or changeable pictorial panels.
- (6) *Construction* means a temporary sign used during the construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor and/or financing institution of the project.
- (7) *Credit card or charge plate* means any sign advertising the acceptance of, or being a replica of, any credit card plate whether national, local or otherwise.
- (8) *Directional* means a sign which indicates a direction for vehicular or pedestrian traffic or other movement.
- (9) *Flashing* means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source. The term "flashing sign" does not include automatic changing

DIVISION 2. SIGN CONSTRUCTION AND MAINTENANCE STANDARDS

signs such as public service time, temperature and date signs or electronically controlled message centers which are classed as changeable signs.

- (10) *Fluttering* means a sign which flutters and includes pennants, banners, nonofficial governmental flags or other flexible material which moves with the wind or by some artificial means.
- (11) *Freestanding* means any sign erected, constructed or maintained for the purpose of indicating the name of the business, services, articles and products offered when such sign is supported by one or more uprights, posts, poles or braces placed upon or affixed in the ground and not attached to any building.
- (12) *Ground* means any detached sign on the same lot or parcel for the purpose of indicating the name of the business, service, article or product offered, and which has its bottom portion erected upon or supported by the ground, a ground planter box or other support.
- (13) *Institutional* or *governmental* means a sign identifying an institution or government facility.
- (14) *Historic marker, memorial* or *tablet* means a sign that denotes the name of a building or site, date of erection, historical significance, dedication or other similar information.
- (15) *Neon* means a sign using neon gas to illuminate said sign.
- (16) *Nonconforming* means a nonconforming sign is a sign, including the framework and support, which was lawful when constructed, but has become nonconforming as a result of the enactment or amendment of this division. No nonconforming sign shall be extended, enlarged or structurally altered; however, nonstructural alterations or modifications designed to improve the appearance of the sign are permitted and encouraged.
- (17) *Occupational* and/or *identification* means a sign identifying the name of an organization and/or persons occupying a building.
- (18) *On-site informational* means a sign located on a commercial, industrial, institutional, governmental, or other site which gives parking, fire protection, traffic flow (other than directional signs), height clearance, pedestrian or other similar information and which does not advertise the business or use located on said site, except for drive-in restaurant menu signs which are permitted.
- (19) *Political* means a temporary sign advocating or opposing any political proposition or candidate for public office which shall be removed no later than 30 days after a general or special election.
- (20) *Portable* means a sign that is temporarily affixed to one location or is so designed and which has the capability of being moved from one location to another, including any licensed or unlicensed vehicle or trailer which is used as a sign and is either:
 - a. Placed 15 feet to 75 feet back from the sidewalk or placed 15 feet to 75 feet from the street curb if no sidewalk is present and shall not be used at the same location for more than 60 days; or
 - b. Placed more than 75 feet back from the sidewalk or placed more than 75 feet back from the street curb if no sidewalk is present.
- (21) *Projecting* means a sign, other than a wall sign, which is attached to and projects from a structure or building face. The area of double-faced projecting signs is calculated on one face of the sign only.
- (22) *Real estate* means a sign pertaining only to the prospective rental, lease or sale of the property on which it is located. Real estate signs are excluded from the definition of freestanding signs.
- (23) *Roof* means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.
- (24) *Subdivision* means any entry sign identifying a subdivision entry, subdivision name and/or street names within the subdivision.

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- (25) *Subdivision* or *real estate* means a temporary real estate sign advertising an entire residential subdivision.
- (26) *Wall* means a sign attached to or erected against the wall of a building, with the face parallel to the building wall and extending not more than one foot therefrom including signs attached to a mansard or similar decorative roof.
- (27) *Temporary* means a sign which for a specified period not exceeding 60 days, is placed 15 feet to 75 feet back from the sidewalk or placed 15 feet to 75 feet from the street curb or where the street surface ends if no sidewalk is present, and is either:
- Not permanently attached to any structure, building, motor vehicle, or the ground;
 - Intended for a limited display period covering a special event; or
 - Designed and constructed to be movable from one location to another.
- (28) *Vehicular* means any sign permanently attached to a motor vehicle.

Sign area means the area of the sign face. The sign area of a multifaced sign is the sum of the sign areas of each face, including structural trim which can be seen from a single location on an adjacent street and which displays or upon which is displayed any graphic, message, name or symbol of any kind for the purpose of advertising, announcing, directing or attracting attention from the outside of the building. If a sign or letters are attached to a building or suspended in any manner whereby there is no apparent trim or confining border, the sign area shall be computed by drawing imaginary straight lines around generally rectangular margins and measuring the area so encompassed by these lines.

Sign, structure, means the sign and all parts associated with its construction.

(Ord. No. 8738, § 1(31-41), 12-21-1992; Ord. No. 8988, § 1, 1-6-1997; Ord. No. 9563, § 1, 5-21-2007; Ord. No. 9938, § 1, 2-6-2012)

Sec. 64-202. Enforcement, violations and penalties.

- (a) *Enforcement by building official.* Failure to comply with any of the provisions of this division is a municipal ordinance violation and unlawful; and, except as provided elsewhere herein, the building official, or his designee, shall be responsible for the enforcement of this division.
- (b) *Written notice to be given of violations; exceptions.*
- (1) If it is found that a sign is in violation of this division, the building official, or his designee, shall give written notice to the owner of the sign; or if the owner cannot be located within 30 days by the building official, to the owner of the premises on which the sign is located; or, if the sign erection is not complete, to the sign erector.
 - (2) If a real estate sign, garage sale sign, auction sign, notice, political sign, poster or other paper or device, is posted or affixed to any lamppost, public utility pole, shade tree located on the public right-of-way or upon any public structure or building, the building official, or his designee or the city police department are hereby authorized to remove such sign without prior written notice to the owner of the sign.
 - (3) If a real estate sign, garage sale sign or auction sign, is placed in the ground where the real estate, garage sale or auction referred to in such sign is not located, and such sign is placed between the sidewalk and the street or if there is no sidewalk present, such sign is placed within 15 feet of the street curb or where the street surface ends, the building official, or his designee or the city police department are hereby authorized to remove such sign without prior written notice to the owner of the sign.
 - (4) If a political sign, poster or other paper or device, is placed in the ground and such sign is placed between the sidewalk and the street or if there is no sidewalk present, such sign is placed within 15 feet of the street curb or where the street surface ends, the building official, or

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his designee or the city police department are hereby authorized to remove such sign without prior written notice to the owner of the sign.

- (c) *Responsibility.* Any person who shall occupy the premises when the sign is erected or attached, as lessee or licensed operator, shall be jointly and severally responsible for compliance with the provision of this division in the same manner as the owner of the sign and/or the premises, as the case may be.
- (d) *Violations.*
 - (1) *Injunctive relief.* In case any sign is erected, constructed, reconstructed, altered, converted or maintained, or any sign is used in violation of this article, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to restrain, correct or abate such violation. Such regulations shall be enforced by the building official or his designee, who is empowered to cause any sign to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations enumerated herein.
 - (2) *Penalties.* The owner or general agent of a building or premises in or upon which a violation of any provisions of this article has been committed or shall exist; or the lessee or tenant of any part of the building or premises in or upon which such violation has been committed or shall exist, or the general agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any sign in or upon which such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than \$10.00 and not more than \$100.00 for each and every day that such violation continues, but if the offense is willful, on conviction thereof the punishment shall be a fine of not less than \$100.00 or more than \$250.00 for each day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Any such person who, having been served with an order to remove any such violation shall fail to comply with such order within ten days after such service, or shall continue to violate any provision of this article in the respect named in such order, shall also be subject to a civil penalty of \$250.00.

(Ord. No. 8738, § 1(31-54), 12-21-1992)

Sec. 64-203. Purpose.

- (a) *Standards.* This division provides standards for the erection and maintenance of signs. Signs use private land and the sight line created by public rights-of-way to inform and persuade the general public by publishing a message. All signs shall be erected and maintained in accordance with these standards. The provisions of the building and electrical codes of the city shall regulate the construction, alteration and maintenance of all signs and outdoor display signs, with their permanent and auxiliary devices insofar as they do not conflict with the provisions of this division.
- (b) *Purpose.* The general purpose of these standards is to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic quality of the city, and to achieve the following:
 - (1) *Safety.* To promote the safety of persons and property by providing that signs:
 - a. Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
 - b. Do not obstruct fire fighting or police surveillance;
 - c. Do not create traffic hazards by confusing or distracting motorists;
 - d. Do not impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals; and

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- e. Do not otherwise interfere with or detract from the safety of persons or property.
- (2) *Communications efficiency.* To promote the efficient transfer of information in sign messages by providing that:
 - a. Customers and other persons may locate a business or service;
 - b. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
 - c. The messages in signs may otherwise be communicated efficiently.
- (3) *Landscape quality and preservation.* To protect the public welfare and to enhance the appearance and economy of the city, by providing that signs:
 - a. Do not create a nuisance to persons using the public rights-of-way;
 - b. Do not constitute a nuisance to occupancy of adjacent property by their brightness, size, height, or movement;
 - c. Are not detrimental to land or property values;
 - d. Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore said messages, according to the observer's purpose;
 - e. Do not negatively effect the city's tourism industry;
 - f. Do not create or worsen visual clutter or visual blight;
 - g. Do otherwise protect and preserve a quality landscape in the city; and
 - h. Do otherwise enhance the appearance and economy of the city.

(Ord. No. 8738, § 1(31-40), 12-21-1992)

Sec. 64-204. Prohibited signs and devices.

The following types of signs and devices shall be prohibited and any other signs are also prohibited, if such signs and devices are between the sidewalk and the street or if no sidewalk is present, within 15 feet of a street curb or where the street surface ends:

- (1) Attention-attracting devices.
- (2) Fluttering signs, except for the following:
 - a. Banners, pennants and streamers which are secured to a permanent structure located on private property and in which the total sign area does not exceed 36 square feet;
 - b. Flags permitted under [section 64-207](#); and
 - c. Flags of the United States, the state and the city.
- (3) Paper, cardboard or other similar nonpermanent material signs located outside of a building, except for signs not requiring a permit.
- (4) Signs on parking lot light standards other than on-site informational and directional signs as provided for in [section 64-206](#)
- (5) Banners may be placed across the right-of-way at the following locations, with approval in the form of a building permit issued by the community development department.
 - a. Ohio street between Broadway and Main Street. Request for permit must be submitted by Sedalia Downtown Development Incorporated (SDDI);
 - b. Third Street between Vermont and Moniteau. Request for permit must be submitted by Sacred Heart Church.

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The banner shall be approved by the citizens traffic advisory commission (CTAC) and the development review committee (DRC) prior to community development department issuance of a permit. Request shall be reviewed for safety (CTAC, DRC), location including height (CTAC, DRC), and method of mounting (DRC).

- (6) Notices, posters or other papers or devices calculated to attract the attention of the public posted or affixed to any lamppost, public utility pole, shade tree located on the public right-of-way or upon any public structure or building, except as may be authorized by or required by law.

(Ord. No. 8738, § 1(31-42), 12-21-1992; Ord. No. 8988, § 2, 1-6-1997; Ord. No. 9563, § 2, 5-21-2007)

Sec. 64-205. Nonconforming signs.

Any sign existing on the effective date of the ordinance from which this division is derived shall be governed by the following provisions:

- (1) Existing church bulletin boards and signs, institutional or governmental signs, memorial signs, or tablet signs shall not be affected by this division, except that should said signs be removed, replaced or substantially altered, they shall be brought into conformity with this division.
- (2) It shall be unlawful to enlarge, structurally alter or relocate off premises any existing sign, except in accordance with the provisions of this division.
- (3) Portable signs shall be subject to the provisions of this division within nine months from the date of the enactment of the ordinance from which this division is derived.
- (4) Temporary signs shall be subject to the provisions of this Code on the effective date of the ordinance from which this division is derived.
- (5) Any nonconforming sign, prior to the date of enactment of the ordinance from which this division is derived, shall within a period of ten years be made to comply with all of the provisions of this division together with all other ordinances of the city applicable thereto, or be removed. This section shall not be applicable to a sign that has received a variance for its particular location.

(Ord. No. 8738, § 1(31-43), 12-21-1992)

Sec. 64-206. Signs in residential and agricultural districts.

Subject to limitations hereinafter set forth, the following signs shall be permitted in R-1 through R-3, RS and A districts:

- (1) Church bulletin boards.
- (2) Construction signs.
- (3) Directional signs.
- (4) Institutional or governmental signs.
- (5) Memorial signs or tablet signs.
- (6) Political signs.
- (7) Real estate signs.
- (8) Special displays.
- (9) Subdivision real estate signs.
- (10) Subdivision entrance signs.
- (11) On-site informational signs

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- (12) Flags of the United States, state, city, all nations, all states, elementary schools, secondary schools and any institutions of higher learning.
- (13) Signs which prohibit trespassing or indicate private premises, driveways or roads.
- (14) Garage sale and auction signs.
- (15) Occupational signs.

(Ord. No. 8738, § 1(31-44), 12-21-1992)

Sec. 64-207. Signs in C-O through C-3, M-1, M-2 or PUD districts.

Subject to limitations hereinafter set forth, only the following signs shall be permitted in C-O through C-3, M-1, M-2 or planned unit development (PUD) districts:

- (1) All signs and flags permitted in residential districts.
- (2) Freestanding sign / Ground sign (one (1) of either type per building on site).
- (3) Canopy or awning or umbrella sign (umbrella's must be associated with outdoor eating or public seating space). Words, letters, numerals, figures, devices, designs or trademarks and logos on awnings and canopies attached directly to the main structure shall not exceed coverage of one-half (1/2) of the face of the canopy or awning. Awning and canopy signage shall be included within the maximum wall sign area total for each use. Canopy signs shall be internally or non-illuminated, and awning signs shall be non-illuminated. An awning or canopy sign must be an integral part of the awning or canopy to which it is affixed and may only be placed on first and/or second story building elevations. No awning sign may project above, below, or beyond the edges of the face of the building wall or architectural element on which it is located.
- (4) Occupational or identification sign.
- (5) Wall sign (1 sign per façade; no larger than ten (10) percent of the façade area).
- (6) Neon sign.
- (7) Projecting Sign. A projecting sign is a sign affixed to a wall of a building that extends more than 12 inches from the surface of such wall, usually perpendicular to the wall surface. Such signs are only permitted in the C-2 and PUD districts, shall maintain a clearance of eight (8) feet above finished grade and shall not extend more than 5 feet from the wall. In no case shall a projecting sign extend above a public street. Such signs shall not exceed thirty-two (32) square feet in area. Projecting signs must be located on the vertical surface of a building. Such signs shall not extend above the top of the roof or parapet line. Projecting signs may be non-illuminated, internally illuminated or externally illuminated and are subject to other applicable regulations. (8) Roof sign (as part of master sign plan).
- (9) Portable sign.

(Ord. No. 8738, § 1(31-45), 12-21-1992)

Sec. 64-208. Signs in C-O through C-3, M-1, M-2 or PUD districts contiguous to U.S. highways.

Subject to limitations hereinafter set forth, only the following signs shall be permitted in C-O through C-3, M-1, M-2 or planned unit development (PUD) districts contiguous to U.S. highways:

- (1) Any sign permitted in C-O through C-3 districts.
- (2) Billboards

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(Ord. No. 8738, § 1(31-46), 12-21-1992)

Sec. 64-209. Standards for signs.

The following standards and conditions shall be applicable to the signs listed herein:

- (1) Directional signs shall be subject to the following restrictions:
 - a. All sign supports and frames shall be of a permanent material.
 - b. Signs may be double-faced not to exceed six square feet per face. Said dimensions shall be exclusive of sign trim or supports.
 - c. Signs shall be located so as not to obstruct the view of motorists.
 - d. At least 50 percent of any directional sign face shall contain one of the following words, phrases or similar traffic directions:
 1. Entrance or entrance only.
 2. One-way.
 3. Exit or exit only.
 4. Do not enter.
 5. No exit or no entrance.
 6. Drive-in or drive-through window.
 7. Right turn only or no left turn.
 8. Loading area, parcel pickup area or loading zone.
 9. Service vehicles only or no trucks.
 10. Directional arrows.
 - e. In the remaining 50 percent of the sign face, there may be provided the name of the business center, development or name of the use or building, trademark, logo or similar matter.
 - f. There shall be no more than two such signs per entry/exit unless said entry/exit is divided by a raised median in which case each side shall be treated as a separate entry/exit.
- (2) Church, institutional and governmental signs shall be subject to the following restrictions:
 - a. Shall not be over 36 square feet in sign area, nor exceed a total height of seven feet above grade at its base.
 - b. No more than one sign shall be placed on each road frontage.
 - c. Shall be located only on the property of a governmental agency, on not-for-profit institutional property or private property with the owner's permission.
 - d. No direct light shall be cast upon any residential property from sign illumination.
- (3) Real estate, garage sale and auction signs shall be subject to the following restrictions:
 - a. Nonilluminated.
 - b. Not greater than 32 square feet per sign face.
 - c. Real estate, garage sale and auction signs giving directions and located on the premises to which they do not pertain shall not be in use more than 48 hours per week.
 - d. Real estate, garage sale and auctions signs shall not be posted or affixed to any lamppost, public utility pole, shade tree located on the public right-of-way or upon any public structure

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or building nor shall such signs be placed in the ground between the sidewalk and the street and if there is no sidewalk present, no such signs shall be placed within 15 feet of the street curb or where the street surface ends.

- e. Garage sale signs shall be removed no later than 30 days after said sale has taken place.
- (4) Special displays shall be subject to the following restrictions:
- a. Temporary signs pertaining to special events may be displayed by any church, not-for-profit institution or governmental agency, provided that such signs are not displayed for a period longer than 15 days, nor shall any such sign be permitted more often than once each 60 days, nor shall such sign be larger than 200 square feet.
 - b. Portable signs not exceeding 40 square feet may be used for grand openings for a period not to exceed 30 days.
 - c. The name or logo of the business may appear on the special display.
- (5) Subdivision real estate signs shall not exceed 64 square feet per sign face and shall be maintained in good repair and shall be removed when 95 percent of the lots in said subdivision have been sold, subject to the following conditions:
- a. One sign per subdivision entrance; and
 - b. Each subdivision may have one off-premises sign located within 1,000 feet of the exterior boundary of the subdivision.
- (6) Subdivision entrance signs shall conform to standards for ground signs and may be illuminated, provided such illumination does not shine directly onto adjacent residences.

(Ord. No. 8738, § 1(31-47), 12-21-1992)

Sec. 64-210. Ground signs.

Ground signs shall be subject to the following restrictions:

- (1) Shall be located so as to not obstruct vision at an intersection or a vehicular entry or exit from the property.
- (2) May be supported by posts or poles that do not exceed a height of two feet plus a planter box, if used, at least six inches but not more than 24 inches average elevation in height. The sign shall not exceed a height of six feet above the prevailing grade, nor a length of eight feet.
- (3) Shall have a maximum size of 48 square feet.
- (4) One ground sign shall be allowed for each building fronting a public street. The foregoing, however, is subject to the specific provisions of this division regarding the total number of signs allowed for each business.

(Ord. No. 8738, § 1(31-48), 12-21-1992)

Sec. 64-211. Freestanding signs.

Freestanding signs shall be subject to the following restrictions:

- (1) One freestanding sign shall be allowed for each building fronting a public street. The foregoing, however, is subject to the specific provisions of this division regarding the total number of signs allowed for each business.
- (2) The bottom of all such signs shall be at least seven feet above the main ground level on which the signs are placed, and shall not exceed a height of 35 feet above the nearest adjacent street level.

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- (3) Every freestanding sign shall be constructed and anchored securely in conformity with the provisions for materials, loads and stresses in the city's building and electrical codes. The effect of special local wind pressures shall be thoroughly considered in the design; but each such sign must meet wind loads specifications in the city's current building code as set forth in article IV of [chapter 10](#)
- (4) A freestanding sign may have an area of 64 square feet, or three-fourths square foot of sign face for every foot of frontage of the business advertised, whichever is greater; however, the maximum allowable size for any freestanding sign shall be 700 square feet.
- (5) The sign must be so located that no part of it projects beyond a one-foot setback line from the property line of the street on which it abuts, or closer than one foot to an interior property line.

(Ord. No. 8738, § 1(31-49), 12-21-1992)

Sec. 64-212. On-site informational signs.

On-site informational signs shall be subject to the following restrictions:

- (1) Each sign shall not be more than six square feet per sign face, nor exceed a height of ten feet from ground level; and
- (2) Each sign shall be constructed of permanent, weatherproof materials.

(Ord. No. 8738, § 1(31-50), 12-21-1992)

Sec. 64-213. Billboards.

Billboards shall be subject to the following restrictions:

- (1) Billboards shall not be located within 300 feet of any residentially zoned property and shall only be located along U.S. Highway 50 or 65 within the city limits and District C-2, General Business as provided for exclusively in and by sub-paragraph 4 below.
- (2) Billboards shall not be erected within 1,200 feet of one another on the same side of the road. Double-faced sign structures having parallel sign surfaces and adjacent sign structures having touching sign surfaces with an angle no greater than 90 degrees between sign surfaces, provided they do not exceed the sign surface requirements, shall not be prohibited by this requirement. Such minimum spacing distance shall be measured along the centerline of the U.S. highway from a point opposite any edge of a billboard and perpendicular to the centerline of such highway.
- (3) The maximum gross area of any billboard shall not exceed 480 square feet. For purposes of this provision, each side of a billboard shall be considered a separate sign.
- (4) No billboard shall be attached to the roof or wall of any building, except in District C-2, General Business where this is the only type of billboard allowed
- (5) No new billboard shall hereafter be erected having more than one viewable sign face which is directed toward the same lane of traffic.
- (6) Billboards may be illuminated by electrical lighting of the surface of the sign face; however, no flashing, blinking or intermittent lighting of billboard sign faces shall be allowed.
- (7) Billboards shall not exceed a height of 35 feet above the nearest adjacent street level.
- (8) Every billboard shall be constructed and anchored securely in conformity to the provisions for materials, loads and stresses in the city's building and electrical codes. The effect of special local wind pressures shall be thoroughly considered in the design; but each such sign must meet wind loads specifications in the city's current building code as set forth in article IV of [chapter 10](#)

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(9) No billboard in District C-2, General Business shall be electronically automated (ie. Video).

(Ord. No. 8738, § 1(31-51), 12-21-1992)

Sec. 64-214. Application for a sign permit.

- (a) Application for a permit shall be made to the building official or his designee upon a form provided by said building official, and shall be accompanied by such information as may be required to ensure compliance with all appropriate laws and regulations of the city, including, but not limited to:
- (1) Name, address, and business license number of the permit applicant;
 - (2) Name and address of the owner of the sign;
 - (3) Name and address of the owner and the occupant of the premises where the sign is located or to be located;
 - (4) Clear and legible drawings with a description showing the precise location of the sign which is the subject of the permit and all other existing signs on the same premises or as otherwise specified by the building official or his designee;
 - (5) Drawings showing the dimensions, construction supports, sizes, materials of the sign, and method of attachment and character of structural members to which attachment is to be made;
 - (6) The following types of signs do not require a permit:
 - a. Real estate signs;
 - b. Political signs;
 - c. Flags;
 - d. No trespassing signs;
 - e. Auction signs;
 - f. Garage sale signs;
 - g. Birth announcement signs;
 - h. Birthday signs;
 - i. Banners;
 - j. Pennants; and
 - k. Streamers.
 - (7) Payment of the cost of said permit shall be as set forth in the city's fee schedule, with the permit valuations including the total value of work inclusive of materials and labor;
 - (8) Any other information required by the building official or his designee.
- (b) The building official or his designee shall issue a permit for work to be done on a sign when an application therefor has been properly made and the sign complies with all appropriate laws and regulations of the city.

(Ord. No. 8738, § 1(31-52), 12-21-1992; Ord. No. 8988, § 3, 1-6-1997; Ord. No. 9237, § 1, 4-2-2001)

Sec. 64-215. General restrictions on sign regulations and maintenance.

Except as hereinafter provided, all signs shall be subject to the following general construction standards and maintenance standards:

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- (1) The building official, or his designee, shall initiate the necessary procedures to remove any sign of immediate danger or hazard to persons or property, as provided in the city's current building code as set forth in article IV of [chapter 10](#), relating to the abatement of dangerous buildings.
- (2) No signs or other advertising structure regulated by this division shall be erected in such a manner as to obstruct free and clear vision; or at any location where, by reason of its position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "look," "drive-in," "danger," or any word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- (3) All outdoor signs and supports shall be weather-resistant and shall be maintained in good repair so as to prevent rust, peeling, flaking or fading. Broken panels, missing letters, flaking or peeling paint and other visual damage to a sign shall be repaired within 45 days of notice to repair.
- (4) Illuminated signs shall be oriented so as to prevent casting light onto residential properties.

(Ord. No. 8738, § 1(31-53), 12-21-1992)

Sec. 64-216. Appeals and variances.

Within the purview of its jurisdiction, the zoning board of adjustment is empowered to review or modify, the building official or his designee's order or determination, with respect to signs covered by this division and may consider variances as provided by law.

(Ord. No. 8738, § 1(31-55), 12-21-1992)

Sec. 64-217. Historic marker signs.

Historic marker signs placed in the public right-of-way on the sidewalks of the central business and cultural district are limited to signs owned by the City of Sedalia and shall be subject to the following restrictions:

- (1) One freestanding historic marker sign shall be allowed in the public right-of-way for each building fronting a public street, but with a minimum of 25 feet between historic marker signs.
- (2) The bottom of all such signs shall be at least four feet six inches above the main ground level on which the signs are placed, and shall not exceed a height of seven feet above the main ground level.
- (3) Every historic marker sign shall be constructed and anchored securely in conformity with the provisions for materials, loads and stresses in the city's building and electrical codes.
- (4) A historic marker sign shall not exceed 24 inches in width and 24 inches in height.
- (5) Historic marker signs must be so located that no part of it projects beyond a one-foot set-back line from the street curb line of the street on which it abuts, or closer than three feet to a building property line to allow for ADA (American Disability Act) standards on pedestrian access.
- (6) Historic marker signs must be so located that placement does not interfere with the opening of car passenger doors. The sign must be placed even with parking stripe marker between designated parking spaces. In the instance that a parking stripe marker does not exist at the location the city engineer has discretion for proper placement.
- (7) Historic marker signs shall be located so as not to obstruct the view of motorists.
- (8) All historic marker signs and support poles shall be of permanent material consistent with the historic environment of the district and must be consistent with the historic streetscape design.
- (9) Historic marker signs are first subject to approval of content and placement by the central business and cultural district board of directors. Historic marker sign applications and funding of

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such will be reviewed at regularly scheduled monthly CBCD board meetings. Final approval of historic marker signs, upon favorable recommendation by the CBCD, is subject to City of Sedalia City Council.

(Ord. No. 9938, § 2, 2-6-2012)

Secs. 64-218—64-330. Reserved.

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[Sec. 64-331. Purpose and intent.](#)

[Sec. 64-332. General provisions.](#)

[Sec. 64-333. Contents of application.](#)

[Sec. 64-334. Review of application.](#)

[Sec. 64-335. Conditions and restrictions.](#)

[Sec. 64-336. Decisions and records.](#)

[Sec. 64-337. Effect of approval of application.](#)

[Sec. 64-338. Conflicting provisions.](#)

[Sec. 64-339. Amendment.](#)

Sec. 64-331. Purpose and intent.

- (a) A master sign plan application may be approved for the purpose of establishing consistent, logical, and equitable signage for:
 - (1) Multiple uses on a single property;
 - (2) A building group of a single use or multiple uses that may involve multiple compact and contiguous properties; or
 - (3) A large tract that contains a single use with multiple services.
- (b) The main intent of a master sign plan is to provide clarity of communication regarding tenants and services to users of the premises or building group. A master sign plan is not intended to provide special or additional signage allowance in terms of total effective area than would otherwise be permitted by division 2 of this article.

(Ord. No. 9692, § 31-57, 11-17-2008)

Sec. 64-332. General provisions.

- (a) The planning and zoning commission may approve the establishment of a master sign plan for:
 - (1) Two or more commercial, office, or industrial uses on a single property or lot;
 - (2) An identifiable building group such as but not limited to, a medical, university or college campus, industrial or office park, or shopping center; or
 - (3) Any other site containing at least five acres of land area.
- (b) Except for specifically permitted variations from the spacing and number of signs in the approved master sign plan, all other signs within the area defined within the master sign plan shall comply with all provisions of this division.
- (c) Master sign plans shall prescribe the standards of size, number and types of signage permitted. No other signs shall be permitted except signs that are directional in nature which are listed under [section 64-209](#)(1) or function as on-site informational signs as described in [section 64-212](#)
- (d) No freestanding sign shall exceed the maximum effective area permitted by [section 64-211](#), nor shall the total effective area of detached, projecting and roof signs exceed what sections [64-211](#) through [64-216](#) would otherwise permit.

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- (e) No freestanding sign shall exceed the maximum height of 35 feet, permitted by [section 64-211](#)
- (f) The provisions of this division shall not apply to off-premises signs, which are signs that are not on the subject property.
- (g) The provisions of this division shall only apply to on-premises signs or signs relating to activities within the area that the master sign plan is to serve.
- (h) Detached signs supported by a pole are not permitted unless the pole is concealed. Different types of signs, as identified by the specific master sign plan (development identification, tenant identification, directional, etc.), may be constructed of different materials.
- (i) Any changeable message or image shall be displayed on the sign for at least ten seconds without any change of movement.

(Ord. No. 9692, § 31-58, 11-17-2008)

Sec. 64-333. Contents of application.

All applications shall be filed at least 45 days prior to a regularly scheduled public meeting where the application will be reviewed by the planning and zoning commission. The application shall contain the following information as well as such additional information as may be described by rule of the planning and zoning commission or the community development director:

- (1) The applicant's name and address and his legal interest in the subject property;
- (2) The owner's name and address, including trustees, and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his behalf;
- (3) The street addresses (or common description) and a copy of the deed of record or legal descriptions of the property as prepared by and certified by a land surveyor, abstractor, title company or attorney;
- (4) The zoning classification of the subject properties;
- (5) The current and proposed use of the subject properties;
- (6) A statement from the applicant describing how the proposed master sign plan:
 - a. Addresses the eight review criteria listed in [section 64-334](#); and
 - b. Provides more consistent, logical, and equitable signage than would be permitted by applying the sign requirements division 2 of this article.
- (7) A scaled site plan showing:
 - a. Location of the buildings, parking lots, property lines, easements, driveways and landscaped areas on the subject properties;
 - b. Any additional information necessary to address the eight review criteria listed in [section 64-334](#) such as, significant natural topographic or physical features of the site; and
 - c. The proposed location of each current and proposed sign of any type.
- (8) The standards of consistency among all signs with regard to:
 - a. General location of each sign on buildings and structures;
 - b. Effective area limitations, which may be based on length of street, frontage, area of building or some other form of calculation; and
 - c. Materials to be used for detached sign support structures.

(Ord. No. 9692, § 31-59, 11-17-2008)

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Sec. 64-334. Review of application.

The planning and zoning commission shall review and either approve, deny or amend all applications for master sign plans. No review of a master sign plan application shall be done by the planning and zoning commission unless the community development director, or his duly designated delegate, has certified to the planning and zoning commission that the application is complete, based on the information required by [section 64-333](#), and does not contain or reveal violations of this division or other applicable regulations. The planning and zoning commission in considering whether or not to approve, deny or amend an application for a master sign plan shall be guided by the general purpose of this section and the following:

- (1) The proposed master sign plan will be consistent with the adopted policies of the city comprehensive plan;
- (2) The proposed master sign plan has the potential to improve the safety and convenience of the motoring public and of pedestrians using the property and the area immediately surrounding the property;
- (3) The location, lighting and type of signs proposed and the relationship of signs to traffic control is appropriate for the property;
- (4) The proposed signs will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations;
- (5) The proposed signs, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment or function of any significant natural topographic or physical features of the site;
- (6) The proposed signs will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance;
- (7) The proposed signs, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way; and
- (8) The proposed signs will not have any substantial or undue adverse effect upon, or will not lack amenity or be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.

(Ord. No. 9692, § 31-60, 11-17-2008)

Sec. 64-335. Conditions and restrictions.

In approving a master sign plan application, the planning and zoning commission may impose such conditions, safeguards and restrictions upon the premises benefited by the master sign plan as may be necessary to comply with the requirements of this division or to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such master sign plan upon other property in the neighborhood, and to carry out the general purpose and intent of this division. Such conditions shall be set out in the approval of the master sign plan application.

(Ord. No. 9692, § 31-61, 11-17-2008)

Sec. 64-336. Decisions and records.

- (a) The planning and zoning commission shall, within 30 days after the public hearing is concluded, approve or deny an application for a master sign plan. If the application is denied, the planning and zoning commission shall state the reasons for denial in writing to the applicant and shall also make

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suggestions in regard to appropriate changes. In the event that an application is denied, the applicant may:

- (1) Resubmit a revised application within 45 calendar days of denial by the commission for reconsideration by the commission; or
 - (2) File an appeal to the zoning board of adjustment within 15 days of the denial by the planning and zoning commission.
- (b) The secretary of the planning and zoning commission shall maintain complete records of all actions of the commission with respect to applications for master sign plans.

(Ord. No. 9692, § 31-62, 11-17-2008)

Sec. 64-337. Effect of approval of application.

- (a) After approval of a master sign plan application, no sign shall be erected, placed, reconstructed, structurally altered, or moved except in conformance with the master sign plan.
- (b) The approval of a master sign plan application shall not authorize the erection, placement, reconstruction, structural alteration or moving of any sign, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals, which may be required by the codes and ordinances of the city, including, but not limited to, a building or sign permit. Each sign shall be required to have a separate permit.

(Ord. No. 9692, § 31-63, 11-17-2008)

Sec. 64-338. Conflicting provisions.

In case of any conflict between the provisions of a master sign plan and any other provisions of this division, this division shall prevail.

(Ord. No. 9692, § 31-63, 11-17-2008)

Sec. 64-339. Amendment.

A master sign plan may be amended by filing a new master sign plan application that conforms to all requirements of this division.

(Ord. No. 9692, § 31-64, 11-17-2008)