**Chapter 26**

**PLANNING AND ZONING**

**ARTICLE II**

**ZONING\***

**DIVISION 3. TITLE, PURPOSE, DEFINITIONS, GENERAL PROVISIONS**

**Sec. 26-37. Title and Purpose.**

 This Article, and the *Official Zoning Map* made a part hereof, shall be known and may be cited as the *Potosi Planning and Zoning Code.*

 This Article is adopted in order to promote the health, safety, morals, and the general welfare of the community by regulating the height, number of stories, and the size or bulk of buildings and other structures, lot coverage, the size of yards and other open spaces, the density of population and the location and use of buildings and structures for trade, industry, residences or other purposes. Additional purposes include the conservation and protection of property values and the economic use of property as well as the prevention of traffic congestion and the mitigation of adverse environmental impacts from the conduct of business in Potosi. (Ord. 827, §1)

**Sec. 26-38. Regulated Activities.**

 (a) **Territorial Application of Regulations:** The regulations and restrictions in this Article shall apply to all buildings, structures, and land uses within the corporate limits of the City of Potosi, unless otherwise exempted or grand‑fathered by other provisions of this Article.

 (b) **Application to New Uses of Existing Structures:** If a use of any building or structure is hereafter changed to another use, then the new use must comply with the use regulations of this Article, but the establishment of a new use does not require an existing building or structure to conform to the lot size, open space or bulk regulations of this Article.

 (c) **Application for Expansion and Enlargement:** If any building or structure is expanded or enlarged after the effective date of this Article:

(1) The entire building or structure shall comply with the use regulations of this Article;

(2) Any expansions or enlargements of a building or structure shall comply with the bulk and open space regulations of this Article, and

(3) The off‑street parking facilities shall not be reduced below the minimum requirements applicable to a similar new building, structure or use.

**CROSS REFERENCES:**

**Buildings, Ch. 5; Floor Control, Ch. 12; Parks and Recreation, Ch. 20; Planning and Zoning Commission, Art. I of this Chapter; Streets and Sidewalks, Ch. 22; Subdivisions, Art. III of this Chapter; Utilities, Ch. 25.**

**\*NOTES:**

**Ordinance 827 Zoning Ordinance of the City of Potosi, repeals the following ordinances: (Ord. 393; Ord. 479; Ord. 514; Ord. 628; Ord. 650; Ord. 651; Ord. 661; Ord. 662; Ord. 678; Ord. 699; Ord. 701; Ord. 703; Ord. 780)**

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475 (d) **Application to Existing Uses, Buildings and Structures:** Any use, building or structure that does not conform to the regulations of this Article, but were lawful and conforming when established or constructed, may continue subject to the restrictions under Division, 16 pertaining to non‑conforming uses.

 (e) **Application to Existing Variances, Special Exceptions and Use Permits:** Variances, special exceptions and special use permits granted prior to the effective date of this Article shall remain valid provided the use authorized has been established. However, no such building, structure or use shall be altered, changed or expanded unless a conditional use permit has been granted pursuant to Division 13.

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 (f) **Application to Open Land Uses:** If any use of open land is established or if any use of open land is changed to another use after the effective date of this Article, such new use shall comply with all of the regulations of this Article. (Ord. 827, §1)

**Sec. 26-39. Rules of Interpretation.**

 When referring to this Article, the following rules of interpretation shall be applied, except when the context clearly requires otherwise.

 (a) The word *shall is* always mandatory and not discretionary. The word *may is* permissive*.*

 (b) Words used in the present tense shall include the future and words used in the singular include the plural and the plural the singular, unless the context clearly indicates the contrary.

 (c) The use of the male pronoun includes the use of the female pronoun.

 (d) The word *person* includes individuals, firms, corporations, associations and any other similar entities.

 (e) The words *parcel, site,* or *tract* are synonymous and are general terms for the description of land.

 (f) The word *City* means the area of jurisdiction of the City of Potosi, Missouri. (Ord. 827, §1)

**Sec. 26-40. Definitions.**

 Words found in the text or tables of this Article shall be interpreted in accordance with the provisions set forth in this Section. Where words have not been defined, the standard dictionary definition shall prevail. The following terms are hereby defined:

 *Adult business:* Any business:

(1) That has a substantial or significant purpose (at least 30% of total sales) the sale or rental of merchandise that is intended for use in connection with specified sexual activities; or that emphasizes matters depicting, describing, or relating to specified sexual activities or specified anatomical areas; or

(2) That has one of its regular and substantial business purposes:

(a) The providing of entertainment where the emphasis on performances, live or otherwise, that depict, portray, exhibit or display specified anatomical areas or specified sexual activities; or

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(b) The providing of services that are intended to provide sexual arousal or excitement or that allow observation of specified sexual activities or specified anatomical areas ancillary to other pursuits, or allow participation in specified sexual activities ancillary to other pursuits.

*Accessory structure or building:* A structure that is subordinate to and serves a principal structure; is subordinate in area, extent or purpose; and is located on the same lot with the main use or building.

 *Acre:* Ameasure of land area containing forty three thousand five hundred sixty (43,560) square feet.

 *Agricultural activity:* The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, excluding feed lots, stockyards, and animal slaughter or meat processing facilities.

 *Alley:* A public way that extends only secondary means of access to abutting property.

 *Alteration, structural:* Anychange in a supporting member of a building.

 *Apartment:* Aroom or suite of rooms in an apartment house arranged, designed or occupied as the residence of an individual or family.

 *Apartment structure:* Same as "Dwelling, multi‑family."

 *Automobile sales:* An open area, other than a street or required automobile parking space used for the display or sale of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

 *Automobile service station:* Any premises used for supplying gasoline, oil, diesel and liquefied petroleum gases, at retail direct to the customer, including minor accessories and services for vehicles.

 *Automobile wrecking or salvage yard:* An open area used for dismantling or wrecking of any type of used vehicles or the storage, sale or dumping of dismounted or wrecked vehicles or their parts and accessories.

 *Bar:* See *Tavern.*

 *Basement:* A story partly or wholly below grade. For purposes of height measurement a basement shall be counted as a story where more than one‑half (1/2) of its height is above the average level of the adjoining ground.

 *Berm:* A mound of earth, typically located in a buffer‑yard to shield or block noise, lights or other nuisances.

 *Boarding, rooming and lodging house:* Abuilding other than a motel where lodging and/or meals is provided by the owner or operator for three (3), but not more than five (5) persons for compensation.

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477 *Buffer-yard:* Land area typically containing trees, shrubs and other plants, berms, fences or walls and used to visibly separate one use from another or to limit nuisances.

 *Building:* A structure having a roof supported by columns or walls designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels or other property.

 *Building codes:* The *Building Code* of the City of Potosi, Missouri together with electrical, plumbing, fire, and any related code(s), including any regulations adopted in conformance therewith.

 *Building unit, group:* Two or more buildings (other than dwellings) grouped upon a lot and held under single ownership, such as universities, hospitals, and institutions.

 *Building line:* Aline located a minimum horizontal distance from the center of the street and parallel thereto, beyond which no part of a building shall extend.

 *Building, front of:* The side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.

 *Building, principal:* A building in which is conducted the principal use of the lot on which it is situated.

 *Bulk requirements:* Standards that control the height, lot coverage, and location of structures.

 *Bulk storage:* The storage of chemicals, petroleum products and other materials in above ground containers for resale to distributors or retail dealers or outlets.

 *Cemetery:* Property used for the interring of the dead, including mausoleums.

 *Child care center:* Astate licensed child day care facility permitted to serve more than ten (10) unrelated children and required to utilize a commercial grade kitchen.

 *Child day care:* The care of a child away from his own home on either a commercial or noncommercial basis for any part of a twenty‑ four (24) hour period.

 *Child care home, family:* A state licensed child care facility permitted to serve no more than ten (10) children.

 *Child day care home:* An unlicensed child day care facility permitted to serve no more than four (4) children.

 *Church:* A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of religious services and associated accessory uses.

 *Clinic, medical or dental:* An institution or station for the examination and treatment of all ill and affected out patients where overnight lodging is limited to one (1) night.

 *College:* An institution that provides post‑secondary educational program, including classrooms, laboratory and administration buildings, libraries, dormitories, dining halls, student centers, auditoriums, chapels, gymnasiums, stadiums, fraternities, sororities, etc.

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 *Community center:* A building for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated primarily for commercial gain.

 *Community treatment center:* Structures and land used for the inpatient and/or outpatient treatment of alcohol and other drug abuse, for the evaluation of treatment needs, and /or for services to family members of patients in a program accredited by the Department of Mental Health/Division of Alcohol and Drug Abuse, the Commission for the Accreditation of Rehabilitation Facilities, the Joint Commission for the Accreditation of Hospitals, or the American Osteopathic Association.

 *Conditional use:* A use permitted in a particular zoning district only upon showing that such use in a specific location will comply with all the conditions and standards for the location or operation of such use as specified in this Article and authorized by Board of Aldermen.

 *Condominium:* A building, groups of buildings or property in which units are owned individually and all the owners on a proportional, undivided basis own the common elements.

 *Convenience store:* A retail establishment typically having a gross floor area of five thousand (5,000) square feet or less; primarily selling petroleum products, foods, as well as other household goods customarily sold in larger food markets and supermarkets.

 *Conversion* The adding of a dwelling unit to an existing structure by lawful alterations made within the existing walls of the structure, without increasing the floor area of the existing structure.

 *Curb grade:* The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the city engineer shall establish such curb grade or its equivalent for the purpose of this Article.

 *Dance hall:* Any place open to the public in which persons move with either backward, forward or side steps, accompanied by music.

 *Depth of rear yard:* The horizontal distance between the rear line of the main building nearest the rear property line, otherwise the rear lot line.

 *District:* A section of the City of Potosi, for which the regulations governing the areas, heights or uses of buildings or lots are uniform.

 *Drive-in facility:* A facility, typically accessory to a principal use, which encourages or permits customers to order, receive and consume goods and services while remaining in their motor vehicles.

 *Duplex:* A structure on a single lot containing two dwelling units, each of which is totally separated from the other.

 *Dwelling:* Abuilding or portion thereof designed exclusively for residential occupancy, each with separate toilets and kitchen facilities and intended to function as separate dwelling units with, for example, individual utility meters, addresses, etc., but not including hotels, motels, boarding, rooming or lodging houses; and institutional care facilities.

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479 *Dwelling, single-family:* All single-family dwellings shall have an exterior dimension, excluding garages, carports, and accessory structures, of not less than twenty four (24) by forty (40) feet. In addition, single-family dwellings shall:

(1) Be attached to a continuous permanent foundation meeting building code and manufacturer’s specifications; and

(2) Maintain a minimum of eighteen (18) inches crawl space under the entire dwelling, if not used with a basement; and

(3) Have permanent steps at all exits.

 *Dwelling, single‑family detached:* Adetached building surrounded by open space on the same lot designed exclusively for occupancy by one family or a foster home which provides 24‑hour care for seven or less unrelated children.

 *Dwelling, two‑family:* See *Duplex*

 *Dwelling & single-family semi‑detached:* Adwelling unit attached to one or more dwelling units by common vertical walls without opening, each unit located on a separate lot of record.

 *Dwelling, multi‑family:* Abuilding or portion thereof arranged, designed or occupied as a residence by three or more individuals or families having separate quarters and living independently of each other.

 *Economic hardship:* When the landowner cannot economically utilize the property and it is impractical to sell or lease it or no market exists for it at a reasonable price.

 *Efficiency apartments:* Abuilding occupied or designed for living units in apartments containing not less than three hundred (300) square feet per apartment; excluding public halls, corridors, or stairways.

 *Family:* The following living arrangements shall constitute a family:

(1) One (1) or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit; or

(2) Three (3) or less unrelated persons living as a single housekeeping unit; or

(3) Two (2) unrelated persons, plus their biological, adopted or foster children or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit.

 Domestic servants, employed on the premises, may be housed on the premises without being counted as part of a family. The term *family* shall not be construed to mean fraternity, sorority, club or institutional group.

 *Farming or truck gardening:* Atract of land cultivated by an owner or tenant for the purpose of supplying provisions or food.

 *Feedlot:* A confined land area for fattening cattle or other animals or temporarily holding such animals for sale or shipping.

 *Flashing light:* Acontinuously intermittent light or sequential light; but not including animation or lighting that changes the copy of a sign

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 *Frontage:* Allthe property fronting on one side of a street between the two nearest intersecting streets, or other natural barriers.

 *Front lot line:* The line of the lot adjacent to the street on interior lots. On corner lots it is the prolongation of the front lot line of an interior lot.

 *Funeral home:* Abuilding used for the preparation of the deceased for burial and display, with ceremonies connected therewith before burial or cremation, but shall not include facilities for cremation.

 *Garage, private:* Adetached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises. Not more than one (1) of the vehicles stored therein may be a commercial vehicle of not more than three (3) tons capacity.

 *Garage, public:* A garage, other than a private garage, where motor vehicles are equipped for operation, repaired, altered, or stored for remuneration, hire, or sale.

 *Glare:* The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

 *Greenhouses:* Abuilding consisting of glazed frames or sashes, used for the purpose of cultivating plants too tender to endure open air.

 *Gross floor areas:* The gross floor area of an apartment house shall be measured by taking an outside dimension of the apartment building at each floor level excluding, however, the floor area of basements or attics when not occupied as living quarters.

 *Group home, residential:* Asingle family dwelling in which no more than ten ( 10) people reside, comprised of the following: eight or fewer unrelated mentally or physically handicapped persons, no more than two (2) persons acting as house parents or guardians who need not be related to each other or to any of the handicapped persons residing in the dwelling, and the children of the house parents or guardians.

 *Height:* The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher; or if no street grade has been established to the highest point of the roofs surface. In measuring the height of a building the following structures shall be excluded: Chimneys, cooling towers, radio towers, ornamental cupolas, domes, or spires, elevator bulk heads, pent houses, tanks, water towers, and parapet walls not exceeding four (4) feet in height.

 *Home occupation:* Same as Customary home occupations.

 *Hospital:* An institution or place where sick or injured patients are given medical or surgical care, whether at public or private expense.

 *Hospital, animal:* An establishment where there are facilities to lodge animals that are being treated by a veterinarian.

 *Hotel:* A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals in which, as a rule, the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, and in which there are more than twelve sleeping rooms.

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 *Hotel apartment:* A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

 *Impervious surface:* Any part of a lot that is covered by buildings, structures, parking areas, driveways, and any other surfaces which reduce or prevent absorption of storm water.

 *Kennel:* Any lot or premises on which four or more dogs, more than four months of age, are kept for commercial purposes.

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

 *Lot:* Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of these regulations, having not less than the minimum area required by these regulations for a lot in the district in which such land is situated, and having its principal frontage on a street or such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit or certificate of occupancy for a building on such land.

 *Lot area:* Thetotal horizontal area within the boundary lines of a lot.

 *Lot, corner:* Alot situated at the intersection of two or more streets.

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

 *Lot, front of:* The front of a lot shall be considered to be that side on the lot that fronts on a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot. In case the corner lot has equal frontage on two or more streets, the lot shall be considered to front on that street with the greatest number of lots front.

 *Lot, interior:* A lot other than a corner lot.

 *Lot lines:* The lines bounding a lot as defined herein.

 *Lot of record:* A lot that exists as shown or described on a plat or deed in the records of the County Recorder of Deeds and as approved under *Chapter 26, Article III, Subdivisions.*

 *Lot, reversed corner:* Acorner lot the side street line of which is substantially a continuation of the front lot line of the lot or lots to its rear.

 *Lot, through or double frontage:* A lot having frontage on two parallel or approximately parallel streets.

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

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 *Luminaire:* A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

 *Manufactured home:* A factory-built structure that is manufactured or constructed under the authority of 42 United States Code Sec. 5401 bearing a seal issued by the U.S. Department of Housing and Urban Development according to Missouri Statute 700.010 et seq. and meets current building code standards. It is to be used as a place of human habitation, but which is not equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame wheels or axles. A mobile home is not a manufactured home. Further, a manufactured home shall satisfy the definition of a single-family dwelling and shall have:

(1) A roof pitch of no less than three (3) inches of vertical rise to each twelve (12) inches of horizontal run; and

(2) Roofing materials consisting of composite asphalt shingle, fiberglass shingle, wood shake, baked tile, or crushed rock; and

(3) A roof overhang of no less than one (1) foot measured from the vertical side of the home, excluding attached porches, carports, or similar structures; and

(4) Proper guttering attached; and

(5) Siding material consisting of wood or wood products, stucco, brick, horizontal lap steel or aluminum, horizontal lap vinyl or rock; and

(6) Been manufactured to accommodate Zone 2 weather conditions or better.

 *Mobile home park:* A site with required improvements and utilities for the long-term placement of mobile homes for dwelling purposes.

 *Mobile home (trailer):* Any portable or mobile vehicle on wheels, skids, or rollers not structurally anchored to a foundation, either self-propelled, or propelled by an attached vehicle, animal, person or other propelling apparatus, which is used or may be used as living quarters or for commercial hauling and/or storage purposes, and herein referred to as a mobile home (trailer).

 *Mobile home:* A transportable, factory‑built home, designed to be used as a year‑round residential dwelling containing the same water supply, waste disposal and electrical conveniences as immobile housing.

 *Motel:* An establishment providing transient accommodations on a daily rate to the general public with at least twenty five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

 *Natural or artificial barrier:* Means any river, pond, canal, railroad, levee, embankment, or fence or hedge which prohibits a view of the use from the outside.

 *Non-conforming building:* A building or structure or portion thereof lawfully existing at the time this Article became effective, which was designed, erected, or structurally altered for a use that does not conform with the use regulations of the district in which it is located.

 *Non-conforming use:* A use which lawfully occupied a building or land at the time this article became effective and which does not conform with the use regulations of the district in which it is located.

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 *Nurseries:* A place where trees, shrubs, or flowering plants are raised from seed or otherwise in order to be transplanted or propagated for commercial purposes.

 *Nursing home:* An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

 *Office, sales:* An accessory office to a principal use where sales are primarily generated by telephone or off site by salespersons with only incidental retail sales on site.

 *Office, retail/warehouse combination:* A facility that provides combined office, retail and warehousing facilities for one or more businesses.

 *Open space:* Area included in any side, rear or front yard of any unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves, porches or decks. Open space does not include driveways, internal streets and other forms of impervious surface. Water bodies that are not subject to public ownership may also be included as open space.

 *Owner of record:* The person, corporation, trustee or other legal entity listed as owner of a premise in the records of the County Recorder of Deeds.

 *Package liquor store:* An establishment where alcoholic beverages are sold for consumption off premises.

 *Parking lot:* A durably surfaced area of sufficient size, shape, and condition to be suitable for any required parking of motor vehicles.

 *Parking space, automobile:* Space within a building or a private or public parking lot for the parking of one automobile.

 *Person:* Any individual, corporation, association, firm, partnership, institution or other legal entity, singular or plural.

 *Pick-up facility:* Afacility typically accessory to a commercial establishment designed solely for the distribution of goods ordered before arriving at the establishment.

 *Premise:* A premise is any tract of land which operates as a functional unit regardless of ownership or the number of lots. When developed, a premise has one or more characteristics including shared parking, common management, common identification, common access, or shared circulation systems.

 *Principal building or structure:* Astructure or group of structures, in which the principal use of a premise is located.

 *Principal use:* The primary or predominant use of a premise.

 *Print shop:* Atypically small retail establishment whose principal activity is to provide duplicating or document production services using photocopy, blueprint, word processing or offset printing equipment or small printing presses.

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 *Private club:* An organization of persons for special purposes or the support of sports, arts, literature, politics and the like.

 *Rear lot line:* The line of the lot opposite the front lot line.

 *Rear yard:* Aspace unoccupied except by a building or accessory use as hereinafter permitted, extending the full width of the lot between the main building and the rear lot line. Where there is an alley the depth of the rear yard may be measured from the rear lot line.

 *Restaurant:* An establishment where food and drink is prepared and served for consumption on or off premise. If alcoholic beverages are sold, more than fifty (50) percent of gross income must be derived from the sale of food and non‑alcoholic beverages for consumption on premise for the establishment to be classified as a restaurant.

 *Servants' quarters:* An accessory building located on the same lot or grounds with the main building and used as living quarters for servants employed on the premises, not less than fifty percent of his or her time, and not rented or otherwise used as a separate domicile.

 *Setback lines:* Setback lines of a property are those lines that locate the building on a lot with respect to the property lines.

 *Sideline:* Any lot-line not a front line or a rear line.

 *Story:* That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

 *Story, half:* A story under a gable, hip or gambrel roof, the wall plates of which at least two opposite exterior walls are not more than two feet above the floor of such story, and which has an average height of not more than eight feet and covering a floor area of not more than seventy‑five (75) percent of the area of the floor on the story next below.

 *Street:* Apublic way that extends primary means of access to abutting properties. No street right‑of‑way in the City of Potosi shall be less than fifty (50) feet in width.

 *Street, arterial:* Those streets that are used primarily for high to moderate speed, high volume, extended trip length between activity centers traffic. Minimum right‑of‑way width shall be eighty (80) feet with sixty (60) feet required for an industrial arterial.

 *Street, collector:* A street or road primarily for the carrying of traffic from residential streets to the arterial streets and freeways.

 *Street, freeway:* A divided arterial highway for through traffic with full control of access and generally with grade separations at intersections.

 *Street, minor residential:* A street primarily for access to the abutting properties.

 *Street width:* The horizontal distance between the side lines of a street, measured at right angles to the back of the curb or side lines if no curb exists.

 *Structure:* Anything constructed or erected that requires location on the ground or attached to something having a location on the ground.

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 *Tavern:* An establishment where fifty (50) percent or more of gross income is derived from the sale of alcoholic beverages for consumption on premise and where the serving of food and non‑alcoholic beverages, as well as the sale of package liquors, are accessory activities.

 *Tearooms:* An establishment used primarily for the serving of non‑alcoholic beverages for consumption on premise, with the sale of food as an accessory activity.

 *Trailer or mobile home park:* Any plot of ground where accommodation is provided for two or more mobile home (trailer) or mobile homes used as living or sleeping quarters.

 *Undeveloped lot*: shall be limited to:

1. any lot which since the first aerial survey for the City of Potosi on April 22, 1984, has continuously remained in a natural, uncultivated, vegetative state, without any building thereon, and is not directly adjacent to a developed lot on the same street owned at the same time by the same owner or owners, as part of a common, contiguous parcel used for a dwelling, yard, open space, parking or business; and
2. any lot which lies in whole or in part in any flood plain and which since the first aerial survey for the City of Potosi on April 22, 1984, has continuously remained in a natural, uncultivated, vegetative state, without any building thereon. (Ord. 983, §4)

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

 *Used car sales yard:* An area used for the display and sale of used automobiles in operating condition and where no repair work is done except the minor adjustments of the cars to be displayed or sold on the premises.

 *Width of side yard:* The horizontal distance between that portion of the main building nearest the side property line and the sideline of the lot.

 *Yard:* An open space other than a court on the same lot between a building or group of buildings and the nearest lot line and which is unoccupied and unobstructed from the ground upward.

 *Yard, front:* Ayard extending across the full width of the lot, between the nearest main building and the front lot line. The depth of the required front yard shall be measured horizontally from the nearest part of the main building to the nearest point of the front lot line.

 *Yard, rear:* Ayard extending the full width of the lot, between the nearest main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building to the nearest point of the rear lot line.

 *Yard, side:* An open unoccupied space between the main building and the sideline of the lot extending from the front yard to the rear yard. No part of an alley shall be used as part of the side yard. (Ord. 827, §1)

**Sec. 26-41. General Provisions.**

 (a) **Permitted Uses:** No building or structure shall be built, moved, expanded or enlarged after the effective date of this Article, and no building, structure or land shall be used, occupied or designed for use or occupancy after the effective date of this Article except in a manner that is permitted by this Article. Existing uses authorized as a special use permit may be continued, but shall not be permitted to expand or change use, except to bring the use into compliance with this Article for the respective zoning district.

 (b) **Lot Size Requirements:** Except as permitted in Division 16, no building or structure, or part thereof, existing on the effective date of this Article shall be built, moved, expanded or enlarged, and no vacant land as of the effective date of this Article, shall be used, occupied or designed for occupancy:

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(1) On a lot which is smaller in area than the minimum lot area required in the zoning district in which the building, structure, or land is located, or

(2) On a lot which is narrower than the minimum required lot width; or

(3) On a lot which is shallower than the minimum required lot depth.

 (c) **Bulk Regulations:** No building or structure, or part thereof, existing at the effective date of this Article, shall be built, moved, expanded or enlarged and no vacant land at the effective date of this Article shall be used, occupied or designed for occupancy:

(1) So as to exceed the maximum lot coverage percentage or the maximum height for the zoning district in which the building or structure is located, or

(2) So as to provide any setback or front, side or rear yards that are less than the requirement specified for the respective zoning district.

 (d) **Buffer‑Yard Requirements:** All buildings, structures, and uses shall provide and landscape the buffer‑yards required under the requirements of this Article.

 (e) **Customary Home Occupations:** No home occupation shall hereafter be established, altered or enlarged in any residential district unless it is allowed as a use and complies with the conditions and restrictions imposed by Section 26-120 to 26-122.

 (f) **Accessory Structures or Uses:** No accessory building, structure use, as defined in Section 26-112 to 26-116 shall hereafter be built, moved, established or enlarged unless such accessory building, structure or use is permitted.

 (g) **Signs**: No sign shall be built after the effective date of this Article, and no existing signs shall be moved or remodeled, unless such sign complies, or will thereafter comply, with the restrictions imposed by Division 15..

 (h) **Off‑Street Parking:** No building or structure shall be built or moved after the effective date of this Article unless the minimum off‑street parking spaces are provided in accordance with Division 14.

 (i) **Number of buildings on a lot:** Not more than one (1) principal building shall be located on the same lot in any zoning district, except as provided below. In trailer and mobile home parks and in the R-3 (Multi-Family District) any number of buildings may be established on a single lot as long as other restrictions of this and other Articles are satisfied.

 (j) **Exceptions to Height Regulations:** Elevator machinery, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers (excluding telecommunication towers), steeples, flagpoles, chimneys, and smokestacks are not subject to height limitations. No space above the height limit shall be used to provide additional floor space for the use being conducted on the premises. In addition, separate structures such as water standpipes, water ground storage tanks, or similar structures are exempt from height limitations.

 (k) **No Public Water or Sewer:** No use, which requires potable water or sewerage disposal to operate, shall be established on a parcel of less than three (3) acres, unless both public water and public sewer are provided. (Ord. 827, §1)

*(Revised 7/05)*

487**Sec. 26-42. Zoning Districts.**

 The City of Potosi shall be divided into eleven (11) zoning districts, the location and boundaries of which are shown on the *Official Zoning Map,* which Map is incorporated in this Article by this reference. The districts include:

1. **"R‑1" Single Family District:** A zone designed to support single‑family residential development at a maximum density of four (4) dwelling units per acre.

2. **"R‑2" Two Family District:** A district designed for single‑family or two-family dwellings (duplex) at a maximum density of eight (8) dwelling units per acre.

3. **"R‑3" Multi‑Family District:** A zone designed for multi‑family dwelling units (apartments) with a maximum density of sixteen (16) dwelling units per acre.

4. **"C-O"** **Office District:** A zone intended for low intensity office development and serving as a transition zone from commercial uses to residential uses.

5. **"C-1" Neighborhood Business District:** A zone established to accommodate individual retail stores and personal service businesses that offer convenience goods and services normally considered a frequent or even daily necessity for residents of an adjoining neighborhood.

6. **"C-2"** **General Retail District:** A zone designed for uses that provide community wide personal and business services, small shopping centers and specialty retail shops.

7. **"C-3" Highway Commercial District:** A zone designed for businesses that provide essential commercial services and support activities of community and regional significance. These uses depend upon high visibility and convenient sites on arterial streets and near highways to accommodate customers or distribute goods.

8. **"Center City District"** A zone designed to accommodate the existing unique mix of uses and to encourage private investment in the Potosi Central Business District.

9. **“IP” Industrial Park District**: A zone incorporating a previously created City or County Industrial Park, under the control of a City or County Board, located in whole or in part within the City Limits of the City of Potosi, designed to attract and keep industrial concerns into the City and County, and subject to the existing agreements the City, County, and the various Industrial Development Agencies.

10. **"M-1" Light Manufacturing District:** A zone designed to accommodate less intensive industrial and warehousing uses that are conducted entirely within a building with no outdoor operations, except storage and display.

11. **"M-2" Heavy Manufacturing District:** A zone intended to accommodate intensive manufacturing uses that may have adverse impacts on nearby property unless properly located and buffered. (Ord. 827, §1; Ord. 888, §1)

 *(Revised 7/05)*

488

**Sec. 26-43. Zoning Map and Rules for Interpretation.1**

 (a) **Incorporation of Official Zoning Map by Reference:** The City of Potosi is hereby divided into the districts as listed in Section 26‑42 of this Article and as shown on the *Official Zoning Map* which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Article. Such map shall be in triplicate originals, each of which shall bear the signature of the Mayor and attestation of the City Clerk and bear the Seal of the City. One of said originals shall be displayed in the office of the Secretary of the Planning and Zoning Commission. It shall be the duty of the Secretary to keep up to date the originals, showing all changes, additions and amendments thereto and maintaining records of the date of passage by ordinance. Regardless of the existence of copies of the *Official Zoning Map* that from time to time may be published, the *Official Zoning Map* shall be located in the office of the Secretary of the Planning and Zoning Commission and this map shall be considered the final authority as to the current zoning status of land and water areas in Potosi.

(b) **Rules of Interpretation of District Boundaries:** Where uncertainty exists as to the boundaries of zoning districts as shown on the *Official Zoning Map,* the following shall apply:

(1) Boundaries shown as approximately following the centerlines of streets, highways, or alleys shall be construed to follow centerlines.

(2) Boundaries shown as approximately following platted lot lines shall be construed as following lot lines.

(3) Boundaries shown as following City Limit lines shall be construed as following such City Limits.

(4) Boundaries shown as following railroad lines shall be construed to be midway between the main tracks.

(5) Boundaries shown as following shorelines of bodies of water shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, ponds, or lakes shall be construed to follow such center lines.

(6) Where physical or cultural features existing on the ground are at variance with those shown on the *Official Zoning Map, or* in other circumstances not covered by paragraphs (a) through (e) above, the Board of Adjustment shall interpret the district boundaries.

 (c) **Classification of Vacated Right‑of‑Way:** Whenever any public right-of-way is vacated by official action of the Planning and Zoning Commission and Board of Aldermen, the zoning district adjoining each side of the vacated right‑of‑way shall automatically extend to the centerline of the vacated property; or, in the case where all of the vacated right‑of‑way shall revert to one property, the zoning district of the host property shall extend to the vacated area. (Ord. 827, §1)

**Sec. 26-44. Annexations.**

 All territory which may hereafter be annexed into the City of Potosi shall be considered zoned in the most restrictive classification consistent with the property use and the Comprehensive Plan unless the Board of Aldermen or the applicant designates otherwise prior to the annexation. (Ord. 827, §1)

**1. Zoning maps corrected to reflect proper zoning of the previously existing Industrial Parks, §26-111.1**

*(Revised 7/05)*

489

**Sec. 26-45. Separability.**

 It is hereby declared to be the intention of the Board of Aldermen that the several provisions of this Article are separable, in accordance with the following rules:

 (a) If any court of competent jurisdiction shall adjudge any provision of this Article to be unconstitutional, invalid, or illegal, such judgment shall not affect any other provisions of this Article.

 (b) If any court of competent jurisdiction shall adjudge the application of any provision of this Article to a particular property, building or structure to be unconstitutional, invalid, or illegal, such judgment shall not affect the application of said provision to any other property. (Ord. 827, §1)

**Sec. 26-46. Penalties.**

 Any person violating or failing to comply with any provisions of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than two hundred fifty (250) dollars, per day, for each day of noncompliance. (Ord. 827, §1)

**Sec. 26-47. Effective Date.**

 This Article shall be in full force and effect as Chapter 26, Article II, Potosi City Code, from and after its passage and approval in the manner required by law. (Ord. 827, §1)

**Secs. 26-48 to 26-49. Reserved.**

 *(Revised 7/05)*

490

**DIVISION 4. "R‑1" SINGLE FAMILY DISTRICT**

**Sec. 26-50. Purpose of Single Family Residential District.**

 This District is intended to promote and preserve urban single‑family residential development at a maximum density of approximately four (4) building lots per acre. The principal land use is the single‑family dwelling. Certain other uses necessary to serve governmental, educational, religious, recreational and other needs are allowed as conditional uses subject to restrictions intended to protect the single‑family character of the District. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities as well as by considering the functional relationship between permitted uses in the District. (Ord. 827, §1)

**Sec. 26-51. Uses Permitted.**

(1) Single‑family dwellings, including manufactured homes as defined in Section 26-40, with no more than one dwelling per lot.

(2) Agricultural activities, as defined in Section 26-40, provided that any building used to house animals shall be at least two hundred (200) feet from any building used for human occupancy, schools, churches, parks, or other places of public assembly.

(3) Churches and other places of worship.

(4) Family child care homes for children, provided that no more than ten (10) children shall be kept any one time, in accordance with Section 26-125.

(5) Privately owned and operated golf courses, country clubs and other such membership clubs occupying an area of not less than forty (40) acres. Miniature golf and driving ranges are excluded as permitted uses.

(6) Noncommercial, private not‑for‑profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or property owners association, in accordance with Section 26‑139.

(7) Customary home occupations, in accordance with Section 26‑119 to 26-122.

 (8) Accessory structures and uses, in accordance with Section 26‑112 to 26-116

 (9) Residential group homes, in accordance with Section 26‑153. (Ord. 827, §1)

**Sec. 26-52. Conditional uses that may be permitted by the Planning and Zoning Commission**

 **and the Board of Aldermen in accordance with Division 13 of this Article.**

(1) Private utilities.

(2) Nursing homes.

(3) Cemetery on ten (10) acres or more.

(4) Hospitals, medical services, clinics, and sanitariums, except animal hospitals, clinics or sanitariums for contagious, mental, drug, or liquor addict cases.

*(Revised 3/03)*

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(5) Bed and breakfasts, in accordance with Section 26‑188 to 26-189. (Ord. 827, §1)

**Sec. 26-53. Area Requirements.**

 Minimum size of lot:

 Area: 8,000 square feet

 Lot frontage 80 feet at front lot line

 Maximum percentage of lot that may be occupied by building:

 All buildings 40 percent for lots under 12,000 sq. ft. in area

 All buildings 25 percent for lots over 12,000 sq. ft. in area

 Maximum height of buildings:

 Thirty-five (35) feet or two and one half (2 ½) stories above the average finished grade.

 Minimum setback dimensions:

 Front yard: 30 feet, measured from front lot line.

 Each side yard: 10 feet, measured from side lot line.

 Rear yard: 30 feet, measured from rear lot line.

 (Ord. 827, §1)

**Secs. 26‑54 to 26‑55. Reserved.**

*(Revised 3/03)*

492

**DIVISION 5. "R‑2" TWO FAMILY DISTRICT**

**Sec. 26-56. Purpose of the Two-Family District.**

 This District is intended to accommodate a variety of housing types, including single family and duplex dwellings at low to moderate residential densities. The Two‑Family District is also intended to serve as a transition between the single‑family district and the Multifamily District. (Ord. 827, §1)

**Sec. 26-57. Uses Permitted.**

 (1) Any use permitted in the R‑1 Single-Family District.

 (2) Two‑family dwellings. (Ord. 827, §1)

**Sec. 26-58. Conditional uses, as listed in the preceding R‑1 Single‑Family District, as**

 **permitted by the Planning and Zoning Commission and the Board of Aldermen**

 **in accordance with Division 13 of this Article.**

 (Ord. 827, §1)

**Sec. 26-59.** **Area Requirements.**

 Minimum size of lot:

 Area: 7,500 square feet.

 Lot frontage: 75 feet at front lot line.

 Maximum percentage of lot that may be occupied by buildings:

 All buildings: 40 percent

 Maximum height of buildings:

 Thirty five (35) feet or two and one‑half (2 ½) stories above the average finished grade.

 Minimum setback dimensions

 Front yard: 30 feet from the front lot line.

 Each side yard: 8 feet measured from side lot line.

 Rear yard: 30 feet from the rear lot line.

 (Ord. 827, §1)

**Secs. 26‑60 to 26‑61. Reserved.**

*(Revised 3/03)*

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**DIVISION 6. "R‑3" MULTI‑FAMILY DISTRICT**

**Sec. 26-62. Purpose of the Multi‑Family District.**

 The Multi‑Family District is intended to support apartment type developments at a maximum density of sixteen (16) dwelling units per acre. Developments of this intensity should have access for vehicular traffic from collector or higher classified streets, with traffic circulation designed to minimize the impact on adjoining residential neighborhoods. (Ord. 827, §1)

**Sec. 26-63. Uses Permitted.**

(1) Uses and conditional uses permitted in any of the foregoing R‑1 or R‑2 Districts.

 (2) Boarding, rooming, and lodging houses.

(3) Child care centers.

(4) Multi‑Family dwellings and apartment houses, including efficiency apartments.

(5) Private parking lots.

(6) Private clubs and, lodges.

(7) Private schools and academies.

 (Ord. 827, §1)

**Sec. 26-64. Conditional Uses that may be Permitted by the Planning and Zoning Commission**

 **and the Board of Aldermen in Accordance with Division 13 of this Article.**

 Trailer or mobile home parks, excluding sales and service, in accordance with Section 26-156. (Ord. 827, §1)

**Sec. 26-65 Area Requirements.**

 Minimum size of lot:

 Area: 7,500 square feet plus 1,500 square feet for each dwelling unit in excess of two (2).

 Lot frontage: 75 feet at front lot line.

 Maximum percentage of lot that may be occupied by buildings:

 All buildings: 40 percent

 Maximum height of buildings:

The maximum height of buildings in the "R‑3" Multifamily District shall not exceed four (4) stories or sixty (60) feet above the average finished grade, provided, however, that buildings may be erected to a height of one hundred and fifty (150) feet when the front, side, and rear yards are increased an additional five (5) feet for each ten (10) feet the height of the building exceeds sixty (60) feet.

 Minimum setback dimensions:

 Front yard: 30 feet measured from front lot line.

 Each side yard: 10 feet measured from side lot lines.

 Rear yard: 10 feet from rear property lines.

 Rear yard: 20 feet if adjacent to R-1 or R-2 zoned

 land.

 (Ord. 827, §1)

*(Revised 3/03)*

495

**Sec. 26‑66. Reserved.**

*(Revised 3/03)*

496

**DIVISION 7. "C‑O" OFFICE DISTRICT**

**Sec. 26-67. Purpose of the Office District.**

 The C-O District is designed to be a restrictive district for low intensity office or professional uses to allow their location near any residential district without creating an adverse effect. (Ord. 827, §1)

**Sec. 26-68. Uses Permitted.**

(1) All uses and conditional uses permitted in any residential district, excluding trailer or mobile home parks and agricultural activities.

(2) Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to:

(a) Accountant, appraiser, architects, brokers, engineers, insurance agents, interior decorators, landscape architects, lawyers, realtors, travel agency and similar types of professional uses.

(b) Artists, sculptors, photographers.

(c) Authors, writers, composers.

(d) Physicians, dentists, chiropractors, or other licensed medical practitioners, excluding facilities where significant diagnostic or out patient surgery is performed as normally associated with a clinic or hospital.

(e) Teachers of private lessons in art, music or dance.

(f) Museums, libraries, galleries and exhibit halls.

(g) Administrative offices of a single organization or by a single professional organization or society. (Ord. 827, §1)

**Sec. 26‑69. Area Requirements.**

 Minimum size of lot:

 Area: 6,000 square feet.

 Lot frontage: 60 feet at front lot line.

 Maximum percentage of lot that may be occupied by buildings:

 All buildings: 40 percent

 Maximum height of buildings:

 Thirty five (35) feet or two and one‑half (2 ½) stories above average finished grade.

 Minimum setback dimensions:

 Front yard: 25 feet from the right‑of‑way line.

 Side yard: 5 feet from the side lot line.

 Rear yard: 10 feet from the rear lot line.

 (Ord. 827, §1)

**Secs. 26‑70 to 26-71. Reserved.**

 *(Revised 3/03)*

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**DIVISION 8. "C‑1" NEIGHBORHOOD BUSINESS DISTRICT**

**Sec. 26‑72. Purpose of the Neighborhood Business District.**

 This District is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood sales and service uses permitted in this District. This District is designed to accommodate compact, freestanding commercial buildings or to function as a transition between more intense commercial uses and residential neighborhoods. Commercial uses permitted in this District are generally required to conduct business activities indoors. Because the permitted retail and personal service uses may be an integral part of the neighborhood, more restrictive requirements for light, air, open space, and building design are made than are provided in other commercial districts. This District should be located along or at the intersections of a collector or higher classification streets. (Ord. 827, §1)

**Sec. 26‑73. Uses Permitted.**

(1) Conditional uses permitted in the R-1 Single Family District, excluding trailer and mobile home parks and agricultural activities.

(2) Any residential dwellings that exist in the C‑ l District at the date this ordinance is enacted.

(3) Antique shops.

(4) Banks and financial institutions including automatic teller machines and drive-in facilities.

(5) Books or stationery stores.

(6) Community and family fitness centers.

(7) Child care centers.

(8) Churches and other places of worship.

(9) Offices and office buildings, administrative, business, finance, medical and professional uses.

(10) Personal service establishments including beauty parlors, barber shops, dry cleaning and laundry pick‑up, shoe repair, self‑service laundromats, express or mailing offices and hearing aid and eye glass shops.

(11) Commercial photography establishments.

(12) Private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.

(13) Private parking lots.

(14) Restaurants and coffee shops, excluding drive‑in facilities and on‑site sales or consumption of alcoholic beverages.

(15) Retail or service establishments for the following types of stand‑alone uses: bakery, candy, dairy products, flowers, gifts, jewelry, hobby materials, meat, fish and poultry products, newsstands, pet grooming, toys, and video rental or sales, excluding drive‑in facilities.

(16) Studios; art, music, drama, reducing, dancing, interior decorating.

(17) Tailor shops.

(18) Shops dealing in customized clothing, including silk screening, iron-on transfers and all uses incidental thereto.

(19) Accessory structures and uses, in accordance with Section 26‑112.

(20) Boarding, rooming, and lodging houses.

(21) Those conditional uses listed below that exist in the C‑1 District at the date this Article is enacted shall not be considered non‑conforming uses. (Ord. 827, §1)

*(Revised 3/03)*

499**Sec. 26‑74. Conditional uses that may be permitted by the Planning and Zoning Commission**

 **and the Board of Aldermen, in accordance with Division 13 of this Article.**

(1) Pharmacies.

(2) Commercial greenhouses, nurseries and garden stores.

(3) Community treatment center.

(4) Grocery stores

(5) Wearing apparel and/or shoe stores

(6) Hardware stores.

(7) Print shops, photocopying.

(8) Veterinarian services, animal hospitals, kennels, and other agricultural activities.

(Ord. 827, §1)

**Sec. 26-75. Area Requirements.**

 Minimum size of lot:

 Area: 6,000 square feet.

 Lot frontage: 60 feet at front lot line.

 Maximum percentage of lot that may be occupied by buildings:

 All buildings: 40 percent

 Maximum height of buildings:

 Thirty five (35) feet or two and one‑half (2 ½) stories above average finished grade.

 Minimum setback dimensions:

 Front yard: 10 feet from the front lot line.

 Side yard: 5 feet from the side lot line. 1

 Rear yard: 10 feet from the rear lot line.

 (Ord. 827, §1)

**Sec. 26‑76. Buffer-Yard Requirements.**

 Whenever any development in a C‑1 Neighborhood Business District is located adjacent to a residential, or office zoning district, screening and buffer yards shall be provided in accordance with Section 26‑170 to 26-171. (Ord. 827, §1)

**Secs. 26‑77 to 26‑78. Reserved.**

 *(Revised 3/03)*

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**DIVISION 9. "C‑2" GENERAL RETAIL DISTRICT**

**Sec. 26‑79. Purpose of the General Retail District.**

 This District is intended for uses that provide community‑wide personal and business services, shopping centers and specialty shops that depend upon high visibility, generate high traffic volumes or cater to the traveling public. The District is also intended for on‑site production of hand crafted items in conjunction with retail sales. No un-screened outside display of merchandise is permitted, except where indicated. Commercial uses permitted in this District are generally required to conduct business activities indoors. The need for community‑wide accessibility dictates that uses in this district should be located along or at the intersection of two or more arterial or higher classification streets. (Ord. 827, §1)

**Sec. 26‑80. Uses Permitted.**

(1) Any use or conditional uses permitted in the foregoing C‑l District, including existing single‑family and two‑family residential uses.

(2) Any conditional use permitted in the R-1 District.

(3) Athletic clubs.

(4) Auto repair, body and paint shops, radiator repair.

(5) Auto laundries or car/truck wash establishments.

(6) Automobile sales and service, including tire sales, and rental of new or used vehicles (outside display permitted).

(7) Automobile service stations or garages, including sales of petroleum products.

(8) Automobile parts and accessory stores, including installation and repair.

(9) Boat and marine sales and service.

(10) Bowling alleys.

(11) Cold storage and self or mini‑storage facilities.

(12) Drive‑in, pick‑up, and drive‑through restaurants.

(13) Funeral homes, excluding crematoriums.

(14) Furniture and/or appliance stores (new and used), sales and service, including rentals.

(15) Heating and air‑conditioning sales and service, including customized sheet metal fabrication as an accessory activity.

(16) Hotels and motels, and hotel apartments.

(17) Medical equipment and supplies sales and rental.

(18) Miniature golf courses and driving ranges.

(19) Monument sales, retail dealers (outside display permitted).

(20) Parking garages, commercial.

(21) Pest control services.

(22) Pet shops, animal hospitals, clinics and kennels.

(23) Plumbing shops.

(24) Printing, publishing, book binding, and photo‑processing, including drive‑through facilities.

(25) Produce market, retail (outside display permitted).

(26) Radio‑TV. repair shops.

(27) Recreation vehicle or mobile home sales or service (outside storage permitted).

(28) Restaurant, on‑site sales and consumption of alcoholic beverages permitted.

(29) Retail stores and other shops for custom work or making of articles to be sold at retail on the premises.

*(Revised 3/03)*

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(30) Retail establishments that provide supplies and/or services primarily to commercial and industrial customers, such as janitorial services, packaging and shipping service, locksmith services, lithographing and engraving, and blueprinting businesses.

(31) Recording studios.

(32) Second hand goods store and pawn shops.

(33) Second hand or used car sales yard, not including wrecking and repairing (outside display permitted).

(34) Skating rinks, swimming pools, gymnasiums, commercial.

(35) Sporting goods sales.

(36) Store and restaurant fixture sales.

(37) Taxi and limousine transportation services.

(38) Telecommunication facilities and towers exceeding one hundred (100) feet in height.

(39) Theaters, motion picture and performing arts, commercial.

(40) Tobacco product sales.

(41) Water, bottled, sales.

(42) Video game arcades.

(Ord. 827, §1)

**Sec. 26-81. Conditional uses that may be permitted by the Planning and Zoning Commission**

 **and the Board of Aldermen in accordance with Division 13 of this Article.**

(1) Bars, cocktail lounges, and night clubs (including dance halls).

(2) Billiard or pool halls.

(3) Convenience stores, with or without gas pumps.

(4) Package liquor stores.

(5) Cabinet or carpentry shop.

(6) Advertising services (sign shop).

(7) Laboratories, offices and other facilities.

(8) Trailer and mobile home parks for residential use only, including sales and service, in accordance with Section 26-156.

 (Ord. 827, §1)

**Sec. 26-82. Area Requirements.**

 Minimum size of lot:

 Area: 6,000 square feet.

 Lot frontage: 60 feet at front lot line.

 Maximum height of buildings:

 Forty five (45) feet or three (3) stories above average finished grade.

 Maximum percentage of lot that may be occupied by buildings:

 All buildings: 40 percent

 Minimum setback dimensions:

 Front yard: 10 feet from the lot line.

 Side yard: 0

 Rear yard: 10 feet from the rear lot line

 (Ord. 827, §1)

 *(Revised 3/03)*

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**Sec. 26-83 Buffer-Yard Requirements.**

 Whenever any development in a C‑2 General Retail District is located adjacent to a residential, or office zoning district, screening and buffer‑yard shall be provided in accordance with Section 26-170 to 26-171. (Ord. 827, §1)

**Secs. 26‑84 to 26‑85. Reserved.**

*(Revised 3/03)*

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504**DIVISION 10. "C‑3" HIGHWAY COMMERCIAL DISTRICT**

**Sec. 26‑86. Purpose of the Highway Commercial District.**

 This District is intended for business uses which provide essential commercial services and support activities of community and regional significance that require high visibility and may have higher environmental impacts in terms of noise, dust, glare, etc. which may make them incompatible with office or some retail uses. This District is also intended for businesses that combine wholesale, retail, and light manufacturing (assembly) functions on site. Merchandise may be displayed outside without screening. This District is also intended to function as a transition between industrial development and strictly commercial development. (Ord. 827, §1)

**Sec. 26-87. Uses Permitted.**

(1) Any use or conditional uses permitted in any of the foregoing C‑1 or C‑2 Districts.

(2) Adult businesses and adult entertainment businesses, as defined in Chapter 6, provided such uses are prohibited within the area circumscribed by a circle which has a radius of one thousand (1,000) feet, as measured by a straight line drawn from any proposed adult business or adult entertainment business, to any residential zoning district, any other existing adult business or adult entertainment business, school, licensed day care established, park, church, or any City, County or State owned or occupied building.

(3) Agriculture implements sales and service, agri‑businesses.

(4) Auction sales, flea markets and swap meets, permanent location; livestock sales not permitted.

(5) Archery and firearms ranges, commercial.

(6) Battery shops, sales and service.

(7) Builder's supply and lumber yards.

(8) Bus stations.

(9) Bottling plants.

(10) Contractor's equipment, sales and service.

(11) Commercial laundry, dry cleaning, linen and towel or diaper supply service.

(12) Crematoriums.

(13) Dairy supply dealers.

(14) Dry ice storage.

(15) Engine and transmission repair and rebuilding.

(16) Electrical equipment repairs, sales and parts distribution.

(17) Feed stores, no manufacturing or grinding or mixing of feed.

(18) Frozen food lockers.

(19) Glass and mirror sales.

(20) Landscape company, sales and service.

(21) Magazine and newspaper, printing and distribution agency.

(22) Road machinery, heavy equipment and tools, sales and rental service.

(23) Storage warehouses and baggage transfers.

(24) Tire repair and recapping.

(25) Tattoo and/or body piercing parlors, palm reading, and fortune telling establishments.

(26) Wholesale operations, sales office/warehouse combination.

 (Ord. 827, §1; Ord. 903, §1)

*(Revised 12/05)*

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**Sec. 26‑88. Area Requirements.**

 Minimum size of lot:

 Area: 6,000 square feet.

 Lot frontage: 60 feet at front lot line.

 Maximum percentage of lot that may be occupied by buildings:

 All buildings: 40 percent

 Maximum height of buildings:

 Forty five (45) feet or three (3) stories above average finished grade.

 Minimum setback dimensions:

 Front yard: 10 feet from the front lot line.

 Side yard: 0

 Rear yard: 0

(Ord. 827, §1)

Sec. **26‑89. Buffer-Yard Requirements.**

 Whenever any development in a C‑3 Central Commercial District is located adjacent to a residential, or office district, screening and buffer‑yard shall be provided in accordance with Section 26‑170 to 26-171. (Ord. 827, §1)

**Secs. 26‑90 to 26-91. Reserved.**

*(Revised 12/05)*

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**DIVISION 11. "CC" CENTER CITY DISTRICT**

**Sec. 26-92. Purpose of the Center City District.**

 The CC District is intended to be a mixed‑use district that accommodates a variety of residential and commercial uses. It is intended to address the unique character of Potosi's traditional Central Business District, an area that developed early in the City's history, generally encompassing both sides of Jefferson Street generally between Mine Street and east of Mill Street, and does not display the features of modern suburban development. This district is designed to support the transition that must occur if the CBD is to experience revitalization. (Ord. 827, §1)

**Sec. 26‑93. Uses Permitted.**

(1) Any use or conditional uses permitted in the foregoing C‑3 Districts, except trailers or mobile home parks, including sales and service.

(2) Accessory structures and uses, in accordance with Section 26‑112 to 26-116.

(3) Accessory residential uses, either to the rear or above the first floor of a building used for permitted business activities.

 (Ord. 827, §1)

**Sec. 26‑94. Area Requirements.**

 Minimum size of lot:

 Area: no minimum.

 Lot frontage: no minimum.

 Maximum percentage of lot that may be occupied by building:

 All buildings: 100 percent.

 Maximum height of buildings:

 No maximum.

 Minimum setback dimensions:

 Front yard: None.

 Side yard: None.

 Rear yard: None.

 Minimum parking requirements:

None, except for new construction where sufficient land area exists to allow the provision of adequate parking consistent with the requirements of this Article.

 (Ord. 827, §1; Ord. 875, §1)

**Secs. 26‑95 to 26-96. Reserved**

*(Revised 3/05)*

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**DIVISION 12. "M‑1” LIGHT MANUFACTURING DISTRICT**

**Sec. 26‑97. Purpose of the Light Manufacturing District**

 This District is intended to allow industrial operations and activities that do not create applicable nuisances or hazards. Industrial operations and activities are permitted as long as they do not have an adverse impact on neighboring properties resulting from dust, fumes, noxious odors, glare, vibration, or other atmospheric influence. M‑1 light manufacturing activities are generally conducted inside a building, although related outdoor storage and display is permitted. (Ord. 827, §1)

**Sec. 26‑98. Uses Permitted.**

(1) Any commercial uses that exist in the M-1 District at the effective date this Article.

(2) Advertising services (sign shop)

(3) Agribusinesses.

(4) Asphalt storage.

(5) Blacksmithing.

(6) Broom manufacturing.

(7) Builders supply, hardware and lumberyards.

(8) Bus terminals, maintenance shops.

(9) Cabinet or carpentry shops.

(10) Candle manufacturing.

(11) Canvas goods shops, tents and awnings, manufacture, sales and rental.

(12) Carpet cleaning.

(13) Child care centers.

(14) Clothing, footwear, and leather goods manufacturing.

(15) Cold storage plants.

(16) Concrete batching or transit mix plant (temporary use only).

(17) Construction materials manufacturing and storage.

(18) Heavy machinery, including diesel engine, repairs.

(19) Egg storage, candling or processing plants.

(20) Electronic component manufacture and assembly.

(21) Food products processing, storage, and distribution (except uses listed under the M-2 District).

(22) Freight terminals.

(23) Furniture packing and crating.

(24) Hatchery, fish or fowl.

(25) Ice manufacturing.

(26) Insulation applicator.

(27) Irrigation sales and service.

(28) Laboratories, offices and other facilities for research, basic and applied.

(29) Live stock sales.

(30) Lumber mills and storage.

(31) Machine shops.

(32) Mattress and bedding manufacturer and renovator.

(33) Magazine and newspaper printing.

(34) Monument manufacture.

(35) Motor freight terminals and depots.

(36) Oil well equipment service, supply and storage.

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(37) Pharmaceutical manufacture.

(38) Paper products manufacturing.

(39) Plastic processing and converting.

(40) Prefabricated house manufacture.

(41) Printing, publishing, book binding.

(42) Private utilities.

(43) Produce markets, wholesale.

(44) Sash and door manufacturing.

(45) Seed storage and warehousing.

(46) Sheet metal work shops.

(47) Spray painting.

(48) Store and restaurant fixture manufacturing.

(49) Storage of baling or rags.

(50) Textile manufacturing.

(51) Welding shops, industrial equipment and supply sales.

(52) Wholesale operations, sales office/warehouse combination.

(53) Accessory structures and uses, in accordance with Section 26-2112 to 26-116.

(Ord. 827, §1)

**Sec. 26-99. Industrial Environmental Standards.**

 Businesses located in the M-1 Light Manufacturing District shall meet the following environmental standards to remain conforming uses:

 (a) The emission of smoke, gases, particulate matter shall comply with the standards contained in the Air Quality Standards and Air Pollution Control Regulations for non-metropolitan areas in Missouri as published by the Missouri Air Conservation Commission.

 (b) No hazardous waste, as defined and published in the list maintained by the Missouri Hazardous Waste Management Commission, shall be generated, unless such waste is limited to less than one hundred (100) kilograms of hazardous waste in one (1) calendar month. If the industry meets this small quantities test, it shall handle those wastes in accordance with the published rules of the Missouri Hazardous Waste Management Commission.

 (c) The noise level at any point along the property line shall not exceed standards established by the U.S. Department of Housing and Urban Development Noise Assessment Guidelines. Sound levels shall be measured with a sound level meter and associated octave band analyzer manufactured in compliance with standards prescribed by the American Standards Association.

 (d) The public official responsible for code compliance shall certify that all manufacturing, storage and waste handling processes on the site shall meet the safety and environmental standards of the National Fire Code. (Ord. 827, §1)

**Sec. 26‑100. Area Requirements.**

 Minimum size of lot:

 Area: 10,000 square feet.

 Lot frontage: 100 feet at front lot line.

 Maximum percentage of lot that may be occupied by building:

 Open space: 15 percent

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 Maximum height of buildings:

 No maximum

 Minimum setback dimensions:

 Front yard: 35 feet measured from front lot line.

 Side yard: 10 feet measured from side lot line.

 Rear yard: 20 feet measured from rear lot line.

(Ord. 827, §1)

**Sec. 26-101. Buffer-Yard Requirements.**

 Whenever any development in an M-1 Light Manufacturing District is located adjacent to a residential or office zoning district, screening and buffer yard shall be provided in accordance with Sections 26-170 to 26-171. (Ord. 827, §1)

**Secs. 26‑102 to 26-103. Reserved.**

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512**DIVISION 13. "M‑2" HEAVY MANUFACTURING DISTRICT**

**Sec. 26‑104. Purpose of the Heavy Manufacturing District**

 This District is intended for heavy industrial uses and other uses not otherwise provided for in the Light Manufacturing District. The intensity of uses permitted in this District makes it necessary to separate it from residential districts wherever possible with good accessibility provided to rail and highways. (Ord. 827, §1)

**Sec. 26-105. Uses Permitted.**

(1) Any use permitted in the M‑1 Light Manufacturing District.

(2) Aluminum manufacture.

(3) Asphalt manufacture or refining.

(4) Blast furnaces.

(5) Boiler making, repairing and boiler works.

(6) Brick, tile, pottery or terra cotta manufacturing.

(7) Canning or preserving manufacture.

(8) Celluloid or similar cellulose material manufacture.

(9) Cement, lime, gypsum or plaster manufacturing.

(10) Central power or lighting plant.

(11) Concrete products manufacturing.

(12) Cooperage works.

(13) Corrugated metal manufacture.

(14) Curing, tanning or storage of hides.

(15) Die casting manufacture.

(16) Distillation of bones, coal or wood.

(17) Dye stuff manufacture.

(18) Electroplating.

(19) Emery cloth and sandpaper manufacture.

(20) Feed grinding and processing.

(21) Fertilizer manufacture.

(22) Flour mills.

(23) Forge plants, foundry or smelter.

(24) Galvanizing.

(25) Glue or gelatin manufacture.

(26) Match manufacture.

(27) Milling, custom.

(28) Oil cloth and linoleum manufacture.

(29) Paint manufacture.

(30) Paper and rag processing and storage.

(31) Paving plants.

(32) Railroad roundhouse, shops, and yards.

(33) Refrigerator manufacture.

(34) Rubber products manufacture or treatment.

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(35) Salt works.

(36) Sand blasting.

(37) Septic tank service.

(38) Shoe polish manufacture.

(39) Soap manufacture.

(40) Soda and compound manufacture.

(41) Steel fabrication plants.

(42) Stone cutting.

(43) Tank manufacture.

(44) Telecommunication towers exceeding one‑hundred (100) feet in height and related facilities.

(45) Tile roofing manufacture.

(46) Wool pulling or scouring.

(47) Yeast plants.

(Ord. 827, §1)

**Sec. 26-106. Conditional uses that may be permitted by the Planning and Zoning Commission**

 **and the Board of Aldermen in accordance with Division 13 of this Article.**

(1) Acid manufacture.

(2) Arsenals and munitions storage or manufacture.

(3) Fat rendering, dead animal reduction.

(4) Manufacture and bulk storage of flammable liquids or gases for wholesale, subject to the provisions of the National Fire Codes.

(5) Scrap or salvage yards, including automobile wrecking or salvage yards.

(6) Bleaching powder or chlorine manufacture.

(7) Hazardous chemical manufacture, creosote treatment or manufacture, disinfectant and insecticide manufacture, poisonous gases, tar distillation, acid and ammonia production .

(8) Coal yards, oil compounding, barreling or reclamation plants.

(9) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous substances from off‑site sources and radioactive substances.

(10) Permanent storage or disposal of hazardous substances (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30; 261.31; 261.32; 261.33), industrial and municipal sludge.

(11) Processing, reprocessing and storage of PCB containing oils.

(12) Quarries and mining operations.

(13) Landfill operations, including waste compacting and incineration.

(14) Mixing plant‑paving materials.

(15) Asphalt manufacture/refining.

(16) Stockyards or slaughtering animals.

(17) Telecommunication towers exceeding one-hundred (100) feet in height and related facilities.

(Ord. 827, §1)

**Sec. 26-107. Permitted and conditional uses in the M‑2 (Heavy Manufacturing District)**

 **shall comply with Section 26‑99.**

(Ord. 827, §1)

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**Sec. 26‑108.** **Area Requirements.**

 Minimum size of lot:

 Area: 1 1/2 acres.

 Lot frontage: 200 feet at front lot line.

 Depth: 250 feet from front lot line.

 Maximum percentage of lot that may be occupied by buildings:

 All buildings: 30 percent

 Open space: 30 percent

 Maximum height of buildings:

 No maximum.

 Minimum setback dimensions:

 Front yard: 75 feet from the front lot line.

 Side/rear yards: 20 feet from side/rear lot line 100 feet

 if adjoining use is residential

(Ord. 827, §1)

**Sec. 26-109. Buffer‑Yard Requirements.**

 Whenever any development in an M‑2 Heavy Manufacturing District is located adjacent to a residential or office zoning district, screening and buffer-yard shall be provided in accordance with Sections 26‑170 and 26-171. (Ord. 827, §1)

**DIVISION 13A. INDUSTRIAL PARKS**

**Sec. 26‑110. Purpose of Industrial Park District – Uses permitted.**

 (a) This District is intended to provide for planned area industrial growth and industry recruitment for industrial uses and other uses not otherwise provided for in the Light or Heavy Manufacturing Districts. The intensity of uses permitted in this District makes it necessary to separate it from residential districts wherever possible with good accessibility provided to rail and highways, and subject to the control of any existing Industrial Development Agency Boards.

 (b) Uses permitted in an Industrial Park District are any use permitted in a C-3, M-1 or M-2 District, subject to the restrictions provided in Sections 26-98, 99, 105, 106, and 107, and the rules and requirements of any Industrial Development Agency Board as to the appropriate type of businesses to be located within the boundaries of the Industrial Park.

 (c) Due to the separated area of an industrial park, the area and yard buffer requirement of M-1 and M-2 Districts do not apply within the boundaries of the Industrial Park.

 (d) That due to agreements made when the Industrial Parks were created, the City Subdivision requirements of Chapter 26-248 through 271 do not apply to any subdivision of property by the Industrial Development Agency Board within the Industrial Park; however, final plats and building permits required by Section 26-272 are still required, as well as all necessary and appropriate utility easements. (Ord. 888, §2)

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**Sec. 26-111. Businesses and industries appropriate for location within the Industrial Park.**

 The Board of any Industrial Development Agency, as owner of the property within the confines of the designated Industrial Parks, subject to agreements entered into between the Agencies and the City and County, Section 26-110, Chapter 17, and their statutory authority, shall have the sole power to determine which businesses and industrial are appropriate for location within their Industrial Park. No decision by the Board of any Industrial Development Agency rejecting a business or industry within their industrial park shall be reviewable by the City or held to be a decision of the City. The City shall retain the power to approve or reject building permits within an Industrial Park. (Ord. 888, §2)

**Sec. 26-111.1 Zoning maps corrected.1**

 The Zoning maps of the City of Potosi are ordered corrected to reflect the proper zoning of the previously existing Industrial Parks within the City limits of the City of Potosi, Missouri, to a zoning of Industrial Park. (Ord. 888, §3)

**1. Official Zoning Map, 26-43.**

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**DIVISION 14. SUPPLEMENTAL REGULATIONS**

**Sec. 26‑112. Accessory Structures and Uses ‑ Purpose and Definition.**

 An accessory structure is a building or structure that is located on the same lot as the main or primary building and is subordinate to and detached from the main building. Accessory uses are consistent with and supplemental to the permitted uses in the zoning district. (Ord. 827, §1)

**Sec. 26-113. Permitted Accessory Structures.**

 Any structure or use that meets the definition of an accessory structure or use may be allowed in any district.

 (a) Accessory structures include, but are not limited to, the following list of examples:

(1) Garages and carports;

(2) Utility sheds;

(3) Private in-ground swimming pools and above-ground swimming pools more than two (2) feet high and associated bath houses;

(4) Green houses;

(5) Satellite dishes and antenna towers;

(6) Gazebos;

(7) Barns;

(8) Well and wash houses; and

(9) Artist studios.

 (b) Accessory structures shall be allowed under the following conditions:

(1) On any lot in an "R" District having less than twenty thousand (20,000) square feet accessory structures, other than residences, may be permitted with no plumbing fixtures, except for a washing machine and/or a janitor type sink;

(2) On any lot in an "R" District having more than twenty thousand (20,000) square feet, accessory structures with plumbing fixtures may be used for servant's quarters housing, as long as the structure is occupied by a servant employed on premises by the household occupying the main building; and

(3) On any lot in a "C" District accessory structures used for residential purposes are not permitted unless part of and/or physically connected to the main building. (Ord. 827, §1)

**Sec. 26-114. Location of Accessory Buildings or Structures in a Residential District.**

 An accessory building or structure in a residential district shall be located:

 (a) Not less than thirty (30) feet back of the front building line for the main building;

 (b) Not less than five (5) feet from the main building, when not constructed, intended, or used for human occupancy at any time;

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 (c) Not less than twenty (20) feet from the rear lot line;

 (d) Not less than five (5) feet from the rear lot line when not abutting an improved alley. When abutting an improved alley, then not less than ten (10) feet from the center line of such alley;

 (e) Not less than five (5) feet from the side lot line.

 (f) Not less than ten (10) feet from any lot line for two‑story accessory building or structure;

 (g) No accessory building or structure on a comer lot shall project beyond the front yard building line; and

1. Accessory buildings or structures shall comply with the height restrictions of the respective zoning district. (Ord. 827, §1)

**Sec 26-115. Accessory Buildings or Structures in Commercial or Manufacturing Districts.**

 The location of accessory buildings or structures in a commercial or manufacturing zoning district shall be located consistent with the height, setback, and bulk standards of that district. (Ord. 827, §1)

**Sec. 26-116. Construction Permitted.**

 No accessory building or structure shall be constructed upon any lot until construction of the main building or structure has commenced. (Ord. 827, §1)

**Sees. 26‑117 to 26‑118. Reserved.**

**Sec. 26‑119.** **Customary Home Occupations - Purpose and Definition.**

 This section is designed to define what constitutes a home occupation and to enumerate the particular home occupations that are permitted. Customary home occupations are defined as any activity carried out for compensation in a residential dwelling unit. No home occupation shall be permitted if it:

 (a) Changes the outside appearance of the dwelling or is visible from the street; or

 (b) Generates traffic, parking, sewage, water use or noise in excess of what is normally found in a residential neighborhood; or

 (c) Creates a hazard to person or property, results in electrical interference or becomes a nuisance; or

 (d) Results in outside activities, storage or display. (Ord. 827, §1)

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**Sec.** **26-120. Customary Home Occupations Permitted.**

 Customary home occupations include, but are not limited to, the following activities:

 (a) Home offices for architects, engineers, lawyers, realtors, insurance agents, brokers, ministers, rabbis, priests, salesmen, sales representatives, manufactures representatives, home builders, home repair contractors and similar occupations;

 (b) Artists, sculptors, authors, photographers and composers;

 (c) Computer programming and data processing;

 (d) 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 (10) customers and shall be held between the hours of 9:00 a.m. and 10:00 p.m.;

 (e) Dressmakers, seamstresses, and tailors;

 (f) Home crafts, such as model making, rug weaving, woodworking, ceramics (with a kiln up to six (6) cubic feet) 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;

 (g) Mail order, not including retail sales from site;

 (h) Music and art teachers or other tutoring services.

 (i) Renting sleeping rooms and serving meals to not more than two (2) persons not members of the family occupying the dwelling unit provided one (1) off‑street parking space is provided for each person;

 (j) Telephone answering service;

 (k) Washing and ironing service;

 (l) "Work at home" activities where employees of a business, located at another location, perform work for the business in their home, 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 to all other requirements of this Section. (Ord. 827, §1)

**Sec. 26-121. Use Limitations.**

 (a) No person other than someone related by blood, marriage, adoption or custodial relationship to the person conducting the home occupation and who also resides in the dwelling unit shall be employed in the home occupation; and

 (b) The home occupation shall be conducted entirely within the principal residential building and shall be limited to one (1) room; and

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 (c) No manufacturing or processing of any sort whatsoever shall be done, except as permitted by Section 26‑119. (f) above; and

 (d) A one and one half (1 1/2) square foot unlighted sign may be used to advertise the presence or conduct of the home occupation; and

 (e) No alteration of the principal residential building shall be made which changes the character thereof as a dwelling; and

 (f) The home occupation shall not produce offensive noise, vibration, smoke, electrical interference, dust, odors or heat. Any noise, vibration, smoke, electrical interference, dust odors, or heat detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure, shall constitute a violation; and

 (g) No mechanical or electrical equipment other than normal domestic or household equipment shall be used; and

 (h) There shall be no outdoor storage of equipment or materials used in the home occupation; and

 (i) 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 with a gross vehicle weight rating of twenty four‑thousand (24,000) pounds or less; and

 (j) Not more than one (1) commercial vehicle utilized in the business shall be parked on site.

(Ord. 827, §1)

**Sec. 26-122. Particular Occupations Prohibited.**

 (a) Animal hospitals, stables or kennels;

 (b) Auto repairing and painting;

 (c) Barber shops and beauty parlors with more than one (1) operator;

 (d) Boarding and lodging houses, unless permitted by district regulations;

 (e) Dispatching of transfer and moving vans, taxi cab services;

 (f) Palm reading, fortune telling, tattoo or body piercing parlors; and

 (g) Adult businesses ad defined herein.

(Ord. 827, §1)

**Secs. 26‑123 to 26‑124. Reserved.**

**Sec. 26-125. Family Child Care Homes.**

 A permit application for a family child care home shall be completed and filed with the City Clerk on forms prescribed for that purpose. Family child care homes shall satisfy, in addition to satisfying all Missouri Department of Health and County standards, the following requirements as a condition for receiving a permit from the City of Potosi.

 (a) The residence for which a permit is sought shall be the permanent residence of the child day care provider (operator);

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 (b) No alteration of the principal residential building shall be made that change the character or appearance of the building so as to be inconsistent with the appearance of dwellings in the immediate area around the family child care home;

 (c) No person other than someone related by blood, marriage, adoption or custodial relationship to the operator and who also resides in the dwelling unit shall be employed in the family childcare home;

 (d) Outdoor play areas shall be located in the rear yard of a family child care home; and

 (e) One (1) exterior, flush-mounted attached sign is permitted not to exceed one (1) square foot in area. (Ord. 827, §1)

**Secs. 26-126 to 26-127. Reserved.**

**Sec. 26-128. Supplemental Open Space and Yard Regulations.**

 In addition to the area requirements set out before, the following open space and yard regulations shall also apply: (Ord. 827, §1)

**Sec. 26‑129. Front Yard Regulations.**

 All property shall have a front yard not less than prescribed by this Article. Where front yard setback of existing buildings fronting the same street is less or greater than the required front yard setback, any building or structure hereafter erected or structurally altered or enlarged shall conform to such established setback as follows:

 (a) On interior lots where the frontage is located between two (2) intersecting streets:

(1) The front yard setback line shall not be less than the average setback of the two (2) adjacent developed lots fronting the same street; or

(2) If only one (l ) adjacent lot is developed, the setback shall not be less than the average between the existing adjacent building and the minimum required front yard setback of the vacant lot, or

 (b) Where a residential building is located in a commercial district, the setback required in the residential district shall apply;

 (c) Existing buildings with front yard setbacks greater than fifty (50) feet shall be figured at fifty (50) feet when determining the average setback line; and

 (d) Off‑street parking spaces located in the front yard of property zoned for residential use shall be limited to hard surfaced driveways and/or parking areas. (Ord. 827, §1)

**Sec. 26‑130. Side Yards - Corner Lots.**

 The side yard requirement for a corner lot shall be the same as for interior lots, except when the lot adjacent to and behind the corner lot fronts on a different street. In this case, the corner lot shall have a side yard not less than one‑half (1/2) the existing or required front yard setback of the lot

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behind and fronting on a different street. Existing buildings with a front yard setback greater than fifty (50) feet shall be calculated at fifty (50) feet when determining the average setback line. (Ord. 827, §1)

**Sec. 26‑131. Yards Open.**

 Except as specified in this Section, all yards required by this Article shall be open and unobstructed to the sky. (Ord. 827, §1)

**Sec. 26‑132. Exceptions to Yard Regulations.**

 (a) Where compliance with the yard regulations cannot reasonably be accomplished because of irregular shaped lots or hillside lots; the Board of Adjustment may modify such regulations.

 (b) Where an irregular shaped lot has more area than required for its particular district, lot width may be computed including the most usable portion satisfying the minimum area requirements. (Ord. 827, §1)

**Sec. 26‑133. Permitted Projections and Structures in Required Yards.**

 The following projections may be located in a required yard:

 (a) Cornices, eaves, gutters, belt courses, sills, awnings, canopies or other similar architectural features, shall not extend or project into a required side yard more than two (2) feet and shall not extend or project into a required front or rear yard more than three (3) feet;

 (b) Open fire escapes shall not extend or project into any front, side or rear yard more than four (4) feet;

 (c) Open stairways or balconies, not covered by a roof or a canopy, shall not extend or project into a required rear yard more than three (3) feet, and such balconies shall not extend into the required front yard more than three (3) feet;

 (d) Enclosing or temporarily enclosing of porches, steps, platforms, carports, landing places and outside open stairways which extend into minimum required yards is prohibited;

 (e) Any fence or hedge in the front yard shall comply with the provisions of Section 26-134.

 (f) Fixed awnings, canopies and marquees shall be located at least eight (8) feet above a sidewalk and shall not project closer than two (2) feet to the curb;

 (g) One‑story bay windows shall not project more than thirty (30) inches into a yard;

 (h) Chimneys may project thirty (30) inches or less into yard, provided that such projection does not reduce the width of a side yard to less than three (3) feet;

 (i) Statuary, arbors and trellises;

 (j) Flag poles;

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 (k) Signs, as permitted in this Article; and

 (l) Open porches, platforms, and carports that do not extend above the first floor of the building shall not project more than ten (10) feet into any yard provide that said projection shall be at least ten (10) feet from the rear or front lot line, three (3) feet from the side lot line on interior lots and five (5) feet from the side lot line adjacent to the street on corner lots. (Ord. 827, §1)

**Sec. 26‑134. Permitted In Any Yard, Except Front Yards:**

 (a) A child's playhouse;

 (b) Recreational equipment and clotheslines; and

 (c) Fences not exceeding seven (7) feet in height and which comply with the provisions of this Article. All fences shall be maintained in good repair. No barbed wire fences and no electrically charged fences are permitted within the Potosi City Limits. (Ord. 827, §1)

**Sec. 26‑135. Vision Obstruction Restrictions‑ Purpose.**

 The following Section is intended to establish regulations governing the placement of natural or man‑made obstructions to vision. (Ord. 827, §1)

**Sec. 26‑136. Obstructions in Required Yards.**

 (a) On any lot where a front yard is required or corner lot, no building, wall, fence or other structure shall be constructed and no hedge, tree, shrub, or other growth or object of any kind shall be maintained in such location within the yard so as to obstruct the view of pedestrians and motorists, as determined by the City Engineer.

 (b) Open fences not exceeding fifty (50) percent screening and four (4) feet in height above average front yard grade shall be permitted. Fences over 30" in height shall require the issuance of a permit,

 (c) Hedges, shrubbery, flowers or other similar vegetation planted to form a continuous line of growth shall not exceed a height of four (4) feet. (Ord. 827, §1)

**Sec. 26‑137 to 26‑138. Reserved.**

**Sec. 26‑139. Noncommercial, Not-For-Profit Neighborhood Facilities - Purpose.**

 The purpose of these requirements is to provide opportunities for necessary and desirable noncommercial, not‑for‑profit neighborhood facilities while minimizing possible adverse impacts of such facilities on the surrounding neighborhood. (Ord. 827, §1)

**Sec. 26‑140. Standards.**

 (a) The proposed structure(s) shall not be located within any front or rear yards required by this Article or within ten (10) feet of the property line adjacent to the side yards of the lot on which the structures are located. Swimming pool pump and filter operations shall adhere to these standards, but in no event will they be located closer than twenty (20) feet to a side or rear property line.

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 (b) Any outdoor swimming pool will be enclosed by a fence or wall with a minimum height of six (6) feet with gates that shall be self‑closing and latching. (Ord. 827, §1)

**Sec. 26‑141 to 26‑142. Reserved.**

**Sec. 26‑143. Common Open Space and Improvement Regulations.**

(Ord. 827, §1)

**Sec. 26‑144. General Provisions.**

 The regulations set forth in this Section shall apply in all developments where the following features are held in common ownership by persons owning property within a development.

 (a) All lands in common open space, not a part of individual lots, designed for the mutual benefit of a group of persons owning property within a development, where such lands are not dedicated to or conveyed for public use; whether or not such lands are required by the provisions of this Article; and

 (b) All private streets, driveways, parking facilities, and buildings or portions thereof, as may be provided for common use, benefit and/or enjoyment of the development occupants; whether or not such improvements are required by the provisions of this Article. (Ord. 827, §1)

**Sec. 26‑145. Condominium Property Act.**

 Except where it can be demonstrated that the provisions of this Section can be satisfied by other means, all lands and improvements, as set forth in this Section. shall be established and maintained in accordance with the Condominium Property Act, Chapter 448, Missouri State Statutes. (Ord. 827, §1)

**Sec. 26‑146. Subdivision Approval Required.**

 All subdivision of property containing common open space and common improvements shall be considered a subdivision and subject to review in accordance with the provisions of Article III, Subdivisions. (Ord. 827, §1)

**Sec. 26‑147. Property Owner's Association.**

 All common open space and improvements shall be protected by legal arrangements that are satisfactory to the City and sufficient to assure their maintenance and preservation for the purposes intended. Covenants or other legal arrangements shall specify ownership of the common open space and common improvements, method of maintenance, responsibility for maintenance, maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain common open space and common improvements will not be dissolved without the consent of the City, and other specifications deemed necessary by the City. (Ord. 827, §1)

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**Sec. 26‑148. Covenants, Rules and By‑laws.**

 Any restrictive covenants, rules and by‑laws of the ownership unit, as prepared in accordance with Chapter 448, Missouri State Statutes, shall be approved by the City before any final plat is recorded. Such documents, once approved, shall become part of the recorded subdivision plat. The covenants and restrictions shall provide:

 (a) For the establishment of the condominium or homeowner's association or trust prior to the sale of any property;

 (b) For the method of maintenance;

 (c) That open space restrictions and maintenance shall be permanent;

 (d) That the homeowners are liable for the payment of maintenance fees and capital assessments;

 (e) That unpaid homeowner's fees and assessments will be a lien on the property of the delinquent homeowners;

 (f) That the association or trustee shall be responsible for liability insurance, taxes and perpetual maintenance;

 (g) That membership shall be mandatory for each homeowner and any successive buyer;

 (h) That each homeowner, at the time of purchase, shall be furnished with a copy of the approved restrictions or conditions;

 (i) That any association or trust formed to own and maintain common open space and common improvements will not be dissolved without consent of the City; and

 (j) That the City of Potosi shall assume no responsibility for the enforcement of private restrictive covenants. (Ord. 827, §1)

**Sec. 26‑149. Maintenance of Common Open Space and Improvements.**

 The City may require that, in order to assure adequate maintenance of common open space and improvements, any restrictive covenants, rules and by‑laws created for the unit of ownership specify that the City may serve written notice to the association as to their failure to maintain the common open space and improvements in reasonable order. The notice shall describe how the unit of ownership has failed to maintain the common open space and improvements in reasonable condition and shall require that such deficiencies be remedied within thirty (30) days, setting a date and place of a public hearing. Said hearing shall be held within twenty (20) days of notice.

 If said deficiencies are not corrected, the City may enter upon the common open space and improvements to maintain the same for one (l) year in order to preserve the taxable values of the properties within the development and to prevent the common open space and improvements from becoming a public nuisance. Entry upon and maintenance of the common open space and improvements shall not grant the public any rights to use the facilities, unless the owners dedicate the same to the public.

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 At or before the expiration of one (1) year, the City shall give notice and hold another public hearing to determine if the ownership unit is capable of adequately maintaining the common open space and improvements. The City may, at its discretion, continue to maintain the common open space and improvements for one (1 ) or more additional years if it finds that the ownership unit is not able to adequately maintain the common open space and improvements. The rules and by‑laws creating the ownership unit shall provide that the cost of such City maintenance shall be assessed ratably against the individual properties within the development that have a right to use the common open space and improvements. This assessment shall constitute a lien against all properties within the unit ownership. (Ord. 827, §1)

**Sec. 26‑150. Maintenance Responsibility.**

 The initial maintenance of the common open space and improvements within the development shall be the responsibility of the developer until the restrictive covenants, rules, and by‑laws of the unit of ownership are established and maintenance responsibility is transferred to a duly constituted owner's association. The developer shall retain this maintenance responsibility, regardless of the status of the ownership unit, until fifty (50) percent of the development has been sold to the unit owners or other clients.

 The developer maintenance responsibility shall be specifically indicated in a letter of agreement between the developer and the City, submitted at the time of Final Plat Review. (Ord. 827, §1)

**Sec. 26‑151 to 26‑152. Reserved.**

**Sec. 26‑153. Residential Group Homes - Purpose.**

 Residential group homes for eight (8) or fewer unrelated mentally or physically handicapped persons that may include up to two (2) house parents or guardians when:

 (a) The structure, building, landscaping, fencing, etc. for the residential group home suits the character of the immediate neighborhood.

 (b) There are no other residential group homes within fifteen hundred (1,500) feet.

 (c) No sign identifying the residential group home exceeds four (4) square feet in area.

 (d) Signs may not be illuminated and must be attached to the residential group home.

 (e) There are no more than two (2) residents per bedroom. (Ord. 827, §1)

**Sec. 26‑154 to 26‑155. Reserved.**

**Sec. 26-156. Trailer and Mobile Home Parks.**

 Trailer and mobile home parks shall, in addition to other relevant City regulations, comply with the following provisions:

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 (a) It shall be unlawful to park or locate any trailer or mobile home inside the corporate limits intended for human occupancy except as provided in this Article; provided, however, that this provision shall not apply to any trailer used by the owner for recreational purposes only.

 (b) A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage, and electrical utilities per City regulations.

 (c) Travel trailers shall be rented by the day or week only, and the occupant shall remain in the same trailer parking area not more than seven (7) days.

 (d) There shall be a minimum of three thousand (3,000) square feet of space for each building within a trailer and/or mobile home park. There shall be a minimum separation between mobile homes and trailers of fifteen (15) feet with a setback of at least twenty-five (25) feet from any public right-of-way or property boundary line. There shall be a minimum of two (2) parking spaces provided per trailer or mobile home space.

 (e) The stand, the drive leading to the stand, and the required parking area shall be paved with a durable surface as determined by the City Engineer. The stand shall provide an adequate tie-down securing the superstructure from sliding rotation, and overturning.

 (f) The lot shall be well drained and kept free of debris, weeds or other nuisances (Ord. 827, §1)

**Sec. 26‑157. Screening and Fencing ‑ Purpose.**

 To encourage the most appropriate use of land and protect the privacy and property values of adjacent permitted uses, regulations are prescribed herein for the location and type of various screening devices to be used when required by this Division. (Ord. 827, §1)

**Sec. 26‑158. Location and Height.**

 The following shall be required in addition to any required landscaping or buffer-yard.

 (a) Off‑street parking areas.

(1) Where an open off‑street parking area for a multi‑family residential use contains five (5) or more off‑street parking spaces and is adjacent to an R‑1 or R‑2 District, screening of not less than four (4) feet in height and meeting the requirements of Section 26‑136, Vision Obstruction Restrictions, shall be erected separating the off‑street parking area from the adjacent residential district. No screening is required for parking spaces fronting a public right‑of‑way, except as required under Section 26‑ 169.

(2) Where an open off‑street parking area for a nonresidential use is in or adjacent to any residential district, screening of not less than four (4) feet in height and meeting the requirements of Section 26‑136, Vision Obstruction Restrictions, shall be erected separating the parking area from the adjacent residential district. No screening is required for parking spaces fronting a public right‑of‑way, except as required under Section 26‑169 or if a buffer‑yard is required under Section 26-170 to 26-171.

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 (b) Consolidated refuse storage areas, for all uses other than single family and two‑family dwellings, visible from the adjacent property lines shall be visually screened by a solid fence or wall, not less than the height of the refuse storage containers, on all sides except the side used for refuse pick‑up service. (Ord. 827, §1)

**Sec. 26‑159. Screening and Fencing Standards.**

 (a) Property owners may elect to use a solid masonry or concrete wall, or a solid wooden fence to satisfy screening requirements.

 (b) A landscaped earthen berm having side slopes with at least two (2) feet of horizontal distance for each foot of height may be used to satisfy screening requirements.

 (c) An evergreen hedge may be used if the shrubs or trees measure at least two‑thirds (2/3) of the minimum required height when planted and form a continuous, solid, visual screen. (Ord. 827, §1)

**Sec. 26‑160. Maintenance.**

 Property owners shall be responsible for maintaining the required screening materials in a neat and orderly manner at all times. Plant materials which die shall be replaced with healthy plant materials of similar variety and meeting the size requirements of this Section. (Ord. 827, §1)

**Sec. 26‑161. Additional Screening and Fencing.**

 The City may require screening and fencing of outside storage and display areas in nonresidential districts in addition to or in lieu of the requirements of this Article. The screening or fencing shall be of adequate height to effectively mask the specified area, but in no instance shall the screening or fencing be above seven (7) feet in height. (Ord. 827, §1)

**Secs. 26‑162 to 26‑163. Reserved.**

**Sec. 26‑164. Landscaping and Buffer‑Yards ‑ Purpose.**

 These regulations provide standards and criteria for landscaping in all new construction projects that are intended to enhance the value of property, provide buffers between dissimilar uses, improve the physical appearance of the City and maintain an ecological balance. Landscaping and buffer‑yards are intended to lessen the adverse impacts of more intense land uses when they are adjacent to less intense uses. Residential districts and uses in the C-O Office District are exempt from these regulations because such uses rarely create adverse impacts. (Ord. 827, §1)

**Sec. 165. Screening and Fencing.**

 All screening or fencing under this Section shall be in addition to any buffer‑yard or area required in Section 26-170 to 26-171. (Ord. 827, §1)

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**Sec. 26‑166. Enforcement.**

 In the event of a nonconformity with the standards and criteria of this Section, property owners, including any known tenants or agents, shall be notified citing the violation and describing what actions are required to comply with this Section. The owner, tenant, or agent shall have thirty (30) days from the notice date to restore the required landscaping. Failure to comply with the notice shall be considered a violation of this Article. (Ord. 827, §1)

**Sec. 26‑167. Maintenance.**

 The property owner shall at all times remain responsible for maintaining all required landscaping in a neat and orderly manner. Plant materials shall be maintained in a healthy and growing condition that is appropriate for the season of the year. Dead plant materials shall be replaced with a similar variety plant material meeting the size requirement of this Section. (Ord. 827, §1)

**Sec. 26‑168. General Standards for Trees.**

 Trees referred to in this Section shall be of a species common to or adapted to this area of Missouri as documented by the Missouri Department of Conservation. Caliper measurements shall be taken six (6) inches above grade. Trees shall have the following characteristics:

 (a) Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity. All canopy trees shall have a minimum caliper diameter of one and one‑half (l l/2) inches at the time of planting.

 (b) Under-story trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity. All under‑story trees shall have a minimum caliper diameter of one (l) inch at time of planting.

 (c) Ornamental trees shall be flowering deciduous trees. All ornamental trees shall have a minimum caliper width of one (l ) inch at time of planting.

 (d) Evergreen or conifer trees shall have a minimum height of twenty (20) feet at maturity. All evergreen trees shall be at least six (6) feet high at time of planting.

 (e) Smaller trees may be substituted where the applicant establishes that the location of driveways or unique physical characteristics of the property would not allow the plantings as required.

 The Building Commissioner may waive rules regarding setbacks and buffer‑ yards to preserve trees of exceptional quality due to size, large canopy cover, trunk diameter, rarity, age or species when written consent has been received from the owners of abutting property. Where such written consent is not filed, waiver may be granted by the Board of Adjustment as a variance according to the standards, notice and other procedures pertaining to variances. (Ord. 827, §1)

**Sec. 26‑169. Minimum Requirements for Off‑Street Parking Areas.**

 Interior and perimeter of parking lots shall be landscaped in accordance with the following criteria. Lots of one (1) acre or less shall be exempted from this regulation as are parking areas which are located under, on, or within buildings.

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 (a) Development sites containing parking areas totaling thirty (30) or more parking spaces or the gross area is twelve‑thousand (12,000) or more square feet, shall provide a minimum of five (5) percent of the parking area for landscaping. Additional requirements include:

(1) All landscape areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs;

(2) There shall be a minimum of two (2) under‑story trees or one (1) canopy tree planted for each thirty (30) parking spaces or twelve-thousand (12,000) square feet of parking area, or fraction thereof; and

(3) Interior parking areas shall contain planting islands located so as to best relieve the expense of paving. Interior planting areas shall be a minimum of one‑hundred (100) square feet for each under‑story tree and two‑hundred (200) square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting.

 (b) Perimeter landscaping shall be provided where a parking lot is within twenty (20) feet of a public right‑of‑way line and there is not an intervening building. Whenever a parking lot abuts a public right‑of‑way, a perimeter landscape area of at least five (5) feet in depth shall be maintained on private property and may include any required setback area. All necessary access ways shall be permitted through all such landscaping areas. (Ord. 827, §1)

**Sec. 26‑170. Buffer‑Yard Standards.**

 Buffer-yards shall be required as shown on the Table of Buffer‑yard Requirements. A buffer‑yard shall be provided for a proposed commercial or industrial development when it will be located in a zoning district listed in the left‑most column of the table and the development is adjacent to a zoning district listed across the top of the table. Buffer‑yards are not required if there is an intervening public street between the districts with a right‑of‑way width of fifty (50) feet or more or if a railroad right‑of‑way separates the two districts.

 All or a portion of a buffer‑yard may be used to satisfy a required setback, but in no instance shall parking spaces or outside storage/display be permitted in a buffer‑yard.

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**Table of Buffer‑Yard Requirement**s

Adjacent Zoning District

 R-1 R-2 R-3 C-O C-1 C-2 C-3 CC M-1 M-2

Development

Zoning

District

C-1 B A A A \* \* \* \* \* \*

C-2 D C C C \* \* \* \* \* \*

C-3 E C C C \* \* \* \* \* \*

M-1 F E E D C C C C \* \*

M-2 G F F E D D D D C \*

*\* No buffer‑yard required*

(Ord. 827, §1)

**Sec. 26‑171. Buffer‑Yard Definitions.**

 (a) Buffer‑yards are defined in terms of the number of plant units required for each one-hundred (100) linear feet. The number of plant materials required shall be rounded up when a fraction is calculated. Property owners may increase the width and planting density of the buffer‑yard.

**Required plantings per 100 linear feet**

 Canony tree(s) Under‑story trees Evergreen trees Shrubs

Buffer yard A 1 1 2 10

Buffer yard B 1 2 2 12

Buffer yard C 3 2 2 16

Buffer yard D 3 3 4 20

Buffer yard E 4 3 4 24

Buffer yard F 4 4 5 28

Buffer yard G 5 4 5 34

 (b) Buffer‑yards A and B shall have a minimum width of fifteen (15) feet.

 Buffer‑yards C and D shall have a minimum width of twenty (20) feet.

 Buffer‑yards E and F shall have a minimum width of thirty (30) feet.

 Buffer‑yard G shall have a minimum width of thirty‑five (35) feet.

 (c) The minimum buffer‑yard width may be reduced by fifty (50) percent if the property owner elects to install a six (6) foot solid wood fence, a six (6) foot solid masonry/brick wall or a six (6) foot solid evergreen hedge. (Ord. 827, §1)

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**Sec. 26‑172. Sight Distance and Utility Easements.**

 (a) Strict compliance with these landscaping requirements shall not be required if it would cause visibility obstructions, particularly at intersections. The landscaping requirements may be modified by the Building Commissioner to the extent necessary to mitigate unnecessary economic hardship or to accommodate unique site characteristics.

 (b) Buffer‑yard and parking lot perimeter landscaping shall be provided in such a requirements set forth herein may be modified to the extent necessary to manner as to minimize their impact on utility construction and maintenance requirements. Plantings on utility easements shall be limited to ornamental or under‑story trees, shrubs and hedges. In this instance, each required canopy tree shall be replaced with two (2) ornamental or under‑story trees to reduce conflicts with overhead utilities. Plantings in or adjacent to a utility easement shall be coordinated with the effected utility company. (Ord. 827, §1)

**Sec. 26‑173 to 26‑174. Reserved**

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**DIVISION 15. CONDITIONAL USE PERMITS**

**Sec 26‑175. Purpose of Conditional Use Permits**

 The conditional use permit procedure is designed to provide the Planning and Zoning Commission and the Board of Aldermen with an opportunity for discretionary review of requests to establish uses or construct structures which may not be specifically allowed in a given zoning district, but may be deemed desirable or in the public interest to locate in that zoning district. The purpose of the review is to determine whether the proposed location of the use or structure is consistent with the overall intent of the zoning district regulations and to permit the imposition of conditions designed to minimize or mitigate potential adverse effects. Conditional Use Permits do not constitute a zoning change and only allow for a designated use, on a specific lot or tract, within the established zoning district. (Ord. 827, §1)

**Sec 26‑176.**  **Procedures.**

 A Conditional Use Permit may be initiated by an application by one or more of the owners of record or owners under contract of a lot or tract of land, or their authorized representatives. Procedures for application, review, and approval of Conditional Use Permits shall be as follows:

 (a) An application for a Conditional Use Permit for a specific tract of land shall be addressed to the Planning and Zoning Commission and shall be filed with the Building Commissioner. The application shall be filed on forms prescribed for that purpose and be accompanied by the following:

(1) Filing Fee of two hundred dollars ($ 200);

(2) The applicant's name and address and legal interest in the subject property,

(3) 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;

(4) The legal description of the property;

(5) The zoning classification and present use of the property;

(6) A description of the proposed conditional use;

(7) A Site Plan in accordance with this Section;

(8) A statement describing how the proposed conditional use will comply with the applicable standards of this Section; and

(9) A statement describing how the proposed conditional use is to be designed, arranged and operated in order to ensure that future development that is consistent with District regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected.

 (b) Site Plan content.

(1) Approximate location of proposed and existing designated uses or buildings and other structures, including adjoining property, as well as parking and open areas shall be indicated for the proposed conditional use and adjacent property;

(2) Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Flood plain areas shall be delineated;

(3) Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping/screening plan;

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(4) An elevation view of the site showing preliminary building form (new construction only);

(5) Proposed ingress and egress to the site, including right‑of‑way and pavement width for proposed and existing streets;

(6) A plan for the provision of sanitation and storm water drainage facilities;

(7) The location, lighting and type of signs and the relationship of signs to traffic control;

(8) The location and number of required off‑street parking areas; and

(9) The location of existing utilities.

(Ord. 827, §1)

**Sec 26‑177. Burden of Proof/Standards.**

 In presenting any application for a Conditional Use Permit, the burden of proof shall rest with the applicant to clearly establish that the proposed conditional use shall meet the following standards:

 (a) The proposed conditional use complies with all applicable provisions of the applicable District regulations.

 (b) The applicant has demonstrated through the provision of a traffic impact study or other acceptable method that the proposed conditional use at the specified location will not adversely affect the safety of the motoring public and pedestrians using the facility and surrounding area from traffic congestion or other hazards.

 (c) The location and size of the conditional use, the nature and intensity of operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning District regulations or the policies of the Potosi Comprehensive Plan. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

(1) The location, nature and height of buildings, structures, walls, and fences on the site,

(2) The nature and extent of proposed landscaping and screening on the site,

(3) The noise characteristics of the use compared to the typical use in the District and any reduction solutions;

(4) The potential glare of vehicles and stationary lights on site and any measures employed to mitigate their impact;

(5) Sign location, type, size, and lighting, and

(6) The impact on or potential interference with any easements, roadways, driveways, rail lines, utilities and storm water management systems.

 (d) Off‑street parking and loading areas will be provided in accordance with the standards set forth in this Article.

 (e) Adequate utility, drainage, and other such necessary facilities have been or will be provided.

 (f) The proposed uses where such developments and uses are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with

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the permitted uses in the surrounding area; and are deemed essential, convenient, or desirable to preserve and promote the public health, safety, and general welfare of the City of Potosi. (Ord. 827, §1)

**Sec 26‑178. Public Hearing.**

 (a) The Planning and Zoning Commission in accordance with the provisions of this Article shall hold a public hearing on the application for a Conditional Use Permit.

 (b) Subsequent to the public hearing, the Building Commissioner shall certify that the application is complete and shall prepare a report to the Planning and Zoning Commission. Upon receipt of said report and after the holding of a Public Hearing, the Commission shall recommend to the Board of Aldermen approval or denial of the Permit. (Ord. 827, §1)

**Sec 26‑179. Approval or Denial of a Permit by the Planning and Zoning Commission.**

 (a) In recommending approval of conditional uses, the Planning and Zoning Commission shall impose such conditions as it determines necessary. Said conditions shall include but not be limited to the following:

(1) Permitted uses, including maximum floor area;

(2) Performance standards;

(3) Height limitations,

(4) Minimum yard requirements;

(5) Off‑street parking and loading requirements;

(6) Sign regulations;

(7) Minimum requirements for Site Plans; and

(8) Time limitations for commencement of construction.

 (b) Upon denial by the Planning and Zoning Commission of an application for a Conditional Use Permit, the Building Commissioner shall notify the applicant of such recommendation. If no appeal is filed, the application shall be deemed denied. No subsequent application for a Conditional Use Permit with reference to the same proposed use shall be filed by any applicant until the expiration of twelve (12) months after the denial. (Ord. 827, §1)

**Sec 26‑180. Appeal of Denial Recommendation.**

 Upon the recommendation of denial by the Planning and Zoning Commission of an application, the applicant may file an appeal with the Board of Aldermen requesting a determination by that body. A Notice of Appeal shall be filed within ten (10) days after the Commission's hearing is concluded. An appeal shall be in writing and shall be filed in duplicate with the City Clerk. The applicant shall have an additional thirty (30) days to file the actual appeal. The appeal shall specifically state how the application, as initially filed or subsequently modified, meets the criteria set forth in these regulations. (Ord. 827, §1)

**Sec 26‑181. Protest of the Commission's Decision.**

 A protest against a proposed Conditional Use Permit may be filed in accordance with the provisions of this Article that address protest petitions for zoning cases. (Ord. 827, §1)

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**Sec 26‑182. Board of Aldermen Review.**

 In any case, subsequent to proper notification as described above, the Board of Aldermen may affirm, reverse or modify, in whole or in part, any determination of the Planning and Zoning Commission. (Ord. 827, §1)

**Sec 26‑183. Permit Effective‑When.**

 The Conditional Use Permit shall become effective upon approval by the Board of Aldermen. In the event that some additional approval is required by some other governmental authority or agency, the permit request shall not be acted upon until that approval is received. (Ord. 827, §1)

**Sec 26‑184. Final Site Plans.**

 Subsequent to the effective date of the Conditional Use Permit, a Final Site Plan shall be submitted for review by the Building Commissioner to determine compliance with the specified conditions of the permit. The plan shall contain the minimum requirements established in the conditions governing the permit. No building permits or authorization for improvement or development for any use requested under provisions of this permit shall be issued prior to the effective date of the Final Site Plan. The Final Site Plan shall be retained on file in the office of the Building Commissioner. (Ord. 827, §1)

**Sec 26‑185. Procedure to Amend a Conditional Use Permit or Site Plan.**

 In order to amend an existing Conditional Use Permit or to amend the Site Plan approved for a Conditional Use Permit, the procedure shall be as follows:

 (a) To amend a Conditional Use Permit:

(1) The property owner or authorized representative shall submit a written request to amend conditions. The Building Commissioner shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.

(2) The Building Commissioner shall then forward the request and his report to the Planning and Zoning Commission. The Commission shall review the proposed amendments and file a report with the Board of Aldermen in which the Commission shall recommend to grant, deny or modify the requested condition amendments. If the Commission determines that the requested amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require a new public hearing on the matter in accordance with the provisions of this Article specified for amending the Zoning Ordinance.

 (b) To amend the Site Plan:

(1) The property owner or authorized representative shall submit an amended Site Plan for review. The Building Commissioner shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally approved by the Board of Aldermen.

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(2) If the Building Commissioner determines that the proposed amendment to the Site Plan is not in conflict with the Final Site Plan, and meets all conditions of the Conditional Use Permit, the Building Commissioner may approve said amended Plan. The approved Plan shall be retained on file in the office of the Building Commissioner.

(3) If the Building Commissioner determines that the Site Plan is not consistent in purpose and content with the Final Site Plan, the Building Commissioner shall so report to the applicant and the Planning and Zoning Commission. In which case, the review process for the submittal of Conditional Use Permits shall be followed as described under Sec. 26‑179 for the proposed amendment to the Final Site Plan.

 (Ord. 827, §1)

**Sec 26‑186. Time Limit of Conditional Use Permits.**

 Conditional Use Permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in a particular permit, the property owner may request that the Conditional Use Permit be reviewed by the Board of Aldermen, which may extend it for an unlimited period or for a specified additional period of years. (Ord. 827, §1)

**Sec 26‑187. Failure to Commence Construction.**

 Unless otherwise stated in the Conditional Use Permit, substantial work or construction shall commence within one (l) year of the effective date of the permit, unless such time period is extended through appeal to the Board of Aldermen. If no extension of time is granted the permit shall terminate. (Ord. 827, §1)

**Sec. 26‑188. Bed and Breakfasts‑Purpose.**

 The purpose of these requirements is to minimize any possible adverse effects of a bed and breakfast on the surrounding neighborhood while providing opportunities to make better use of existing housing, particularly larger, older houses located on major streets. (Ord. 827, §1)

**Sec. 26‑189. Approval Standards.**

 (a) All applicants for a Conditional Use Permit for bed and breakfasts shall comply with the following requirements:

(1) The use shall front on a collector street or higher classification street;

(2) The number of proposed guest rooms in the bed and breakfast shall be stated in the Conditional Use Permit application;

(3) Only short‑term lodging shall be permitted, no monthly rentals.

(4) There shall be no individual cooking facilities.

(5) The facilities may be rented for receptions, parties, weddings or similar activities. Potential negative impacts, including, but not limited to, traffic, parking and noise, shall be addressed in the use permit application.

(6) One (1) additional paved parking space per guest room shall be provided in the rear yard.

(7) The operator shall live at the bed and breakfast.

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(8) Only resident's guests shall be served meals.

(9) One (1) sign no larger than six (6) square feet shall be permitted. Signs may be illuminated.

(10) A business license shall be obtained annually.

(11) No bed and breakfast shall be located within three‑hundred (300) feet of another bed and breakfast as measured along continuous public street rights‑of‑way from all streets abutting the bed and breakfast property, nor shall a bed and breakfast be located on property that abuts property on which another bed and breakfast is located.

(Ord. 827, §1)

**Sec. 26‑190 to 26‑191. Reserved.**

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**DIVISION 16. OFF‑STREET PARKING**

**Sec. 26‑192. Parking Spaces Provided.**

 In all zoning districts off‑street parking facilities shall be provided for the temporary storage or parking of motor vehicles for the use of occupants employees and patrons of buildings or structures constructed after the effective date of this Article. (Ord. 827, §1)

**Sec. 26‑193. Parking Space Defined and Computed.**

 A "parking space" shall mean a space of approximately two hundred (200) square feet, exclusive of drives or aisles giving access thereto, accessible to streets or alleys or aisles leading to streets or alleys and to be usable for the storage or parking of motor vehicles. Truck loading and unloading space shall not be considered as supplying required off‑street parking space. When a determination of the number of parking spaces required by this Division results in a fractional space, the fraction shall be counted as one (1) parking space. (Ord. 827, §1)

**Sec. 26‑194. Shared Parking Areas.**

 The parking spaces required of two (2) or more uses located on the same lot may be combined and used together, however the aggregate number of off‑street parking spaces required for all such uses shall be provided. (Ord. 827, §1)

**Sec. 26‑195. What Various Terms Include.**

 (a) **Floor Area:** In the case of offices, merchandising or service types of uses shall mean the gross floor area used or intended to be used for a service to the public as customers, patrons, clients or patients, or as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise, for show windows, or for offices incidental to the management or maintenance of stores or buildings. Floors or parts of floors used principally for toilet or rest rooms or for utilities, or for fitting rooms, dressing and alterations rooms, halls, storage rooms, file rooms, stairways, elevators shall be excluded.

 (b) **Hospital Beds:** In hospitals, bassinets shall not be counted as beds.

 (c) **Seating Space:** In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty (20) lineal inches of such seating facilities shall be counted as one seat for the purpose of determining requirements hereunder.

 (d) **Number of Employees:** The number of employees shall be computed on the basis of the greatest number of persons to be employed at any one period during the day or night. (Ord. 827, §1)

**Sec. 26‑196. Cooperative Parking Facilities.**

 A Cooperative Parking Plan may be approved by the City to allow more flexibility in the provision of required parking facilities. In this instance, not more than fifty (50) percent of the off‑street parking spaces required for a use or structure may be located on another site or lot.

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A Cooperative Parking Plan shall only be approved when the schedules of operation of all uses subject to the Plan are sufficiently staggered such that they are not normally open, used, or operated during the primary operating hours of the other uses. The use of shared parking shall not be a matter of right, it being intended that the City shall have discretion to approve a Cooperative Parking Plan based on the review of plans and other information submitted by the applicant subject to the requirements for off‑street parking in this Division. (Ord. 827, §1)

**Sec. 26‑197. Cooperative Parking Plan Application.**

 The owners of the entire land area to be included in the Plan shall file an application for a Cooperative Parking Plan with the Building Commissioner and City Engineer. The application shall include plans showing the location of the use, buildings, or structures for which shared off‑street parking spaces are to be provided, the location and layout of the parking area, and a parking demand schedule. A parking demand schedule shall include:

 (a) The hours of operation of each building, structure, or use which is to be party to the Cooperative Parking Plan, and

 (b) The projected parking demand for each building, structure, or use during each hour of the day for a typical week. Hourly parking demand may be averaged for weekdays, but shall be separately stated for Saturday and Sunday. (Ord. 827, §1)

**Sec. 26‑198. Cooperative Parking Plan Approval/Amendment.**

 Cooperative Parking Plans may be amended or withdrawn, pursuant to the process for the initial approval, provided that all parties to the Cooperative Parking Plan consent and that the parking regulations of this Division are substantially satisfied. (Ord. 827, §1)

**Sec. 26‑199.** **Location of Parking Facilities.**

 No motor vehicle or trailer shall be parked in the required front yard of a lot or tract in any residential district or a lot or tract used for residential purposes in any other District, except on a driveway or an impervious surface leading to a required off‑street parking space(s). (Ord. 827, §1)

**Sec. 26‑200. Required Spaces.**

 (a) **Residential and Lodging Uses:**

Single-family. duplex. mobile homes on individual lots: One (1) for each dwelling unit.

Multi‑family dwellings: One and one‑half (1‑1/2) for each dwelling unit.

Boarding. rooming and lodging houses: One (1) for each lodging room.

Hotels and motels: One (1) for each sleeping room, plus any spaces required for accessory uses such as restaurants, cocktail lounges, meeting rooms, etc.

 (b) **Business and Commercial Uses:**

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Restaurants: One (1) for each three (3) seats provided for patrons use for restaurants, including night clubs, lunch counters, diners and all other similar dining or drinking establishments with no pick‑up or drive thru service. Restaurants with pick‑up service or drive‑in facilities, including seasonal shaved ice or ice cream stands, shall provide at least one off‑street parking space for every one hundred (100) feet of gross floor area, and in no case less than six (6) off‑ street parking spaces.

Business or professional offices: One (1) for each two hundred (200) square feet of total building floor area used or intended to be used for service to the public or as workspace for employees.

Retail or mercantile establishments: One (1) off‑street parking space for each one hundred fifty (150) square feet of gross floor area used or intended to be used for service to the public as customers, patrons and clients.

Retail establishments over 80,000 square feet: One (1) for each three hundred (300) square feet of total building floor area, excluding on‑site warehouse space not used for the display of goods for sale.

 (c) **Industrial and Warehouse Uses:**

Manufacturing uses: Two (2) for each three (3) employees.

Cartage and express facilities: Two (2) for each three (3) employees, plus one (1) for each vehicle kept on the premises.

Terminal facilities: Two (2) for each three (3) employees, plus one (1) for each truck or semi‑ trailer kept on the premises.

Warehouse facilities: One (1) for each employee, plus one (1) for each vehicle kept on the premises.

 (d) **Schools, Institutions and Places of Public Assembly:**

Places of public assembly: One (l) for each four (4) seats or fifty (50) square feet of building space used or intended to be used for assembly by the public, whichever is greatest.

Indoor Tennis. health clubs racquetball clubs: One (1) for each two hundred fifty (250) square feet of floor area.

Private schools: One (1) for each eight students, plus one (1) for each employee.

Hospitals: One (1) for each bed for inpatient care facilities and one (1) for each two hundred fifty (250) square feet of total building floor area.

Day care centers and nursery schools: One (l) for each employee and one (l) for each five (5) children.

Nursing homes and similar facilities: One ( 1 ) for each three beds plus one ( 1 ) for each two (2) employees.

(Ord. 827, §1) *(Revised 3/03)*

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**Sec. 26‑201. Parking Area Surface.**

 Every parking area shall be paved with an all weather surface and shall be used only for parking and shall have entrances and exits approved by the City Engineer. The parking lot shall be constructed with a crushed stone base course having a minimum thickness of four (4) inches and an asphaltic concrete wearing surface having a minimum thickness of three (3) inches. Both courses must be compacted to a density of not less than ninety‑five (95) percent of the standard compacting test. In lieu thereof, the parking area may be constructed of concrete wearing course having a minimum thickness of four (4) inches. If weather conditions limit the completion of the parking lot at the time of the issuance of a certificate of occupancy, the owner may, with the approval of the City Engineer, post a performance bond with the City to guarantee the completion of this work. (Ord. 827, §1)

**Sec. 26‑202. Parking Area Lights.**

 Any lights used to illuminate parking areas shall be so arranged and hooded as to confine all direct light rays entirely within the boundary lines of the parking area. (Ord. 827, §1)

**Secs. 26‑203 to 26‑204. Reserved.**

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**DIVISION 17. SIGNS**

**Sec. 26‑205. Purpose of Sign Regulations.**

 The purposes of these sign regulations are: (1) to encourage the effective use of signs as a means of communication in Potosi; (2) to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; (3) to promote pedestrian and traffic safety; (4) to minimize the possible adverse effect of signs on the enjoyment and economic value of nearby public or private property; (5) and to enable the fair and consistent enforcement of these restrictions. (Ord. 827, §1)

**Sec. 26‑206. Definitions.**

 (a)*Animation*: Any action or motion other than flashing lights and automatic changeable copy in an attempt to develop a pictorial scene through the movement of lights or parts of a sign.

 (b) *Attached* *Sign*: Any sign substantially and permanently attached to, applied on, structurally connected to, painted on, or supported by, any part of a building.

 (c) *Copy*: The letters, figures, characters, representations, pictures or wording on a sign, including any identification, description, symbol, trademark, object, design, logo, illustration, or device illuminated or non‑illuminated which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem or painting designed to advertise, communicate, identify, or convey information.

 (d) *Billboard*: An off‑premise sign.

 (e) *Detached Sign*: Any freestanding sign, and including any inoperable vehicle or any trailer located for the primary purpose of advertising.

 (f) *Directional Sign*: An on‑premise informational sign.

 (g) *Effective Area*: The effective area of sign shall be computed from the area enclosed by the perimeter upon which sign copy are placed, except that when individual letters, numbers, logo, etc. are mounted individually and directly upon a building surface without a change in color or appearance of the surface background, the effective area of the sign shall be deemed to be the rectangle or other geometric form that encompasses the letters, numbers, logo, etc. One (l) face of a double‑sided sign shall be used to determine effective area.

 (h) *Internally Illuminated Signs*: Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than reflected off the surface of the sign from an external source.

 (i) *Off‑Premise Sign*: Any sign intended or used to advertise or inform the public of uses, goods, services offered off the premises where the sign is located.

 (j) *On‑Premise Sign*: Any sign designating the name of the owner or occupant of the premises upon which the sign is placed, or identifying such premises; or advertising goods manufactured or produced or services rendered on or listing the sale or lease of, the premises upon which the entire sign is located.

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 (k) *Portable Sign*: Any non‑exempted sign which:

(1) Is not permanently attached to any structure, building, or the ground; and

(2) Is designed and constructed to be movable from one location to another.

 (l) *Street Frontage*: The distance for which a lot line adjoins a public street right‑of‑way, from one lot line intersecting the right‑of‑way to the furthest distant lot line intersecting the same right‑of‑way.

 (m) *Temporary Sign*: Any sign intended to be used at the same location or site no more than seven (7) days over any three (3) month period. (Ord. 827, §1)

**Sec. 26‑207. Exempt Signs.**

 The following signs shall not require the issuance of a sign permit, but must conform to other City codes. These signs are allowed in addition to all other signs allowed under this Article.

 (a) **Address Numbers and Name Plates:** Address numbers for each residential and business building shall not exceed one (1) square foot in effective area per character, and one (1) name plate not exceeding two (2) square feet in effective area per dwelling unit or business.

 (b) **Banner Sign:** A sign composed of highly flexible lightweight material which is not posted for more than thirty (30) days per calendar year and does not exceed forty (40) square feet in effective area

 (c) **Directional Signs:** Detached on‑premise directional signs that do not exceed five (5) square feet in effective area. No part of the sign shall exceed four (4) feet in height above finished grade, excluding berms or other landscaping features.

 (d) **Flags:** Flags of any nation, state, county, city or other government unit, or any flexible material that displays an adopted design, symbol, color, or script.

 (e) **Temporary Displays:** Non‑commercial signs, flags, banners, or other materials temporarily displayed in conjunction with traditionally accepted patriotic, religious, seasonal celebrations, holidays, community events, or charitable drive.

 (f) **Government Signs:** Any sign erected or maintained by or for any agency of government pursuant to and in discharge of any government function or required or authorized by law, ordinance, or governmental regulations.

 (g) **Political Signs:** Temporary political signs announcing the candidates seeking public office and other pertinent information. Political signs shall be removed within fourteen (14) days following a general election.

 (h) **Internal Signs:** Any on‑premise sign, the copy of which cannot be viewed from a public right‑of‑way or adjoining residential property.

 (i) **Neighborhood Identification Sign:** A detached sign, masonry wall, landscaping or similar material or features which, when combined, form a display for neighborhood or tract identification consisting of the neighborhood, subdivision, tract, or historic district name.

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 (j) **Real Estate Sale, Lessee and Construction Signs:** A detached or attached non-illuminated temporary on‑premise sign pertaining to the construction, sale, or lease of that premise, not to exceed thirty‑four (34) square feet in effective area in the Rural Residential District or commercial or industrial zones and not to exceed six (6) square feet in effective area in other residential zones. Real estate, lessee and construction signs shall be removed within fourteen (14) days after closing of the sale or lease or within thirty (30) days after the completion of construction.

 (k) **Vehicular Signs:** Any permanently attached vehicular sign advertising a business which regularly uses the vehicle for transportation off‑premise and is licensed by the State of Missouri for current operation.

 (l) **Inflatable Display Objects:** An inflatable display object is an advertising device designed to be inflated and erected for temporary use. The use of such objects shall not exceed fourteen (14) days per calendar year for each premises.

 (m) **Miscellaneous Exempt Signs:**

(1) Signs located on machinery or equipment which are necessary and customary to a business, such as gasoline pumps or vending machines.

(2) Temporary residential garage, estate, or public auction sale signs.

(3) Signs used as part of a public bench provided it does not interfere with driver vision or pedestrian movement.

(4) Signs on facilities located in public places that provide information that is incidental to a sponsored activity, such as a scoreboard or time clock.

(5) Building memorial signs or tablets reflecting building names, construction dates, and other relevant information when cut into any masonry surface, cast in metal, or constructed of other non‑combustible material.

(6) On‑premise attached bulletin boards no more than thirty‑four (34) square feet in area for public, not‑for‑profit, or religious institutions. Such signs may only be internally illuminated.

(7) Temporary attached or detached signs not exceeding six (6) square feet in effective area advertising drives or events of a charitable, educational, or religious nature, provided that such sign shall be posted only during the drive or event for no more than thirty (30) days per year.

(8) Historic landmark signs attached to any locally or nationally designated historic site, landmark or used to identify an historic district.

(9) Lettering painted on a window or door of a business; and window signs located inside a building, excluding flashing or animated illuminated signs.

(10) Private parking signs not to exceed three (3) square feet in effective area.

(Ord. 827, §1)

**Sec. 26‑208. Exempt Operations.**

 The following operations shall not require the issuance of a sign permit:

 (a) Changing the copy on an existing permitted sign which is specifically designed for the use of manually or automatically changeable copy, including billboard panels and posters; but not including changes in the structure, size, placement, or location of the sign, and

 (b) Maintenance, including repainting, cleaning, or other normal repair of an existing sign not involving structural changes in size, location, or placement. (Ord. 827, §1)

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**Sec. 26‑209. General Sign Provisions.**

 (a) Except where a building is located within the "CC" Center City District, no private sign shall be allowed to be located within or projecting over any public property. In the Center City District signs, whether attached or detached, shall not project beyond a vertical plane two (2) feet from the curb line and the bottom of said sign shall not be less than ten (10) feet above the highest level of the ground under the sign's lowest point

 (b) The following signs are prohibited, that:

(1) Employ flashing or animated features; or

(2) Employ any searchlights or strobe lights; or

(3) May be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency vehicle or road equipment by reason of their size, location, movement, content, coloring, or manner of illumination; and

(4) Shield from view any traffic control device, sign, signal or other government sign.

 (c) Illuminated signs shall be designed, located, and constructed to reduce glare and shall not be placed to permit focused light to be directed or beamed upon a public right-of-way, so as to cause a traffic hazard, or adjacent premises not under the same ownership and control, so as to create a nuisance.

 (d) All signs, together with their supports, braces, connections, or anchors shall be kept in good repair. Unsafe signs, damaged, or deteriorated signs, or signs in danger of breaking apart or falling shall be removed or repaired by their owner upon written notice by the City.

 (e) Signs may be erected near the intersection of two (2) streets or a driveway/street intersection provided the location of such sign does not create a sight distance problem by obstructing the vision of motorists or pedestrians. The City Engineer shall make this determination.

 (f) If required, an application to erect an on-premise sign shall be accompanied by a Sign Plan. Sign Plans shall be consistent with the requirements specified in Section 26-213 (c). Plans Required. (Ord. 827, §1)

**Sec 26‑210. Provisions for Residential Zoning Districts.**

 (a) **General Provisions:** Only on‑premise signs are permitted. Signs may be internally illuminated.

 (b) **Detached Signs:** One (1) detached sign shall be allowed for each premise containing either a multi‑family use (three (3) or more units) or a permitted non‑residential use. No detached sign shall exceed sixty (60) square feet in effective area or fifteen (15) feet in height above grade, as measured from the highest part of the sign, excluding supports.

 (c) **Attached Signs:** One (1) attached sign shall be allowed for each premise containing a multi‑ family use or a permitted nonresidential use. The total effective area shall not exceed two (2) square feet of effective area per lineal foot of wall length upon which the sign shall be mounted. Attached signs shall not extend above the roof line or beyond the wall edge of the building. (Ord. 827, §1)

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**Sec. 26‑211. Provisions for Signs in Non‑Residential Zoning Districts.**

 (a) **General Provisions:** No sign shall be permitted within twenty‑five (25) feet of a residential zoning district boundary line.

 (b) **Signs permitted in "C‑O" and "C‑1" Districts:**

(1) Only on‑premise detached and attached signs shall be permitted. Illuminated signs must be internally lit.

(2) Permanently attached flush mounted wall signs may be used. The effective sign area available for a single premise shall be limited to two (2) square feet of effective sign area for each lineal foot of building frontage facing a street. In no case shall an attached wall mounted sign project above the roof line or beyond a wall edge. Flush mounted wall signs shall not extend further than eighteen (18) inches.

(3) Projecting signs shall have a minimum clearance of ten (10) feet above grade as measured from the lowest part of the sign and shall not exceed twenty (20) square feet in effective area

(4) A premise shall be permitted one (1) detached sign. The sign shall be limited to a maximum effective area of one hundred (100) square feet and shall be limited to a maximum height of twenty (20) feet as measured from the highest part of the sign, excluding supports.

 (c) **On‑premise signs permitted in any "C‑2, C‑3, CC, M‑1, or M‑2" District:**

(1) All on‑premise signs permitted in the preceding Section, except that a limit of four (4) square feet of effective area shall be permitted for each lineal foot of building frontage facing a street.

(2) On-premise signs may be externally or internally illuminated.

(3) Detached on‑premise signs may have one (1) surface containing copy in each direction. The maximum effective area shall be four hundred (400) square feet.

(4) A premise shall be permitted to use up to two (2) detached signs, provided that the signs shall be separated by a minimum spacing of at least five‑hundred (500) feet on the same side of the street between all other off‑premise or on premise detached signs and are prohibited within one hundred twenty‑five feet (125) of any residential zone. Premises may use detached, internally illuminated, menu board signs that do not front on a public right‑of‑way in addition to other exempt or permitted detached signs.

(5) All detached signs shall be limited to a maximum height of forty (40) feet as measured from the highest part of the sign, excluding supports.

(Ord. 827, §1)

**Sec. 26‑212. Temporary Signs.**

 (a) All portable non‑exempt signs are prohibited except as provided in this Article.

 (b) In the event a sign is substantially damaged through fire, flood, act of God, insurrection or similar emergency beyond the control of the business owner or occupant, a temporary sign shall be allowed for a period of time not to exceed one hundred twenty (120) days. (Ord. 827, §1)

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**Sec. 26‑213. Outdoor Advertising Structures (Off-premise Billboards).**

 Outdoor advertising structures, off‑premise billboards, shall comply with all the requirements of this Section and shall only be permitted upon property having frontage on Highway 21 and zoned C-3, M‑1, or M‑2. Property upon which a conditional use permit has been issued in the above mentioned highway corridor, shall only be permitted when specifically authorized upon the final development plan or permit approval.

 (a) **Area, Height, Location:**

(1) The maximum height of a billboard along Highway 21 shall not exceed forty-five (45) feet from the highest point on the sign above the natural grade at the base of the sign or the adjacent street grade, whichever is higher. No part of structure shall extend below fifteen (15) feet.

 (2) The maximum surface area shall be six hundred seventy two (672) square feet with a maximum sign height of 20 feet and a maximum sign width of forty eight (48) feet. The sign shall be limited to two signs in each direction with one message per sign. In no case will the total sign surface in any one direction exceed six hundred seventy two (672) square feet.

(3) Sign spacing shall be five hundred (500) lineal feet per side.

 (b) **General Provisions for Billboards:**

(1) External lighting of billboards, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed toward any residential structure or into any portion of the main traveled way. The lights should not be of such intensity so as to interfere with the residential use of property or to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.

(2) No such sign shall be located in such a manner as to obstruct or otherwise interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

(3) No part of any billboard shall be located on any public street or private utility easement, drainage easement, or railroad right‑of‑way.

(4) All lineal distances required by this section shall be measured from the nearest outside edge of the subject sign, whether a support, structural member, or the sign surface itself, to the nearest outside edge of the corresponding sign, building, right‑of‑way, or easement involved.

 (c) **Plans Required:** An application to erect such a sign shall include the following:

 (1) A set of plans, to scale, approved and sealed by a licensed engineer, providing all necessary construction and electrical details of the sign and sign structure, including height.

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(2) A Sign Plan, to scale containing:

(i) The proposed location of the sign on the property.

(ii) The distance from the proposed sign location to any buildings upon the property, and adjoining street right‑of‑way lines, and driveway entrances.

(iii) In conditional use areas, the distance from the proposed sign location to the next nearest billboard sign within one hundred (100) feet on either side of the street in either direction.

(iv) The distance from the proposed sign location to the nearest street intersection in either direction.

(v) Other information deemed necessary by city officials.

(3) A representation of the proposed sign, to scale, including the width and length of the sign faces, and height from surrounding grade.

(4) Construction Specifications: Any sign erected under this Article shall be a single pedestal type, constructed of non‑flammable material, excluding wood. Construction of the sign and material specifications shall meet the structural requirements of the City's Building Code.

(Ord. 827, §1)

**Sec 26‑214. Non‑Conforming Signs.**

 (a) All signs, which have been lawfully erected, shall be deemed to be legal and lawful signs and may be maintained in good condition subject to the provisions of this Article.

 (b) Non‑conforming signs, which become deteriorated or dilapidated, other than by vandalism, to the extent that over sixty (60) percent of the market value they would have if they had been maintained in good repair is lost, must be removed within sixty (60) days or brought into compliance with the provisions of this Article. Nonconforming signs that are damaged, to the extent that sixty (60) percent or less of their physical value is lost, must be repaired within sixty (60) days from the date of notification by the City, or removed. Non‑conforming signs, which are damaged by vandalism to the extent that over sixty (60) percent of their physical value is lost, must be restored within ninety (90) days, removed, or brought into compliance. Nonconforming signs abandoned or discontinued for a period of one (1) year shall be removed at the owner's expense. A sign shall be considered abandoned or discontinued if the services or products advertised are no longer available at the destination, or by the directions indicated on the sign, or if the sign no longer has an advertising message other than the name of the sign owner on any part of the sign.

 (c) Non‑conforming signs may be structurally repaired, but such signs shall not be moved, repaired, enlarged, or increased in height. Non‑conforming signs that are enlarged or increased in height in violation of this Article shall be removed immediately.

 (d) A non‑conforming sign shall not be relocated or replaced, except when such relocation or replacement shall bring the sign into compliance with this Article. Non‑conforming signs that are relocated in violation of this Article shall be removed immediately.

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 (e) Detached signs, billboards, and on‑premise attached signs lawfully in existence on September 1, 2002, including such signs existing pursuant to variances granted by the Board of Adjustment, which do not conform to the provisions of this Article, shall be removed, altered or replaced so as to conform to the provisions of this Article no later than September 1, 2018.

 (f) The sign face of a non‑conforming sign may be altered if the sign face is not thereby enlarged.

 (g) Signs which are non‑conforming because of their illumination shall be brought into compliance with this Article within sixty (60) days after the effective date of this Article. Non‑conforming temporary signs shall also be brought into compliance within sixty (60) days.

 (h) In cases of doubt or on a specific question raised whether a non‑conforming sign exists, it shall be a question of fact decided by the Building Commissioner, and subject to appeal to the Board of Adjustment. (Ord. 827, §1)

**Secs. 26‑215 to 26‑216. Reserved.**

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**DIVISION 18. NON‑CONFORMING BUILDING**

**AND USE REGULATIONS**

**Sec. 26‑217. Purpose.**

 The purpose of this Division is to recognize the legitimate interests of those who have lawfully established structures, buildings, or uses which are now non‑conforming by permitting such non‑conformities to be continued. The following regulations, however, are designed to prevent the expansion or extension of such non‑conforming structures, buildings, or uses and to enhance the probability that such non‑conformities will eventually be made to conform to the provisions of this Article. (Ord. 827, §1)

**Sec. 26‑218. Right to Continue Non‑conforming Special Use, or Exception.**

 (a) Building permit – There shall be no excavation for, erection of, or alteration of any building or structure until a building permit has been issued stating that the proposed structure, building, or alteration conforms to the requirements of this Article, the minimum standard housing ordinance, or other applicable laws and ordinances.

 (b) Construction document – The application for a new structure shall be accompanied by not less than two sets of construction documents drawn to an appropriate scale. The building commissioner is permitted to waive the requirements for construction documents when the scope of the work is of a minor nature. (Ord. 827, §1; Ord. 970, §1)

**Sec. 26‑219. Non‑Conforming Lots, Buildings and Structures.**

 Any lot, building or structure which complies with the use regulations of its respective zoning district, yet does not comply with applicable bulk regulations or lot size or width requirements, may be continued. The owner, occupant or user shall have the burden to show that the lot, building or structure was lawfully established. The following restrictions shall apply:

 (a) **Repair and Alterations:** Repairs and alterations may be made to a non‑conforming building or structure, provided that no structural alteration shall be made except those required by law or ordinance, and further provided these regulations shall never be construed to allow an addition to a non‑conforming building or structure.

 (b) **Additions, Enlargements, and Moving:** A non‑conforming building or structure shall not be added to or enlarged in any manner unless such additions and enlargements are made to conform to all the requirements of the district in which such building or structure is located. Non‑conforming buildings or structures shall not be moved in whole or part to any other location on the lot, or on any other lot, unless every portion of such buildings or structures is made to conform to all the regulations of the district in which it is located after being moved.

 (c) **Restoration of Damaged Buildings:** A non‑conforming building or structure which is damaged or partially destroyed by fire, flood, wind, explosion, earthquake, or other calamity, or act of God, shall not be again restored or used for such purpose if the expense of such restoration exceeds sixty‑five (65) percent of the replacement cost of the building or structure at the time such damage occurred. Any non‑conforming building or structure partially destroyed may be restored provided restoration is started within twelve months of the date of partial destruction and is diligently

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prosecuted to completion. Whenever a non‑ conforming building or structure is damaged in excess of

sixty‑five (65) percent of its replacement cost at that time, the repair or reconstruction of such building or structure shall conform to all the regulations of the district in which it is located, and it shall be treated as a new building.

 (d) **Change of Use:** Where no structural alterations are made in any building containing a non‑ conforming use, such use may be changed to one of a similar classification, but no building in which a non‑conforming use has been changed to a more restricted use shall again be devoted to a less restricted use. (Ord. 827, §1)

**Sec. 26‑220. Effect of Vacancy.**

 A vacant, non‑conforming building or structure lawfully constructed may be occupied by the use for which the building or structure was designated or intended, if so occupied within a period of one (1) year after the effective date of this Article. The use of a nonconforming building or structure lawfully constructed which becomes vacant after the effective date of this Article may also be occupied by the use for which the building or structure was designated or intended, if so occupied within a period of one (1) year after the building becomes vacant. (Ord. 827, §1)

**Sec. 26‑221. Non-Conforming Uses.**

 Any legal non‑conforming use of part or all of a building or structure, or any lawfully existing non‑conforming land use, not involving a building or structure or only involving a building or structure which is accessory to the primary land use, may be continued. The owner, occupant, or user shall have the burden to show that the use was lawfully established. The following restrictions shall apply to legal non‑conforming uses:

 (a) **Expansion Prohibited:** A non‑conforming use of an otherwise conforming building or structure (e.g., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use. If such non‑conforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located.

 (b) **Extension of Non-Conforming Use:** A non‑conforming use shall not be extended, expanded, enlarged, or increased in intensity. An extension of a lawful use to any portion of a legal non‑ conforming building or structure, which existed prior to the enactment of this Article, shall not be deemed the extension of such non‑conforming use.

 (c) **Remodeling:** No building or structure that is devoted in whole or in part to a non-conforming use shall be remodeled, if structural alteration is required, unless the entire building or structure and the use thereof shall conform to all regulations of the zoning district in which it is located. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls or partitions, fixtures, wiring or plumbing, may be performed on any building or structure that is devoted in whole or in part to a non‑conforming use without limitation.

 (d) **Continuation of Non‑Conforming Use of Land:** A non‑conforming land use existing at the time of the effective date of this Article may be continued under the following conditions:

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(1) That no such non‑conforming land use shall in any way be extended either on the same or adjoining property;

(2) That if such non‑conforming land use or any portion thereof is discontinued or changed, any future use of such land or portion thereof shall be in conformity with the provisions of this Article; and

(3) That any storage yard, junked automobiles, outside sales area, livestock sales or a trailer/mobile home park, which lawfully exists at the time of the effective date of this Article may be continued, although such use does not conform with the provisions hereof, provided, however, that no structural alterations or additions are to be made thereto.

 (e) **Abandonment of Non‑Conforming Use:** A non‑conforming use of any building, structure or land that had been abandoned shall not thereafter be returned to such non-conforming use. A non‑conforming use shall be considered abandoned under the following circumstances:

(1) When the characteristic equipment and furnishings of the non‑conforming use have been removed from the premises and have not been replaced by similar equipment within one (1) year;

(2) When a non‑conforming building, structure or land or portion thereof which is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of one ( 1 ) year, or

(3) When it has been replaced by a conforming use.

 (f) **Non‑Conforming Accessory Uses:** No use that is accessory to a principal non-conforming use shall continue after such principal use shall cease or terminate. (Ord. 827, §1)

**Sec. 26‑222. Interpretation of this Article.**

 Nothing in this Division shall be interpreted as authorization for or approval of the continuance of a non‑conforming building, structure, or use in violation of zoning regulations in effect at the time of the effective date hereof. (Ord. 827, §1)

**Secs. 26‑223 to 26‑224. Reserved.**

*(Revised 3/03)*

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542.12**DIVISION 19. CHANGES AND AMENDMENTS**

**Sec. 26‑225. Changes and Amendments.**

 The Board of Aldermen may from time to time by ordinance amend, supplement, change, modify or repeal the text or regulations herein or subsequently established. Before taking any such action, the Board of Aldermen shall submit the same to the Planning and Zoning Commission for its recommendation.

 Zoning district classification amendments may be proposed by the Board of Aldermen, the Planning and Zoning Commission, the Building Commissioner, and by any governmental body or person having a financial, contractual, or proprietary interest in real property located in the City of Potosi The application for a zoning district classification amendment shall be made on a form provided by the City of Potosi. On submission of any proposed change in classification, the applicant shall deposit with the City Clerk of the City of Potosi an amount of money sufficient for publishing all notices of hearings and a processing fee of two hundred dollars ($ 200). All applications and fees shall be filed with the City Clerk no later than the second Tuesday of each month for consideration during the following month. (Ord. 827, §1)

**Sec. 26‑226. Recommendations.**

 The Planning and Zoning Commission may within its discretion, make one of the following recommendations in connection with each proposed re‑zoning application.

 (a) Recommend against the change in zoning.

 (b) Recommend a change in zoning.

 (c) Recommend a change in zoning for such area together with its recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to the public streets, provisions for drainage, parking spaces and street layouts and protective screening and open spaces and any other requirements which, within the discretion of the Planning and Zoning Commission, will protect adjacent property and secure substantially the purpose and intent of this Article. (Ord. 827, §1)

**Sec. 26‑227. Findings by the Planning and Zoning Commission.**

 The Planning and Zoning Commission shall consider the following information when reviewing re‑zoning requests:

 (a) Whether the proposed zoning district classification is consistent with the intent of the Potosi Comprehensive Plan;

 (b) Whether there are any changed or changing conditions in the neighborhood affected that make the proposed rezoning necessary or desirable from an overall community development perspective; and

 (c) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity; and

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 (d) Whether adequate utility service and facilities exist or can be reasonably provided to serve the uses permitted on the property if rezoned; and

 (e) Whether there will be a negative impact from the proposed uses on vehicular and pedestrian traffic safety; and;

 (f) Whether the proposed rezoning would correct an error in the application of this Article as applied to the subject property; and

 (g) Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied creating an economic hardship; and

 (h) Other relevant information submitted at the public hearing. (Ord. 827, §1)

**Sec. 26‑228. Report of Action Taken.**

 Each such recommendation made by the Planning and Zoning Commission shall be reported to the Board of Aldermen and the applicant. The Secretary of the Planning and Zoning Commission shall set up and maintain a separate file for each application received, and all records and files herein provided shall be permanent and official files of the City of Potosi. (Ord. 827, §1)

**Sec. 26‑229. Notice of Hearing before Board of Aldermen.**

 A public hearing shall be held before the Board of Aldermen before adopting any proposed amendment, supplement or change. At which parties in interest and citizens shall have an opportunity to be heard. Notice of such hearing shall be made by publishing the same in a newspaper of general circulation published in the City of Potosi, Missouri; the said notice shall be published at least fifteen (15) days before said public hearing before the Board of Aldermen and shall specify the time and place of such hearing and the location where the application and related documents may be viewed. (Ord. 827, §1)

**Sec. 26‑230. Action of Board of Aldermen.**

 When the Planning and Zoning Commission has recommended a change in zoning together with recommendations, as to requirements as heretofore provided, the Board of Aldermen shall be at liberty to either accept, reject or make other or additional requirements, and any such requirements, in the discretion of the Board of Aldermen to be made, shall become a part of the ordinance changing the zoning classification of such property. Such requirements shall be considered as an amendment to the zoning ordinance as applicable to such property. (Ord. 827, §1)

**Sec. 26‑231. Two‑Thirds Majority Necessary when Protested.**

 In case of a protest petition against such change, each property owner signature being duly signed and notarized by the owners of thirty (30) percent or more of the land area (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and one hundred eighty‑five (185) feet distance from the boundaries of the district proposed to be changed, such amendments shall not become effective except by the favorable vote of two thirds (2/3) of all the members of the Board of Aldermen. The provisions of this Section apply to the adoption of, additions to, changes or modifications of the *Official Zoning Map*, whether such changes are initiated by the Board of Aldermen, the Planning and Zoning Commission, Building Commissioner or by property owner application. (Ord. 827, §1) *(Revised 3/03)*

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**Sec 26-232.** **Limitation on Application for Rezoning.**

 No application for rezoning of any tract, lot or parcel of land within the City of Potosi, other than an application initiated by the Board of Aldermen or the Planning and Zoning Commission, shall be filed or allowed prior to the expiration of twelve (12) months from the time that the Board of Aldermen shall have finally acted on the initial application for rezoning of all or part of the same lot, tract or parcel of ground. The Board of Aldermen may waive this requirement upon written request. The applicant may then reapply for a reviewing through the Planning and Zoning Commission and Board of Aldermen.

 A rezoning application may be withdrawn upon request by the applicant at any point in the approval process, prior to final action by the Board of Aldermen, without requiring a twelve (12) month delay before reapplication. The Planning and Zoning Commission would first consider the new application. (Ord. 827, §1)

**Secs. 26‑233 to 26‑234. Reserved.**

*(Revised 3/03)*

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542.16**DIVISION 20. ADMINISTRATION, ENFORCEMENT AND REVIEW**

**Sec. 26‑235. Duties of the Building Commissioner.**

 The Building Commissioner or his duly designated and authorized representative, in addition to the duties delegated to him under this Article and other ordinances of the City, shall administer and enforce this Article including:

 (a) Receiving applications for permits for the construction, erection, structural alteration, enlargement and removal of buildings, structures, parking lots, signs, variances and special exceptions, notify applicants of all City ordinances pertaining to said applications, issue as soon as practicable certificates required by this Article when plans are found to comply with the provisions of this Article and all other City laws and ordinances applicable thereto; make and maintain records for all functions pertaining to codes administration duties; and in connection with such duties interpret the provisions of this Article.

 (b) Receiving applications for certificates of occupancy for buildings and structures for which building permits have been issued, and which have been constructed, erected, structurally altered, enlarged or moved in accordance with such permits and are ready for use and occupancy; notify applicants of City ordinances pertaining to said applications.

 (c) Providing technical assistance to the Board of Aldermen, Planning and Zoning Commission, and Board of Adjustment as they may require in the performance of their duties under this Article

 (d) Conducting inspections of buildings, structures, and uses of any premises to determine compliance with the terms of this Article.

 (e) Conducting inspections of buildings, structures, signs, and uses of any premises to determine compliance with the terms of any application, permit, or certificate issued by his office and to ensure that the provisions of this Article are enforced with respect to screening, landscaping, buffer‑yards and other requirements or conditions established by Board of Aldermen.

 (f) Receive applications for Zoning Ordinance map amendments and conditional use permits pursuant to the provisions of this Article.

 (g) Maintain for distribution to the public copies of the zoning map or maps, the text of the Zoning Ordinance, and the rules of the Planning and Zoning Commission and Board of Adjustment. A reasonable fee for each copy shall be charged to defray printing costs.

 (h) Provide technical and expert assistance to the Board of Aldermen, Planning and Zoning Commission, and Board of Adjustment.

 (i) Make recommendations with respect to zoning, land use and development to the Mayor, Board of Aldermen, Planning and Zoning Commission, City Engineer and other departments and agencies of the City.

 (j) Maintain permanent and current records of official actions on all variances, conditional use permits, special exceptions, re‑zoning applications, and other activities of the Planning and Zoning Commission and Board of Adjustment related to the administration of this Article. (Ord. 827, §1)

542.17 *(Revised 3/03)*

**Sec. 26‑236. Building Permit Required.**

 It shall be unlawful to start the construction of a new building, structure, parking lot, or sign or the enlargement or structural alteration of a building, structure, parking lot, or sign, without first filing a written application for and obtaining a building permit. All applications for such permits shall be in accordance with the requirements of this Article and building code of the City of Potosi. No building permit shall be issued unless a plat is filed in duplicate, drawn to scale and in such form as may be prescribed by the Building Commissioner, showing the location on the lot of the building, structure, parking lot, or sign to be erected, altered, or enlarged, signed by the applicant, and other information as the building inspector may require in the enforcement of this Article. Failure to provide this information shall be good cause for the revocation of any such building permit. Unless upon written order of the Board of Adjustment, no building permit or certificate of occupancy shall be issued for any building, structure, parking lot, or sign where said construction, addition, or alteration thereof would be in violation of any of the provisions of this Article. A record of all applications, together with supporting plats, shall be kept in the office of the Building Commissioner. (Ord. 827, §1)

**Sec. 26-237. Site Plan Required with Each Application for Building Permit.**

 The following requirements shall apply for building permit applications:

 (a) Each application for a building permit for a new, freestanding commercial or industrial structure shall be accompanied by a Site Plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon; the size, shape and location of the existing buildings on said lot; the size, shape and location of the proposed building on said lot; the location of existing buildings on adjoining lots; the location of all proposed water, sewer and gas line easements on said lot and adjoining lots; the location of existing water, sewer and gas line easements on said lot and adjoining lots; the location of all proposed connections to city utilities, distances from lot lines, established street grades and all such other and further information as may be necessary to provide for the enforcement of this Chapter and all other laws and ordinances pertaining to buildings and utilities. The Site Plan shall be drawn in accordance with a boundary line survey.

 (b) Each application for a building permit for an addition to an existing structure shall be accompanied by a diagram in duplicate showing the dimension of the lot to be built upon, the dimensions and location upon the lot of all existing buildings, the location of all buildings upon the lots surrounding the lot to be built upon, and such other information as may be necessary to provide for the enforcement of this Chapter.

 (c) Site Plans for residential building permits shall be required, but shall only be required to show to scale the size and location of all new construction and all existing structures on the site, distances from lot lines, the proposed finished grade of the site, and it shall be drawn in accordance with a boundary line survey. In the case of a demolition permit, the Site Plan shall show all buildings to be demolished and the location and size of all existing structures and construction that are to remain on the site. (Ord. 827, §1)

**Sec. 26‑238. Certificate of Occupancy 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 the building inspector shall have issued a certificate of occupancy. The certificate of occupancy shall state that the building or proposed use of a building or land complies with the building and health laws and ordinances, and with the provisions of these regulations. *(Revised 3/03)*

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A record of all certificates shall be put on file in the office of the building inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a certificate of occupancy. No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

1. Certificate of occupancy for a building: Certificate of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of these regulations.

 (b) Certificate of occupancy for a non‑conforming use: A Certificate of occupancy for legal non‑conforming uses shall be issued, and the certificate shall state that the use is a legal non‑conforming use. (Ord. 827, §1)

**Sec. 26‑239. Zoning Enforcement.**

1. **Notice of Violation:** Whenever the Building Commissioner, or one of his authorized representatives, determines that there are reasonable grounds to believe that a violation of any provision of this Article exists on any parcel of land within the City, he shall give notice of such alleged violation to the owner or agent of said parcel as follows. Such notice shall:

(1) Be in writing and include a statement of any alleged violations, what remedial action(s) are to be taken, and any fines or fees associated with the enforcement of this Article;

(2) Allow a reasonable time for the correction of any violation or the performance of any required act,

(3) Be served upon the owner or his agent personally, by registered mail to his last known address, or is posted conspicuously in or about the building, structure, or sign affected by the action.

 (b) **Revocation of Permits:** Whenever the Building Commissioner has ordered a person to correct any violation and when such violation has not been corrected within the time specified by such order, thereafter the administrator may institute an action to revoke any permits issued by the City under which the activity is conducted and occupancy permits.

 (c) **Abatement of Violation:** If a person violates this Article or if a notice of a violation is not complied with within the time specified by the Building Commissioner, the commissioner may cause a municipal court summons to be issued, and he may also request the City Attorney to institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation or to acquire removal or termination of the unlawful use of a building, structure or sign in violation of the provisions of this Article or any order or direction made pursuant thereto.

 (d) **Fines and Penalties:** Any person violating this Article, or failing to comply with any order issued pursuant to any Section thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than two hundred and fifty ($250) dollars, per day, for each day of noncompliance. The City shall attempt to give notice when the violation does not pose an imminent danger and the owner has not previously been notified either orally or in writing regarding a violation of the same Section of this Article.

 *(Revised 11/07)*

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 (e) **Legal Action:** The imposition of the fines herein prescribed shall not limit the City Attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or use of building or structure in or about any premises, in violation of this Article.

 (f) **Discontinuance of Illegal Use or Occupancy:** Whenever any building, site or portion thereof is being used or occupied contrary to the provisions of this Article, the Building Commissioner shall order such use or occupancy discontinued by notice served on any persons using or causing such use or occupancy to be continued. Such persons shall discontinue use or occupancy or make the building, site or portion thereof comply with the requirements of this Article within a time period not to exceed ten (10) days after receipt of such notice. (Ord. 827, §1)

**Sec. 26‑240. Inspection and Right of Entry**

 In the discharge of his duties, the Building Commissioner or his authorized representative shall have the authority to enter at any reasonable hour any building, structure or premises in the City to enforce the provisions of this Article. Any person making such inspection shall furnish to the owner or occupant of the building or structure to be inspected sufficient identification and information to enable the owner or occupant to determine that he is a representative of the City and to determine the purpose of the inspection. Inspections may be prompted on the basis of complaint or as part of a systematic inspection program directed by the Building Commissioner. (Ord. 827, §1)

**Sec. 26‑241. Permits Required for Construction of Building – Annexation.**

 Any person owning, controlling, constructing, supervising or directing the construction of any building or structure in the process of construction which is incomplete at the time the land upon which it is situated is annexed to the City of Potosi before proceeding shall apply to the Building Commissioner of the City of Potosi for a permit authorizing further work Said construction work shall be suspended until the permit provided for herein has been issued or until final zoning regulations have been adopted, which permit the construction, use and occupancy of the structure or building. (Ord. 827, §1)

**Sec. 26-242. Requirements for curbing and gutters in commercial and manufacturing zones.**

 All new construction permits located within any commercial or manufacturing zone of the City of Potosi, shall as part of their site plan include proper and adequate curbing and guttering along the right of way of all adjacent streets and alleys, with provision for ingress and egress of traffic to the property, to prevent the accumulation of water on the property and prevent and contain water from running over the adjacent properties or roadway. (Ord. 953, §1)

**Sec. 26‑243. Reserved.**

 *(Revised 11/07)*

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