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**ARTICLE 1
TITLE AND INTENT**

1. Title: These regulations shall be known as the Zoning Ordinance of the City of Moberly, Missouri, may be cited as “these regulations.”
2. Intent: These regulations, adopted pursuant to the provisions of RS MO 89.010, *et. seq.*, are intended to serve the following purposes:
 - A. To promote the health, safety, quality of life, comfort and general welfare of the City;
 - B. To preserve and protect property values throughout the City;
 - C. To restrict and regulate the height, number of stories, and size of structures; the percentage of lot coverage; the size of yards, courts, and other open spaces; and the density of population;
 - D. To divide the City into zones and districts; and
 - E. To regulate and restrict the location and use of structures and land within each district or zone.

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**ARTICLE 2
INTERPRETATION AND DEFINITIONS**

1. Rules of Construction and Interpretation:

A. Rules:

- (1) In the construction of these regulations, the provisions and rules of this chapter shall be preserved and applied, except when the context clearly requires otherwise:
 - (a) Words used in the present tense shall include the future.
 - (b) Words in the singular number include the plural number, and words in the plural number include the singular number.
 - (c) The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
 - (d) The word “shall” is mandatory.
 - (e) The word “may” is permissive.
 - (f) The word “person” includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
 - (g) The word “Board” means the Board of Adjustment.
 - (h) Unless otherwise specified, all distances shall be measured horizontally.
 - (I) The word “City” means City of Moberly, Missouri.
 - (j) The words “governing body” shall mean the City Council of the City of Moberly, Missouri.
 - (k) The word “commission” shall mean the City of Moberly, Missouri Planning and Zoning Commission.
 - (l) The abbreviation N/A means not applicable.
- (2) Any word or phrase which is defined in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

B. Interpretation

- (1) Minimum Requirements: In their interpretation and application, the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, quality of life and welfare.

- (2) Overlapping or Contradictory Regulations: Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by other provision of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.
- (3) Private Agreement: These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
- (4) Unlawful Uses: No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

2. Definitions:

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

Accessory use: A use of building or land that is customarily incident to and located on the same lot or premises as the main use of the premises.

Adult: A person 18 years of age or older.

Adult Entertainment Establishment: Any business, premises or establishment including, without limitation, adult bookstores, adult video stores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets, adult live performance theaters which has any of the following:

- (1) Thirty percent (30%) or more of its annual gross receipts derived from: (a) the offering of entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, or (b) the offering of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, and instruments, devices, or paraphernalia designed for use in connection with “specified sexual activities” as herein defined; or
- (2) Thirty percent (30%) or more of its inventory on hand at any time consisting of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified

- anatomical areas”** as herein defined, or paraphernalia designed for use in connection with “specified sexual activities” as herein defined; or
- (3) Thirty percent (30%) or more of its floor area at any time allocated to (a) entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, or (b) the offering, display and storage of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of “specified sexual activities” or of “specified anatomical areas” as herein defined, and instruments, devices, or paraphernalia designed for use in connection with “specified sexual activities” as herein defined, and instruments, devices or paraphernalia designed for use in connection with “specified sexual activities” as herein defined.

Agricultural Processing: The initial processing of crop-based agricultural products that is reasonably required to take place in close proximity to the site where such products are produced. Typical uses include grain mills.

Agricultural Sales and Service: An establishment primarily engaged in the sale, purchase, or rental of farm tools and implements, feed and grain, tack, animal care products and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

Agriculture, General: The use of land for the production of livestock, dairy products, poultry or poultry products.

Agriculture, Limited: The use of land for the production of row crops, field crops, tree crops or timber.

Agriculture: The planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Randolph County on parcels greater than 40 acres.

Airport or Airstrip: Any public or privately owned or operated ground facility designed to accommodate landing and take off operations of aircraft, including all taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alley: A minor way that is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

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

Animal Care, General: A use providing animal care, veterinary services or boarding. See “Animal Care, Limited” and “Kennel.”

Animal Care, Limited: A use providing animal care, boarding and veterinary services for household pets, with no outside animal runs. See “Animal Care, General” and “Kennel.”

Article 2 – Interpretation and Definitions

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

Applicant: The owner or duly designated representative of land proposed to be subdivided, or for which a special permit, amendment, variance, construction permit, or certificate of occupancy has been requested. Consent shall be required from the legal owner of the premises.

Asphalt or Concrete Plant: An establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products.

Assisted Living: Multifamily dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including group homes, group housing, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

Auditorium or Stadium: An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

Automated Teller Machine (ATM): A mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility. Automatic Teller Machines (ATM) located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.

Bank or Financial Institution: Establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions. “Banks and Financial Institutions” also include automated teller machines.

Bar or Tavern: An establishment in which the primary function is the sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as cocktail lounges and night clubs.

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

Basic Industry: An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials. Typical uses include distilleries, pulp processing and paper products manufacturing; glass manufacturing; brick manufacturing; steel works; tanneries; acid manufacturing; cement, lime, gypsum, or plaster of paris manufacturing; fertilizer or chemical manufacturing; and petroleum refineries.

Bathhouse: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State Board of Healing Arts.

Bed and Breakfast: A family home, occupied as a permanent dwelling by the proprietor, in which lodging and meals are provided for time-limited durations to not more than four groups of patrons in a 24-hour period.

Block: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Zoning Administrator shall determine the outline of the block.

Board of Adjustment: That Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine appeals, exceptions and variances to the zoning regulation.

Boarding house or lodging house: A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Building: Any structure which is built for the support, enclosure, shelter, or protection of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land; including structures designed and constructed in sections expressly for assembly and placement on a permanent perimeter foundation, with any transport equipment being readily detachable and designed for delivery purposes only, if said structure is placed on such foundation with all transport equipment permanently removed. A trailer as herein defined shall not be classified as a building.

Car Wash: An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

Catering: An establishment engaged in the preparation of food and beverages for consumption at another location. Catering shall not include the manufacturing of food as defined in “Food/Bakery Product Manufacturing.”

Cemetery, Crematory, Mausoleum: Land used or intended to be used for burial or cremation of the dead, whether human or animal, including a mausoleum or columbarium.

Churches, Chapels, Temples & Synagogues: See the definition of “Religious Assembly.”

City Council: The elected Governing Body of the City of Moberly.

Cluster development: The arrangement of buildings or structures in groups around common courts, driveways, parks or other unique features of the land permitting more latitude and flexibility in placement and design. The lots, buildings or structures in a cluster development must meet the requirements of the appropriate planned districts.

College or University: An institution of higher education offering undergraduate or graduate degrees.

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

Article 2 – Interpretation and Definitions

Communication Tower: Commercial AM/FM radio, television, microwave and cellular telephone transmission towers and accessory equipment and buildings.

Composting Facility: A facility that is designed and used for transforming food, yard wastes and other organic material into soil or fertilizer by biological decomposition.

Comprehensive Plan: A comprehensive plan made and adopted by the Planning and Zoning Commission and the City Council which, through a combination of text, charts and maps, sets forth proposals for general locations of various land uses, including streets, parks, schools, public buildings, and utilities.

Conditional Use Permit: A Conditional Use permit is a written permit issued by the Zoning Administrator with the written authorization of the Board of Zoning Appeals. This Conditional Use permit provides permission under special conditions to make certain conditional uses of land in certain zoning districts as stipulated in each of the district zoning regulations.

Construction Sales and Service: An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, and the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction contractors' storage yards and construction equipment rental establishments.

Convalescent Care: An establishment providing bed care and inpatient services for persons needing regular medical attention, but excluding facilities for the care and treatment of mental illness, alcoholism, narcotics addiction, emergency medical services or communicable disease. Typical uses include nursing homes.

Correctional Facility: A facility providing housing and care for individuals confined for violations of law.

Court: An open, unoccupied space, other than yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

Cultural Service: A facility providing cultural and educational services to the public. Typical uses include museums, art museums, observatories, planetariums, botanical gardens, arboretums, zoos and aquariums.

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

Day Care, Commercial: A day care conducted in a structure other than a private residence for eleven or more children.

Day Care, Limited: A day care establishment conducted in a private residence that provides care, protection and supervision for five to ten individuals at any one time, excluding those persons related to and residing in the home of the day care provider. A use that provides care, protection and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day.

Dedication: Intentional transfer by the developer to the public of ownership of, or an interest in, land for public purpose. Dedication may be affected by compliance with statutes relating to dedication of land, by formal deed by conveyance, or by any other method recognized by the laws of the State of Missouri.

Department of Natural Resources: The Missouri Department of Natural Resources (MDNR).

Director of Community Development: The appointed director of the Community Development Department of the City of Moberly.

District: A section or sections of the zoning area for which uniform regulations governing the use of land, open space, the height of buildings, the size of yards and the intensity of use are herein established.

Duplex: A single lot used for two dwelling units within a single building, other than a manufactured home.

Dwelling: A building or portion thereof, designed exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, boarding and lodging houses, apartment houses and townhouses, but not hotels or motels.

Single-family: A detached building arranged, intended, or designed for occupancy by one family.

Two-Family or Duplex: A single building arranged, intended, or designed for occupancy by two families.

Multifamily: A building or portion thereof, arranged, intended or designed for occupancy by three or more families on a rental or lease basis and commonly referred to as a triplex, four-plex or apartment building.

Dwelling Unit: A building or portion of a building that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation.

Easement: A grant by a property owner to the public, a corporation, or a person(s) of the use of a recorded strip of land for certain specified purposes.

Exterior Setback: A required setback that fronts on a public street.

Family: One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than four (4) unrelated individuals living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis. A family shall under no circumstances be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel or motel.

Fence: An enclosure or barrier as defined in the fencing ordinance used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

Fence Height: The vertical distance measured from the side of the fence that is exterior to the property or from the lowest adjacent ground level to the top of the fence material. In the case of wire fencing, height shall be measured by the width of the material used, providing that when installed, the material is directly adjacent to the ground level.

Final Development Plan: A plan submitted for site plan review as required by these regulations for single-family, two-family, multifamily, commercial, and industrial development proposals.

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

- The basement floor area.
- The area of each floor of the structure.
- Attic space having headroom of 7' 10" or more.

Food Store: An establishment where food and prepackaged beverages are sold on-site for consumption off-site. A limited amount of food preparation on-site may also be allowed, such as a delicatessen or bakery.

Food/Bakery Product Manufacturing: A use engaged in the manufacture of food and food products, including non-retail bakeries, canning facilities and creameries.

Freight Terminal: A building or area in which freight brought by truck, rail or air is processed for continued shipment by truck, rail or air.

Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street.

Funeral Home: An establishment engaged in preparing the human deceased for burial or cremation and arranging and managing funerals.

Garage:

Public: A building or portion thereof, other than a private or repair garage, providing storage for motor vehicles, but no other services.

Private: An accessory building or portion of a main building used for storage only of automobiles.

Repair: A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles and which is operated for commercial purposes.

Storage: A building or portion thereof, except those defined as a private, a repair or a community garage providing storage for motor vehicles, with facilities for washing but no other services.

Gas and Fuel Sales/Storage: The use of a site for bulk storage and distribution and sales of flammable liquid, gas or solid fuel, excluding below-ground storage that is clearly ancillary to an allowed principal use on the site.

Golf Course: A facility providing private or public golf recreation services and support facilities. This definition shall exclude miniature golf courses and golf driving ranges except those that are clearly accessory uses. See “Recreation and Entertainment, Outdoor.”

Governing Body: That Body having jurisdiction in the zoning area.

Government Service: Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and park and recreation services. Typical uses include administrative offices of government agencies, and utility billing offices.

Grain Elevator: A tall building for storing grain.

Greenhouse, Nursery: An establishment where flowers, trees, and other products that are commonly used as landscaping in and around buildings are grown and sold.

Grade:

For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.

For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in (A) above) of all walls facing each street.

For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.

Gross leasable floor area: The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the centerline of joint partitions and from the exterior surface of outside walls.

Group home, general: A residential home providing 24-hour care in a protected living environment for more than eight persons with physical or mental disabilities and any number of care givers.

Group home, limited: A residential home providing 24-hour care in a protected environment for eight (8) or less unrelated persons with mental or physical disabilities; further, and pursuant to Section 89.020.2 RSMO, such home may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

Group Residential: The use of a site for occupancy by groups of more than five persons, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, and boarding or lodging houses. The term “group residential” does not include “group homes.”

Hard Surfaced Road: An all weather surface improved with asphalt, concrete, asphaltic concrete or similar material designed to City of Moberly street standards.

Hazardous Operation: Activities that present the potential for serious hazards to human life and health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal and radioactive waste handling.

Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or harmful to the health of any person handling or otherwise coming into contact with such material or substance.

Health Club: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Height of buildings and structures: The vertical distance from the average ground level abutting a building or structure to the highest point of a building or highest point of any permanent part of a structure other than a building. Height, where not regulated by feet, shall be regulated by stories and a story shall be equal to twelve (12) feet for purposes of measuring structures other than buildings.

Helipad or Helipad: An area, either on the ground or on a building, used as a landing pad for helicopters to pick up or discharge passengers or cargo.

Home Occupation: A business, profession or trade conducted for gain or support entirely within a residential building. *(Note: standards are removed from the definition and placed in the regulations.)*

Hospital: An institution that: (1) offers service more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

Hotel, Motel, or Tourist Court: A structure which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient guests for limited time periods, and not a boarding house as herein defined.

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

Interior Setback: A required setback that does not front on a public street.

Kennel: Any lot on which four (4) or more adult dogs and cats, over the age of four (4) months of age are kept.

Landfill: A disposal facility employing an engineered method of disposing of solid waste, including demolition and construction debris.

Article 2 – Interpretation and Definitions

Laundry Plant: An establishment that is primarily engaged in the large-scale washing or cleaning of laundry, rugs and similar materials. This definition does not include laundromats or dry cleaning pick-up stations.

Library: A publicly-operated establishment housing a collection of books, magazines, audio and video tapes and other material for borrowing and use by the public.

Lot: A parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incidental thereto, including such open spaces as are required under these Regulations, and having its principal frontage upon a public street. A lot as used herein may consist of one or more platted lots, or tract or tracts as conveyed or parts thereof.

Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the Recorder of Deeds prior to the adoption of this Regulation.

Corner: A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Zoning Administrator, except that a lot as herein defined, when made up of more than one platted lot, shall be deemed to front on the street upon which said platted lots front.

Interior: A lot whose sidelines do not abut upon any street.

Through: An interior lot having frontage on two streets.

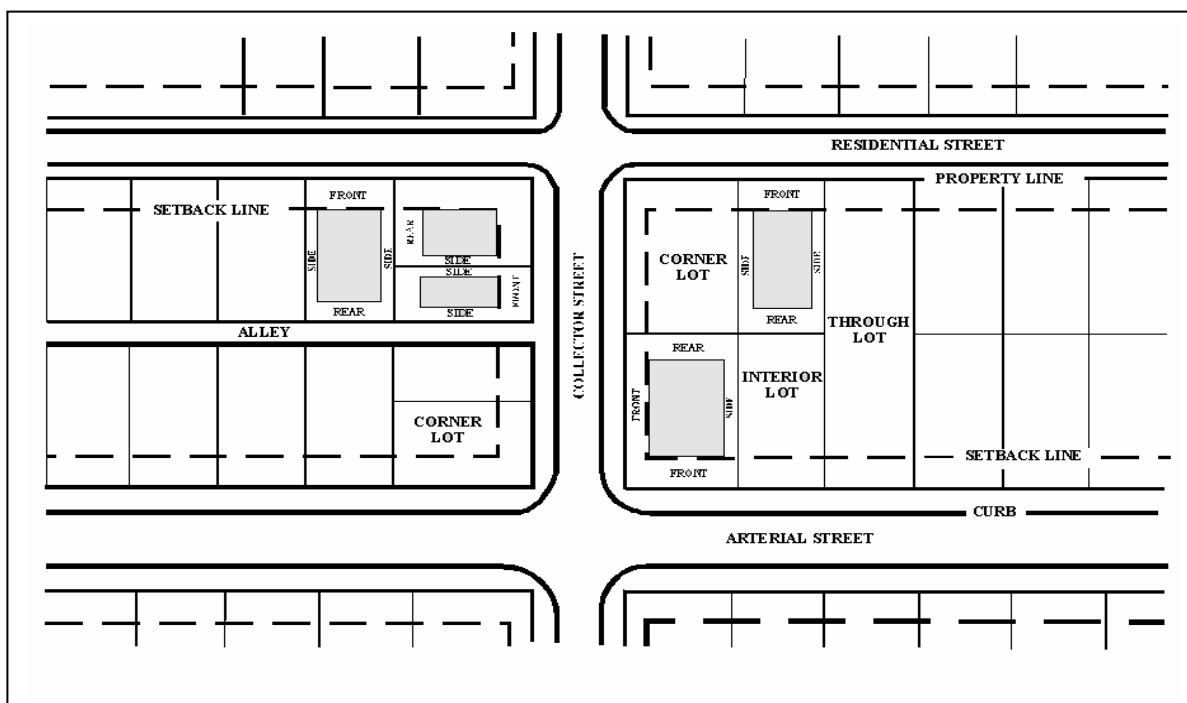
Lot line: The line bounding a lot as defined herein.

Front: The boundary between a lot and the street on which it fronts. (For clarification of the front lot line location, see the definition of “corner” above.)

Rear: The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Zoning Administrator shall determine the rear line.

Side: Any lot boundary line not a front or rear line thereof, a side line may be a party lot line, a line bordering on an alley or place or a side street line.

Figure 1 - Lot Types & Setbacks



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

Lot width: The horizontal distance between the side boundary lines of a property measured at the front building line.

Lot, Zoning: A parcel or tract of land used, developed or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record or any combination thereof.

Manufactured Home: A structure which bears a seal indicating compliance with the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. # 5401, and constructed on or after June 15, 1976.

Manufactured Home Park: Any area, piece, parcel, tract, or plot of ground equipped as required for support of manufactured homes and offered for use by the owner or representative for manufactured home park purposes and/or ground upon which three or more manufactured homes are parked, whether for compensation or not, including all accessory uses thereof. The term “manufactured home park” does not include sales lots of which unoccupied manufactured homes are parked for the purpose of inspection and sale.

Manufactured Home (Factory Built Home) Residential-Design: A manufactured home which is designed with the same appearance of an on- site, conventionally built, single-family dwelling and satisfies the criteria established in Article 5 Use Regulations.

Figure 2 - Manufactured Home Residential Design



Residential Character:

Covered Entry
Front Porch
Landscaping
Pitched Roof

Architectural Details:

Window Elements

Manufacturing Home Features:

Horizontal Lap Siding
Permanent Masonry foundation
double-wide Manufactured Home

Manufactured Home Sales: An establishment primarily engaged in the display and sale of manufactured housing units.

Manufacturing and Assembly: Establishments engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding “Basic Industry.”

Massage Shop: An establishment which has a fixed place of business having a source of income or compensation 60% or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage. Under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity; provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Missouri.

Materials Recovery Facility: A facility in which source separated co-mingled recyclable materials, such as newspapers, glass, metals and plastic containers, are stored, flattened, crushed and/or bundled prior to shipment to others who will use those materials to manufacture new products.

Medical Service: An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the

Article 2 – Interpretation and Definitions

medical or healing arts, and the provision of medical testing and analysis services. Typical uses include clinics and offices for doctors of medicine, dentists, chiropractors, osteopaths, optometrists, blood banks and medical laboratories.

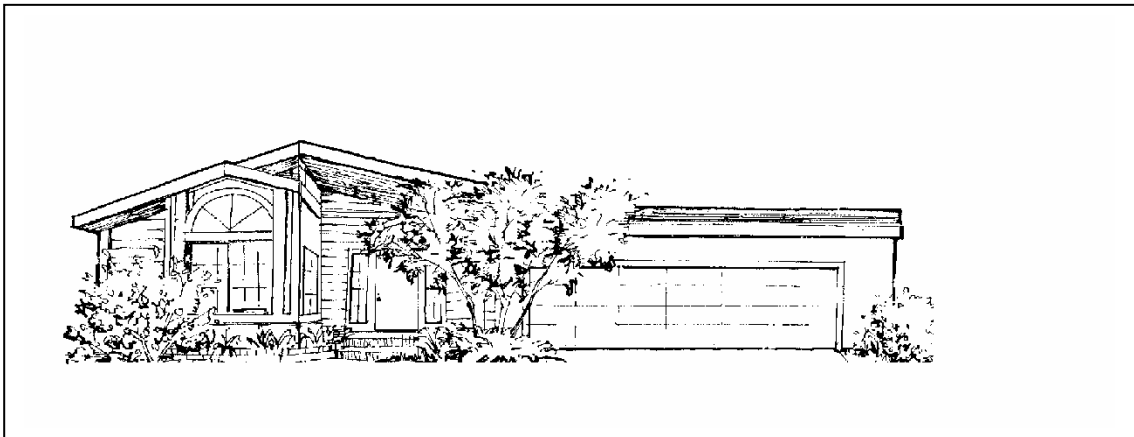
Military Service: A facility used or intended to be used by a branch of the U.S. Armed Forces, including military reserves.

Mining or Quarrying: The extraction of metallic and nonmetallic minerals, excluding oil or natural gas. Typical uses include sand and gravel pit operations, quarries and mines.

Mobile Home: A transportable, factory-built structure designed to be used as a single dwelling unit that was manufactured prior to June 15, 1976 and that does not bear a seal as provided by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401).

Modeling Studio: An establishment or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools wherever persons are enrolled in a class.

Figure 3 - Modular Home



Residential Character:	Architectural Details:	Modular Features:	Permanent Features:
Pitched Roof	Eave Projection	Modules for on-site construction	Walkway and Stairs
Covered Entry	Varying Depths		Formal Landscaping
Enclosed Garage	Ornamental Windows		

Modular Home: A manufactured residential structure built to a nationally-recognized and accepted construction standard published by the Building Officials & Code Administrators International, Inc. (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures, as required of a manufactured home--residential design, and shall be permanently situated on a concrete foundation.

Multifamily Residential: The use of a site for three or more dwelling units within a single building. Typical uses include triplexes, four-plexes, apartments and residential condominiums.

Non-conforming use, building or yard: A use, building or yard which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated and existed as such on the date of the adoption of Ordinance # 5270 (July 16, 1973) or any amendment thereto.

Office, General: An establishment providing executive, management, administrative or professional services, but not medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

Oil or Gas Drilling/Refining: The subsurface extraction or refining of oil or natural gas.

Parcel: A lot or contiguous group of lots in single ownership or under single control usually considered a unit for purposes of development.

Parking Lot, Commercial: Area used or intended to be used for off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.

Parking Area, Off-Street: An all weather surfaced, (concrete, asphaltic concrete, or other comparable surface), enclosed or unenclosed for the short-term storage of automobiles.

Parking Space: An area surfaced for all weather for the purpose of storing one parked automobile.

Parks and Recreation: A park, playground or community facility, owned by or under the control of a public agency or homeowners' association, that provides opportunities for active or passive recreational activities.

Planning Commission: The Commission appointed by the Governing Body to administer the planning and zoning regulations as stipulated by the Governing Body and the Statutes of the State.

Post Office: A facility used for the collection, sorting and distribution of U.S. mail among several zip code areas and having limited retail services for the public, such as the sale of stamps, postcards and postal insurance.

Preliminary Development Plan: A preliminary site plan that may be submitted at the option of the developer to the Zoning Administrator prior to submission of the final site plan.

Printing and Publishing: The production of books, magazines, newspapers and other printed matter, and record pressing and publishing, engraving and photoengraving, but excluding businesses involved solely in retail photocopying, reproduction, photo developing or blueprinting services.

Recreation and Entertainment, Indoor: An establishment offering recreation, entertainment or games of skill to the public for a fee or charge and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors and video game arcades. Does not include those uses considered as parks and recreation.

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Recreation and Entertainment, Outdoor: An establishment offering recreation, entertainment or games of skill to the public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters and miniature golf courses. Does not include those uses considered as parks and recreation.

Recreational Vehicle: Any of the following vehicles which are licensed for travel on the highway: travel trailer (a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation, or one permanently identified as a travel trailer by the manufacturer of the trailer); pick-up coach (a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation); motor-home (as a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle); and camping trailer (as a canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use).

Recreational Vehicle Park: Land used or intended to be used for occupancy by recreational vehicles for transient living purposes, including the use of camping spaces for tents.

Recycling collection center: A facility which is not larger than 1,000 square feet in size and is designed for the collection of aluminum and steel cans, glass, plastic containers, papers and other usable materials for their redistribution for sale or reutilization. This definition does not include processing equipment or storage.

Recycling processing center: A facility designed for the purpose of collecting, redistributing and processing recyclable materials. Activities may include the receipt, separation, storage, conversion, bailing and/or processing of paper, iron, metal, glass, newspaper, and other non-biodegradable materials. Hazardous and biodegradable materials, as determined by the Missouri Department of Natural Resources, including, but not limited to, food, beverages, drugs, cosmetics, hazardous chemicals, poisons, medical wastes, syringes, needles, pesticides, and other similar materials, shall not be brought into or handled by a recycling processing center.

Religious Assembly: A site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site or religious camp.

Repair Service: An establishment primarily engaged in the provision of repair services to individuals and households, but excluding “Vehicle Repair” services. Typical uses include appliance repair shops.

Research Service: An establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

Restaurant, Fast Food: A use primarily engaged in the sale of food and non-alcoholic beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer’s table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle.

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Restaurant, General: A building wherein food is prepared and served in ready to eat form to the public for human consumption. The term restaurant shall include cafe, cafeteria, grill, pizza or chili parlor, diner, snack shop, hamburger shop and steak house.

Retail: Refers to the sale of commodities and services directly to customers, when such commodities and services are used or consumed by the customer and not purchased primarily for the purpose of resale.

Retail Sales and Service: An establishment engaged in the sale or rental of goods and services, including, but not limited to, antique shops, apparel and accessory stores, art and supply stores, bicycle shops, book and stationary stores, barber and beauty shops, candy and ice cream stores, cigar and tobacco stores, dressmakers and tailors, flower and gift shops, hobby shops, interior decorators, jewelry stores, key shops, leather goods and luggage stores, music instrument sales and repair, photocopying services, shoe repair and shoe shine stores, sporting and athletic goods, toy stores and department stores; excluding uses more specifically defined.

Safety Service: A facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

Salvage Yard: A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition; or for the sale of parts thereof. Typical uses include automobile salvage yards and junkyards.

School, Elementary, Middle or High: The use of a site for instructional purposes on an elementary or secondary level.

Screening: Screening and enclosure required for permitted outdoor storage shall be by means of a fence, wall or berm, in combination with landscaping, designed to create a minimum of seventy-five (75) percent opacity. Crates, boxes, trailers or other temporary storage facilities shall not be considered appropriate screening materials.

Service floor area: The total floor area of a building exclusive of stairways, restrooms, storage rooms, hallways, or other areas which are not regularly used by visitors, clients, customers, patients, or patrons in their normal everyday use of the building.

Setback: The distance that is required by this zoning ordinance to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. (Note: The term “setback” refers to a required minimum area, while the term “yard” refers to the actual open area.)

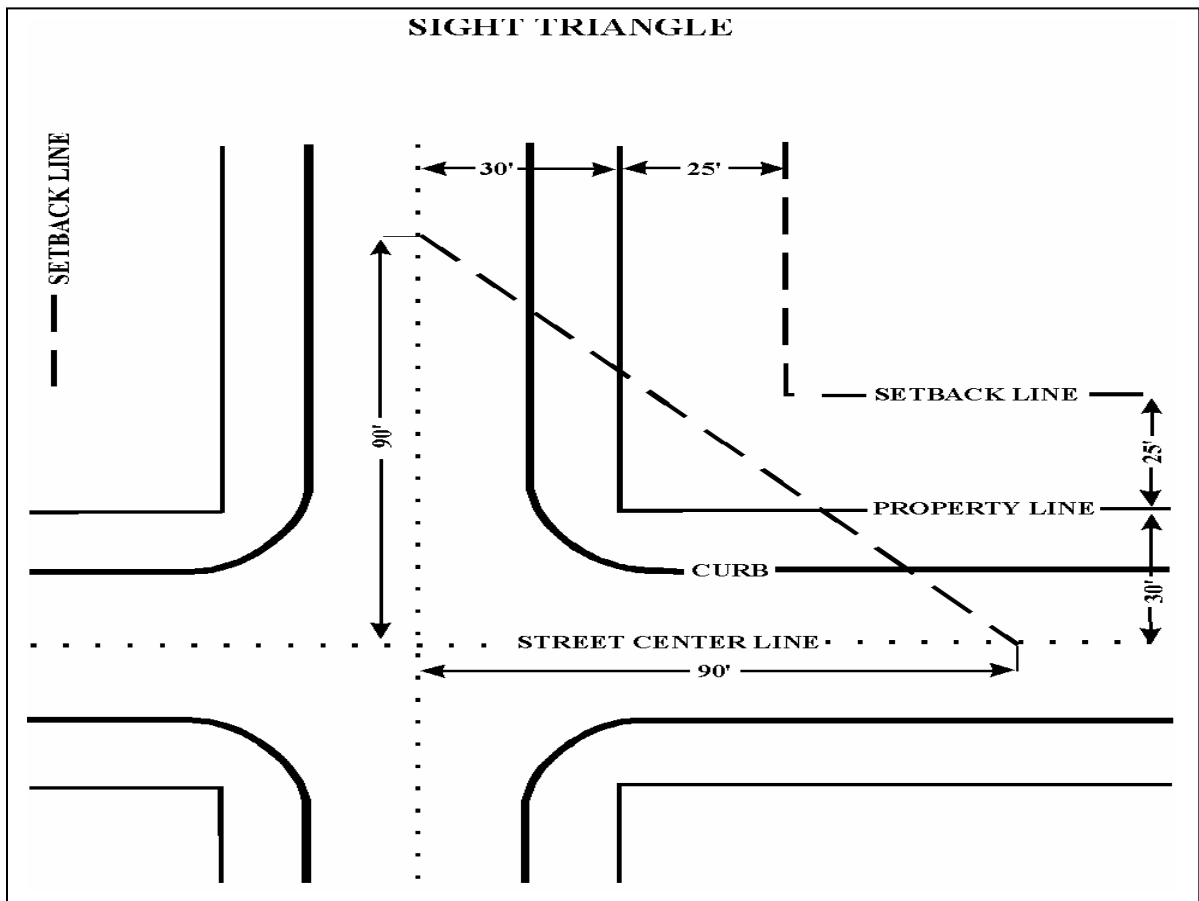
Service Station, Automotive: A use primarily engaged in the retail sale of gasoline or other motor fuels primarily to automobiles and passenger vehicles, along with accessory activities such as the sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, and the minor adjustment or repair of passenger motor vehicles. Uses involved primarily in the sale of diesel fuel, gasoline or other fuels to tractor trucks and uses that feature parking, storage or servicing of tractor trucks or semi-trailers shall be classified as “Truck Stop Service Stations.”

Service Station, Truck Stop: A use primarily engaged in the sale of diesel fuel, gasoline or other fuels to tractor trucks, along with accessory activities such as the sale of lubricants, accessories or supplies, or the servicing of tractor trucks or semi-trailers. A truck stop service station may include, as an accessory use, the parking and storage of tractor trucks and semi-trailers.

Shooting Range: An outdoor facility used or intended to be used for the discharge of firearms at targets.

Sight Triangle: An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 8 feet above the grades of the outside edge of the street surface of the intersecting streets, measured from the point of intersection of the centerline of the streets; except that, the City Engineer may establish greater sight triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO).

Figure 4 - Sight Triangle Minimum Standards



Sign: Any words, numerals, figures, devices, designs or trademarks by which information is made known to the public outside a building.

Single-Family Residential, Detached: The use of a lot for only one principal dwelling unit that is not connected to any other dwelling unit. This definition shall include, as defined by these regulations, "manufactured homes-residential design" and "modular homes" but shall exclude "manufactured homes".

Single-Family Residential, Attached: The use of a site for two or more dwelling units that are constructed with common or abutting walls and with each dwelling unit located on its own separate lot. Typical uses include townhouses and twin homes.

Solid Waste Collection / Processing: Recycling collection centers, incinerators, processing facilities, materials recovery facilities, solid waste transfer stations or any facility where municipal solid wastes are salvaged, sorted, processed or treated.

Solid Waste Transfer Station: A facility where solid waste or recyclable material is transferred from collection vehicles (some sorting may occur) to long distance hauling vehicles for transportation to a central solid waste management facility for processing, disposal, incineration or resource recovery.

Specified Anatomical Areas: Any of the following:

- (1) Less than completely or opaquely covered human genitals, pubic region, buttocks, anus, or female breast area below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Any of the following:

- (1) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- (2) Acts actual or simulated of sexual intercourse, masturbation, sodomy, or oral copulation; or
- (3) Excretory functions as part of or in connection with any of the activities set forth in paragraphs 1 and 2 of this definition.

Stable, Commercial: Any building where horses, mules or ponies are sheltered, fed, and/or kept for hire.

Stable, Private: A detached accessory building for the keeping of horses, mules or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stockyard: A non-farm-based facility used or intended to be used for selling or holding livestock.

Story: That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top story attic is a half story when the main line of the eave is not above the middle of the interior height of such story. The first story is a half story when between fifty and seventy-five percent of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air.

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

Street line: The dividing line between the street and the abutting property, also commonly known as the front property line.

Street Network:

Expressway: A street, which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.

Arterial: A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits and curb uses.

Collector: A street, which provides for traffic movement between arterials and local streets, with direct access to abutting property.

Local: A street, which provides direct access to abutting land and local traffic movement whether in business, industrial, or residential areas.

Structure: Anything constructed or erected, which requires location on or in the ground, or attached to something having a location on the ground; including, but not limited to signs, and excepting customary utility poles, retaining walls and boundary fences.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Studio, Radio, Television, Film or Music: An establishment primarily engaged in the provision of recording or broadcasting services accomplished through the use of electronic mechanisms.

Temporary Uses: A use which is only allowed for a specified period of time. Typical temporary uses include, but are not limited to Christmas tree sales, garage sales, road stands, etc.

Total floor area: The square foot area of a building, including accessory buildings, measured from outside wall surfaces, and including garages, porches, utility rooms, stairways, recreation rooms, storage rooms, but excluding unroofed balconies and patios.

Tourist Cabin: See definition of “hotel / motel”.

Townhouse: A dwelling unit located in a group of three or more attached townhouse dwelling units with no other dwelling unit located above or below another and with each dwelling unit having at least one interior common wall and a private exterior entrance.

Townhouse Structure: A grouping of three or more townhouses.

Townhouse Site: A townhouse, the total land area beneath the townhouse and the facilities associated with the townhouse.

Transit Facility: A facility used or intended to be used as an area for loading, unloading and interchange of transit passengers. Typical uses include bus terminals, rail stations and passenger related mass transit facilities.

Transitional Living Facility: A state licensed group-care home for juvenile delinquents, halfway houses providing residence, rehabilitation and counseling to persons on release from a more restrictive custodial confinement, and residential rehabilitation treatment centers which also may provide outpatient rehabilitation for alcohol and other drug abuse.

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Twin home: The use of a site for two dwelling units that are constructed with common or abutting walls and with each dwelling unit located on its own separate lot. Twin homes are often created by subdividing a single duplex into two separate lots each of which contains one dwelling unit.

Utility, Major: Generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term “utility” shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities or other uses defined in this section.

Utility, Minor: Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines.

Variance: A variation from a specific requirement in this Ordinance, as applied to a specific piece of property, as distinct from rezoning.

Vehicle and Equipment Sales: An establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance activities. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, moving trailer rental, and farm equipment and machinery sales and rental.

Vehicle/Equipment Storage Yard: An outdoor area used or intended to be used for long-term storage of vehicles and equipment, other than a “Commercial Parking Lot” or accessory parking to a principal use.

Vehicle Repair, General: An establishment primarily engaged in painting of or bodywork to motor vehicles or heavy equipment. Typical uses include paint and body shops.

Vehicle Repair, Limited: A use providing automobile repair or maintenance services within completely enclosed buildings, but not including “General Vehicle Repair” services.

Vocational School: A use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a “College or University” or “School.”

Warehouse, Residential Storage: An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for dead storage of their household goods or personal property.

Warehousing and Wholesale: An establishment primarily engaged in the storage or sale of materials, equipment, or products or sale to wholesalers or retailers. Typical uses include cold storage, warehousing and dead storage facilities, but exclude “Residential Storage Warehouses” and sale of goods to the general public.

Welding or Machine Shop: A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.

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

Front: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Side: A yard between the main building and the adjacent sideline of the lot, and extending entirely from a front yard to the rear yard.

Rear: A yard between the rear lot line and the rear line of the main building and the side lot lines.

Zone or District: A section of the Zoning Area for which uniform regulations governing the use, height, area, size, and intensity of use of structures, land, and open space are herein established.

Zoning Administrator: The Director of Community Development or other staff as designated by the City Administrator.

Zoning Area: The area to be zoned as set out on the official Zoning Map filed of record.

Zoning Regulations: The term “zoning regulations” or “these regulations” shall mean the requirements stipulated in the regulations herewith attached, and shall mean the lawfully adopted zoning ordinances of the City of Moberly.

**ARTICLE 3
GENERAL PROVISIONS**

1. Jurisdictional Area: The provisions of these regulations shall apply to all structures and land in the incorporated area of the City of Moberly, Missouri. The jurisdictional area within the corporate limits of the City shall be shown on the Official Zoning District Map.
2. Establishment of Districts: The jurisdictional area is hereby divided into ten zoning districts which are designated as follows:
 - “N-1” Non-Urban District
 - “R-1” Single-Family Residential District
 - “R-2” Two-Family Residential District
 - “R-3” Multifamily Dwelling District
 - “MP” Manufactured Home Park Residential District
 - “B-1” Business Park District
 - “B-2” Central Business District
 - “B-3” General Commercial District
 - “M-1” Industrial District
 - “P-D” Planned Development District
3. Zoning District Map: The boundaries of the zoning districts are shown on the Official Zoning District Map of the City of Moberly, which is filed in the office of the City Clerk. Each of said zoning map, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such notations, references, and other information were specifically set forth herein. Such map shall be marked, “Official Copy of City of Moberly, Missouri Zoning Map 2000.”
4. Rules Where Uncertainty May Arise: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Maps, incorporated herein, the following rules apply:
 - A. The district boundaries are the centerlines of streets, alleys, waterways, and railroad rights-of-way, unless otherwise indicated; and where the designation of a boundary line on the zoning map coincides with the location of a street, alley, waterway, or railroad right-of-way, the centerline of such street, alley, waterway or railroad right-of-way shall be construed to be the boundary line of such district.
 - B. Where the district boundaries do not coincide with the location of streets, waterways, or railroad rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
 - C. Where none of the above rules apply, the district boundaries shall be determined by the use of the scale shown on the zoning map.

5. Exemptions: The following structures and uses shall be exempt from the provisions of these regulations:
 - A. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility but not including substations located on or above the surface of the ground.
 - B. Railroad tracks, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.
 - C. Agriculture as defined by these regulations. In the event that any structure or land ceases to be used only for agriculture, then such structure or land shall be subject to the applicable regulations of these regulations.
 - D. Retaining walls on public property.
 - E. Public signs.
6. Application of Regulations: No structure or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with these regulations.
7. Annexed Land: All land which may hereinafter be annexed to the City of Moberly shall be classified as N-1, Non-Urban District, and so designated in the annexation ordinance.
8. Separability: It is hereby declared to be the intention of the City that the several provisions of these regulations are separable, in accordance with the following rules:
 - A. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.
 - B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.
9. Repeal Clause: Upon the adoption of this zoning ordinance, the Moberly Zoning Ordinance, adopted July 16, 1973, Ordinance #5270, as amended, is hereby repealed.
10. Legal Lots of Record: Platted prior to July 16, 1973 shall be required to meet yard area requirements as established by the pattern of development in the block or immediate residential environs.

**ARTICLE 4
DISTRICT REGULATIONS**

“N-1” Non-Urban District

1. Intent: It is the intent of this district to protect agricultural uses through control of density, land use and land coverage.
2. Permitted Uses. Generally, agricultural and rural residential uses are permitted on parcels greater than 40 acres. For a general listing of permitted and conditionally permitted uses, see Article 5 of these regulations. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is ten acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops. The storage of crops, grains, feeds or other products shall be limited to those raised on or to be consumed on the premises. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Conditional Use Permits. For a specific listing of conditional uses, see Article 5.
4. Intensity of Use Regulations:
 - A. Minimum lot area: 40 acres. A residence shall be permitted on an agricultural tract for those owning or operating the premises or for those employed thereon, provided that there is 9,000 square feet or more for each residence, except that a residence shall be permitted on a lot-of-record that is not less than the minimum lot size allowed in an R-1 District provided the lot can meet minimum standards for sewage treatment.
 - B. Minimum lot width: The minimum lot width for residential uses shall be seventy (70) feet. No minimum lot width is required for nonresidential uses.
5. Height Regulations: Maximum structure height: 35 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
 - A. Front Yard: 30 feet.
 - B. Side Yard: Ten percent of the lot width, except that such side yard shall not be less than 25 feet and need not be more than 50 feet.
 - C. Rear Yard: 30 feet.

“R-1” Single-family Residential

1. Intent: The intent of this district is to provide for low-density residential development, including those uses which reinforce residential neighborhoods, and to allow certain public facilities.
2. Permitted Uses. Generally, single-family dwellings, parks, and related accessory uses are permitted. Educational and religious uses are permitted as conditional uses. For a general listing of permitted and conditionally permitted uses, see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Conditional Uses: For a specific listing of conditional uses, see Article 5.
4. Intensity of Use Regulations: Except as modified by the provisions of Article 6:
 - A. Minimum lot area: 9,000 square feet.
 - B. Minimum lot width: 70 feet; corner lots shall not be less than 85 feet.
 - C. Lot coverage: The combined area of the main building and accessory buildings shall not cover more than forty (40) percent of the total area of the lot.
5. Height Regulations: Maximum structure height: 35 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
 - A. Front Yard: 25 feet.
 - B. Side Yard: 10 feet; structures on corner lots shall provide a side yard on the street side of not less than 15 feet, or the established front yard setback of the adjoining residential structure fronting on the same side street, whichever is greater.
 - C. Rear Yard: 30 feet or 20% of depth, whichever is smaller.
7. Parking Regulations: See Article 7 Off-Street Parking and Loading Regulations.
8. Sign Regulations: See Article 9 Sign Regulations.
9. Minimum Floor Area: Single-family residential units shall have a minimum of 950 square feet of private, habitable floor area.

“R-2” Two-family Residential District

1. Intent: The intent of this district is to provide for low to moderate density residential development, including two-family and higher density single-family dwellings, in a manner which will encourage a strong residential neighborhood.
2. Permitted Uses: Generally, two-family dwellings, single-family dwellings, parks, educational and religious uses are permitted. Educational and religious uses are permitted as conditional uses. For a general listing of permitted and conditionally permitted uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Conditional Uses: For a specific listing of conditional uses, see Article 5.
4. Intensity of Use Regulations: Except as modified by the provisions of Article 6:
 - A. Minimum lot area: 6,000 square feet for single-family dwellings and 5,000 square feet per dwelling unit for two-family dwellings.
 - B. Minimum lot width: 60 feet; single-family dwellings located on a corner lot shall not be less than 75 feet and two-family dwellings located on a corner lot shall not be less than 80 feet.
 - C. Lot coverage: The combined area of the main building and accessory buildings shall not cover more than forty (40) percent of the total area of the lot.
5. Height Regulations: Maximum structure height: 35 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
 - A. Front Yard: 25 feet.
 - B. Side Yard: 8 feet; structures on corner lots shall provide a side yard on the street side of not less than 15 feet, or the established front yard setback of the adjoining residential structure fronting, on the same side street, whichever is greater.
 - C. Rear Yard: 30 feet or 20% of depth, whichever is smaller.
7. Parking Regulations: See Article 7 Off-Street Parking and Loading Regulations.
8. Sign Regulations: See Article 9 Sign Regulations.
9. Minimum Floor Area: Single-family and two-family residential units shall have a minimum of 650 square feet of private, habitable floor area, per family.

“R-3” Multifamily Dwelling District

1. Intent and Purpose of District. The “R-3” Multifamily Dwelling District is intended for the purpose of allowing high-density residential land use with the co-mingling of compatible single-family and two-family dwellings, apartments, home occupations, community facilities and certain uses, yet retain the basic residential quality.
2. Permitted Uses. Single-, two-, and multifamily dwellings, nursing homes and boarding houses are permitted. For a general listing of permitted and conditionally permitted uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Conditional Uses: For a specific listing of conditional uses, see Article 5.
4. Intensity of Use Regulations. Except as modified by the provisions of Article 6, all dwellings hereafter erected, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:
 - A. Minimum Lot Area:
 - (1) A lot on which there is erected a single-family dwelling shall contain an area of not less than 6,000 square feet.
 - (2) A lot on which there is erected a two-family dwelling shall contain an area of not less than 5,000 square feet per family.
 - (3) A lot on which there is erected a multifamily dwelling shall contain an area of not less than 10,000 square feet, or 2,500 square feet per family, whichever area is the larger, except that this regulation shall not apply to dormitories or rooming and lodging houses where no cooking is done in individual rooms or apartments. The Board of Adjustment may increase the intensity of use for multifamily dwellings by one residential unit, if all of the following conditions can be met:
 - (a) There is sufficient land area on the site to meet all other requirements, including parking and setbacks;
 - (b) The additional unit permits a more economical design (e.g., an eight-plex rather than a seven-plex); and
 - (4) Where a single lot of record, as defined in the Definitions Section of this regulation, has less area than herein required and was recorded prior to the effective date of this regulation, that lot may be used only for single-family dwelling purposes.
 - B. Minimum Lot Width:
 - (1) No lot on which a single-family dwelling is located shall be less than 60 feet in width; corner lots shall be not less than 75 feet in width.
 - (2) No lot on which a two-family dwelling is located shall be less than 60 feet in width; corner lots shall be not less than 80 feet in width.

- (3) No lot on which a multifamily dwelling is located shall be less than 75 feet in width; corner lots shall be not less than 80 feet in width. For each additional story over two, there shall be an additional 25 feet of lot width.
 - C. Lot Coverage: The combined area of the main building and accessory buildings of multifamily uses shall not cover more than 50 percent of the lot area.
- 5. Height Requirements. Except as modified by the provisions of Article 6:
 - A. The maximum height of single-family dwellings shall be the same as specified in the R-1 District.
 - B. The maximum height of two-family dwellings shall be the same as specified in the R-2 District.
 - C. The maximum height for multifamily dwellings and nonresidential uses shall be 35 feet. The Planning and Zoning Commission, after receiving the recommendation of the Moberly Fire Chief, may allow the height of a multifamily dwelling to exceed 35 feet. In no instance, however, shall the height of any multifamily dwelling exceed 45 feet.
- 6. Yard Requirements. Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
 - A. Front Yard: 25 feet
 - B. Side Yard: Single-family and two-family dwellings shall maintain a side yard setback of not less than 5 feet; except that dwellings on corner lots shall maintain a corner site yard setback of 15 feet. Multifamily dwellings shall maintain a side yard setback of not less than 7 feet.
 - C. Rear Yard: There shall be a rear yard for structures in this district which shall have a depth of not less than 25 feet, or 20 percent of the depth of the lot, whichever is smaller.
- 7. Loading and Unloading Regulations. See Article 7 Off-Street Parking and Loading Regulations.
- 8. Parking Regulations. Off-street parking is not required in this district for existing residential structures that conform with use and area regulations. Any new structures and any structure converted to multifamily residences shall comply with the requirements of Article 7 Off-Street Parking and Loading Regulations.
- 9. Sign Regulations. See the Article 9 Sign Regulations.
- 10. Use Limitations.
 - A. Multifamily dwelling developments shall be subject to the requirements and procedures of Article 12 Site Plan Review.
 - B. Minimum Floor Area: Multifamily residential units shall have a minimum of 550 square feet of private, habitable floor area per family, provided there are common activity areas,

such as laundry areas, and 865 square feet per family provided there are no common activity areas.

“MP” Manufactured Home Park Residential District

1. Intent: It is the intent of this district to provide low to medium density manufactured home park development which is compatible with the character of the surrounding neighborhood in which it is located. Manufactured home parks are considered a residential use and should be located in areas where services and amenities are available such as those found in conventional residential areas.
2. Permitted Uses: For a general listing of permitted and conditionally permitted uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Conditional Uses: For a specific listing of conditional uses, see Article 5.
4. Intensity of Use Regulations:
 - A. Minimum park area: 5 acres
 - B. Minimum park width: 225 feet.
5. Height Regulations: Maximum structure height: 20 feet.
6. General Regulations:
 - A. Minimum Design Standards: Each manufactured home park shall be designed in accordance with all city codes and to the following minimum design standards:
 - (1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - (2) Manufactured home parks hereafter approved shall have a maximum density of eight (8) manufactured homes per gross acre, and a minimum area of 4,000 square feet shall be provided for each manufactured home space.
 - (3) Each manufactured home space shall be at least 40 feet wide and be clearly defined.
 - (4) All manufactured homes and additions thereto shall be so located to maintain a clearance of not less than 20 feet from another manufactured home; provided, however, that with respect to manufactured homes parked end-to-end, the end-to-end clearance shall not be less than 15 feet. In addition, all manufactured homes and additions thereto shall be so located to maintain a clearance of 25 feet from any permanent structure within the park.
 - (5) All manufactured home spaces shall front upon a private hard-surfaced roadway of not less than 25 feet in width, provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to 30 feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to 36 feet. All roadways shall have unobstructed access to a public street.

- (6) Off-street parking areas shall be provided in all manufactured home parks. Such off-street parking areas shall provide sufficient parking spaces for a minimum of two cars per manufactured home within the manufactured home park. Off-street parking areas may be provided on individual manufactured home spaces provided that the off-street parking area is improved as required in Article 7, and the off-street parking area surface is not less than 10 feet from the nearest adjacent manufactured home space.
- (7) All roadways and sidewalks within the manufactured home park shall be hard surfaced and shall be adequately lighted at night.
- (8) A community structure may be provided which may include recreation facilities, laundry facilities, and other similar uses.
- (9) The perimeter of all manufactured homes shall be fully skirted.
- (10) Sidewalks shall be required on one side of all streets.
- (11) Landscaping shall be shown on the development plan. The perimeter of each manufactured home space shall be surrounded by a landscaped strip of open space 25 feet wide along all lot lines and streets or highways.
- (12) All roadways shall meet the design standards as adopted by the City for private streets in manufactured home parks.
- (13) Final approval for the park shall be obtained before moving a manufactured home into an MP district.

B. Water Supply:

- (1) Water shall be supplied to the park by a public water system.
- (2) The size, location and installation of water lines shall be in accordance with the requirements of the building codes of the City.
- (3) Individual water service connections shall be provided at each manufactured home space.

C. Required Recreation Areas:

- (1) In all manufactured home parks accommodating or designed to accommodate 25 or more manufactured homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.
- (2) The size of such recreation areas shall be based upon a minimum of 100 square feet for each lot within the manufactured home park. No outdoor recreation area shall contain less than 2,500 square feet.
- (3) Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

- (4) The required recreational area(s) within the manufactured home park shall contain playground equipment or other recreational facilities as approved by the Planning and Zoning Commission. The cost of purchasing and installing said recreational equipment shall be paid for by the developer of the manufactured home park.
- (5) The maintenance of recreation area(s) and equipment within each manufactured home park shall be paid for by the owner of the manufactured home park.
- D. Sewage Disposal: Each manufactured home park shall be connected to the city or county central sanitary sewer system or to another central sewage system as approved by the Missouri Department of Natural Resources. Each manufactured home space within a manufactured home park shall be connected to and served by the central sanitary sewer system serving the manufactured home park.
- E. Tie-Downs and Ground Anchors: All manufactured homes shall be secured to the ground by tie-downs and ground anchors in accordance with the Manufactured Home and Recreational Vehicle Code.
- F. Electrical: Each manufactured home space shall be provided with an individual electrical outlet supply which shall be installed in accordance with the building codes of the City and requirements of the electric supplier.
- G. Gas: Natural gas hookups, when provided, shall be installed in accordance with the Building Codes of the City and the regulations of the gas supplier.
- H. Refuse and Garbage Handling: Storage, collection and disposal of refuse in a park shall be in accordance with City code.
- I. Blocking: All manufactured homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each manufactured home in accordance with the Manufactured Home and Recreational Vehicle Code and in accordance with the manufacturer's guidelines.
- J. Pad Requirements: Shall be a flexible surface with a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surfacing materials; or shall be of a hard surface of a minimum of two 18-inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the manufactured home.

7 Application Requirements:

- A. An applicant for “MP” Manufactured Home Park District shall prepare or cause to be prepared a preliminary Manufactured Home Park Plan, drawn to a scale of not less than 1” = 100', and three (3) copies of said plan shall be submitted to the Planning and Zoning Commission for its review and recommendations. Said plan shall be designed in accordance with the Minimum Design Standards herein and shall include the following:
 - (1) Contours shown at two (2) feet intervals.

- (2) Elevation drawings of all permanent buildings proposed.

- B. Upon approval of the preliminary Manufactured Home Park Plan by the Planning and Zoning Commission, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested. The final plan and the Planning and Zoning Commission recommendation shall be forwarded to the City Council for their review and final action.

- C. Any substantial deviation from the approved plan, as determined by the Zoning Administrator, shall constitute a violation of these regulations. Changes in plans shall be resubmitted for reconsideration and approval by the Planning and Zoning Commission and City Council prior to the occupancy of the Manufactured Home Park.

- D. Construction of an approved Manufactured Home Park shall begin only after final approval has been granted by the City Council.

“B-1” Business Park District

1. Intent: The intent of this district is to permit a mix of office and light industrial uses that are not obnoxious due to appearance, noise, emissions, or odor, and do not generate large volumes of vehicular traffic, as well as limited retail commercial uses that support or complement the office and light industrial activities. Uses within this district shall not require intensive land coverage and shall be compatibly developed with adjacent districts through site plan review.
2. Permitted Uses: Generally, light manufacturing, wholesaling, trucking and warehousing uses, as well as office uses are permitted. In addition, limited retail and service uses are permitted. For a general listing of permitted and conditionally permitted uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Conditional Uses: For a specific listing of conditional uses, see Article 5.
4. Intensity of Use Regulations:
 - A. Minimum lot area: Subject to site plan review.
 - B. Minimum lot width: Subject to site plan review.
 - C. Lot Coverage: Area occupied by building shall not exceed 40 percent of the ground area on which the building is located.
5. Height Regulations: Maximum height of structure: 50 feet if within 150 feet of a residential zone; 75 feet if more than 150 feet from residential zone.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
 - A. Front Yard: 25 feet.
 - B. Side Yard: 20 feet and no less than 40 feet when abutting a street or residential district.
 - C. Rear Yard: 25 feet or 20% of depth, whichever is smaller, unless said rear yard abuts a residential zoning district in which case the minimum rear yard setback shall not be less than 40 feet.
7. Loading and Unloading Regulations: See Article 7 Off-Street Parking and Loading Regulations.
8. Parking Regulations: See Article 7 Off-Street Parking and Loading Regulations.
9. Sign Regulations: See Article 9 Sign Regulations.

10. Use Limitations:
- A. The development of each B-1 District shall create a campus like environment and shall incorporate unified design standards for the entire development which meet the intent of the comprehensive plan and which shall be approved by the Planning and Zoning Commission at time of rezoning.
 - B. For single-lot developments, a site plan must be submitted that indicates how the development accommodates and relates to a larger development.
 - C. All storage of materials, products or equipment, except those related to or used for agricultural research, testing and/or analysis purposes, shall be within a fully enclosed building or in an open yard so screened that the materials stored are not clearly visible within one thousand (1,000) feet of the property line. Where topographic conditions make effective screening impractical, the planning and zoning commission may make variances as they deem advisable.
 - D. A solid or semi-solid fence or wall at least six feet, but not more than eight feet, high and having a density of not less than 70 percent per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "B-1" District.
 - E. No structure shall be used for residential purposes except that a watchman may reside on the premises.
 - F. All operations shall be conducted within a fully enclosed building.
 - G. Industrial wastes shall be of such a quantity and nature as to not overburden the public sewage disposal facilities as to cause odor and unsanitary effects beyond the property line.
 - H. A private street network shall be allowed where comprehensive control of a large industrial site is required for safety or security reasons and where no unsecured access to the site is afforded the public.
11. Site Plan Review. Development in the "B-1" District shall be subject to the requirements and procedures in Article 12 Site Plan Review. Implement the U.S. 63/24 Highway Overlay District development guidelines of the Comprehensive Plan.

“B-2” Central Business District

1. Intent: The intent of this district is to provide a zone which will accommodate the broad range of retail shopping activities and service and office uses that are normally found in the core area of the city. The grouping is intended to strengthen the business level of the central business activity.
2. Permitted Uses: Generally, commercial retail and services, offices, and similar uses are permitted. For a general listing of permitted and conditionally permitted uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Conditional Uses: For a specific listing of conditional uses, see Article 5.
4. Intensity of Use Regulations: Lots shall conform with the pattern of development in the immediate environs of the district and the following minimum standards:
 - A. Minimum lot area: None
 - B. Minimum lot width: 25 feet
 - C. Lot coverage: None
5. Height Regulations: Maximum structure height: 50 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
 - A. Front Yard: The front yard setback shall be the average front yard setback distance of existing buildings within the same block, otherwise none.
 - B. Side Yard: 10 feet when adjacent to a residential district, otherwise none.
 - C. Rear Yard: None
7. Loading and Unloading Regulations: See Article 7 Off-Street Parking and Loading Regulations.
8. Parking Regulations: No off-street parking or loading space shall be required.
9. Sign Regulations: See Article 9 Sign Regulations.
10. Use Limitations:
 - A. No outdoor storage, except the display of merchandise for sale to the public during operating hours, shall be permitted.
 - B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
 - C. No off-street parking is required; however, if off-street parking is provided, said off-street parking area shall not be located in front of the building which is served by the off-street parking area.

- D. No business establishment shall offer or sell food or beverages where consumption is primarily intended to occur in parked motor vehicles.
 - E. A solid or semi-solid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than seventy (70) percent per square foot, shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the commercial development are separated by a street or alley right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "B-2" District.
 - F. Any tavern, restaurant, club, business or similar use serving alcoholic or cereal malt beverages shall not be located within 100 feet of property used as a public park, church or school.
11. Site Plan Review. Development in the "B-2" District shall be subject to the requirements and procedures in Article 12, Site Plan Review. Implement the *Downtown Development Guidelines* of the Comprehensive Plan.

“B-3” General Commercial District

1. Intent: The “B-3” General Commercial District is intended for the purpose of allowing basic retail, service and office uses in addition to those normally permitted in neighborhood centers. This district is also intended to provide locations for commercial activity that do not require a central location downtown. Business uses needing large floor areas, particularly those of a service nature, not compatible with Central Business District uses, are included in this district.
2. Permitted Uses: Generally, automobile and implement sales, lumberyards, contractor’s yards, offices, neighborhood retailing and similar uses are permitted. For a general listing of permitted and conditionally permitted uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Conditional Uses: For a specific listing of conditional uses, see Article 5.
4. Intensity of Use Regulations:
 - A. Minimum lot area: 6,000 feet
 - B. Minimum lot width: 60 feet
 - C. Lot coverage: None
5. Height Regulations: Maximum height of structure: 50 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
 - A. Front Yard: 30 feet.
 - B. Side Yard: 5 feet when abutting a residential district, otherwise none.
 - C. Rear Yard: 15 feet when abutting a residential district, otherwise none.
7. Loading and Unloading Regulations: See Article 7 Off-Street Parking and Loading Regulations.
8. Parking Regulations: See Article 7 Off-Street Parking and Loading Regulations.
9. Sign Regulations: See Article 9 Sign Regulations.
10. Use Limitations:
 - A. Exterior Storage: Except as otherwise permitted by these regulations or during permitted construction on any tract, all exterior storage of equipment, raw materials or finished products shall be fully screened from the view of adjacent parcels and streets by a solid screen fence at least six (6) feet in height.

Screening and enclosure required for permitted outdoor storage shall be by means of a fence, wall or berm, in combination with landscaping, designed to create a minimum of seventy-five (75) percent opacity. Crates, boxes, trailers or other temporary storage

facilities shall not be considered appropriate screening materials. Outdoor storage shall not interfere with the required and/or approved operation of the site, including but not limited to traffic circulation, parking, open space or aesthetics.

The permitted display of merchandise for sale to the public shall be restricted to a maximum of twenty-five (25) percent of the area of either the front, side or rear yard exclusive of any area of required setback. In no case shall merchandise for sale be displayed in any required set back, or interfere with pedestrian or vehicular access or parking.

- B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
 - C. A solid or semi-solid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than seventy (70) percent per square foot, shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the commercial development are separated by a street or alley right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "B-3" District.
 - D. Any tavern, restaurant, club, business or similar use serving alcoholic or cereal malt beverages shall not be located within 100 feet of property used as a public park, church or school.
11. Site Plan Review. Development in the "B-3" District shall be subject to the requirements and procedures in Article 12 Site Plan Review.

“M-1” Industrial District

1. Intent: The “M-1” Industrial District is intended for the purpose of allowing a range of industrial uses from low-intensity to basic to primary industries which is generally compatible with office and/or commercial activity or can be made compatible with adequate site amenities, such as buffers and screens. Certain intense uses will require conditional use permits to locate in this district.
2. Permitted Uses: Generally, assembly, warehousing, light manufacturing, wholesaling, support trucking and related uses, with limited retail and service uses permitted, as well as heavy industrial uses as approved by the city. For a general listing of permitted and conditionally permitted uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Conditional Uses: For a specific listing of conditional uses, see Article 5.
4. Intensity of Use Regulations:
 - A. Minimum lot area: Subject to site plan review.
 - B. Minimum lot width: Subject to site plan review.
 - C. Lot Coverage: Area occupied by building shall not exceed 40 percent of the ground area on which the building is located.
5. Height Regulations: Maximum height of structure: 45 feet if within 150 feet of residential district; 150 feet if more than 150 feet from a residential district.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
 - A. Front Yard: 25 feet.
 - B. Side Yard: 10 feet and no less than 40 feet when abutting a street or residential district.
 - C. Rear Yard: 25 feet or 20% of depth, whichever is smaller, unless said rear yard abuts a residential zoning district in which case the minimum rear yard setback shall not be less than 40 feet.
7. Loading and Unloading Regulations: See Article 7 Off-Street Parking and Loading Regulations.
8. Parking Regulations: See Article 7 Off-Street Parking and Loading Regulations.
9. Sign Regulations: See Article 9 Sign Regulations.
10. Use Limitations:
 - A. All storage of materials, products or equipment, except those related to or used for agricultural research, testing and/or analysis purposes, shall be within a fully enclosed building or in an open yard so screened that the materials stored are not clearly visible within one thousand (1,000) feet of the property line. Where topographic conditions

make effective screening impractical, the commission may make variances as they deem advisable.

- B. A solid or semi-solid fence or wall at least six feet, but not more than eight feet, high and having a density of not less than 70 percent per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the “M-1” District.
- C. No structure shall be used for residential purposes except that a watchman may reside on the premises.
- D. Facilities Used for Agricultural Research, Testing and/or Analysis: In agriculture-related research facilities, the following use limitations shall apply:
 - (1) Operations required to be conducted outside a fully enclosed building shall be conducted in controlled outdoor areas.
 - (2) A private street network shall be allowed where comprehensive control of a large industrial site is required for safety or security reasons and where no unsecured access to the site is afforded the public.
 - (3) Private roadways for certain agricultural related research and development activities may be improved with an all weather surface other than asphaltic concrete such as gravel or stone. They shall be designed to permit surface drainage without erosion of adjacent land.

11. Site Plan Review. Development in the “M-1” District shall be subject to the requirements and procedures in Article 12, Site Plan Review.

“PD” Planned Development District

1. **Purpose:** The purpose of this district is to provide for elements of flexibility in design, placement, arrangement, bulk and other considerations involved in planned districts; to provide a framework within which the structures and uses in the planned district may be interrelated with adjacent development and areas; and to maintain the desired overall intensity of land use, desired population densities, and desired areas of open space. The use of planned zoning procedures is intended to encourage large-scale developments, efficient development of small tracts, innovative and imaginative site planning, and conservation of resources.
2. **Use of the “PD” District:** With the exception of standard single-family and two-family residential subdivisions, zoning proposals which are intended to be subdivided into multiple lots should seek the “PD” zoning district classification. Planned developments are groupings of structures or sites that are planned as an integrated unit or cluster on property under unified control at the time of zoning. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with the development standards and other conditions that were committed to at the time of the rezoning. The Planned Development District must always be used in conjunction with one of the other zoning districts, known as the “underlying district.” The requirements of the “PD” District shall be in addition to the requirements of the underlying district, except that the “PD” District may modify some of the regulations of the underlying district in specific situations. A “PD” District may be used in conjunction with any of the other zoning districts or with any combination of districts.

An application for rezoning to the “PD” District shall include a Preliminary Development Plan and may include a concurrent request to change the underlying zoning classification. If the rezoning is approved, the new district shall include the designation of the underlying district followed by “PD”. For example, a Planned Development District of an “R-1” District shall be known as “R-1-PD.”

Approval of the rezoning based on the Preliminary Development Plan shall allow the applicant to submit a Final Development Plan for approval. No structure or occupancy permit shall be issued until a Final Development Plan has been approved. The use of the “PD” district shall be separate from the Subdivision Regulations of the City, and the Development Plans required by the “PD” District shall not be construed as plats. It is recommended that the subdivision process follow the Rezoning/Preliminary Plan approval, but precede the approval of the Final Development Plan. Resubdivision may be a prerequisite to approval of the Final Development Plan.

3. **Use Regulations:** Any use permitted in the underlying zone may be permitted. The uses permitted may be voluntarily restricted by the applicant, or restricted as a condition of approval by the Planning and Zoning Commission.
4. **Height Regulations:** The height regulations provided for the underlying zoning district shall be required, provided that the allowed height may be increased by one floor or 15 feet upon a showing that the proposed structure is consistent in scale and bulk to the character of the community, and the increase in density as a result of the increase in height does not create an adverse effect on the value or utility of adjacent property.
5. **Yard Regulations:** The yard regulations provided for the underlying zoning district shall be required, provided that the yard regulations may be reduced upon a showing of sufficient open

space accessible to occupants; a separation between structures for fire-fighting purposes; and that there is consistency with the visual character of the community.

6. Use Regulations:
 - A. The proposed development shall provide access to the major street system in such a way that the traffic generated by the development will not cause an unreasonably hazardous condition nor inconvenience in the area.
 - B. Structures and traffic shall be arranged so that all principal structures are accessible to emergency vehicles.
 - C. Parking shall be provided in a manner that reduces to a minimum its adverse physical impact in the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas or other physical separators are suggested approaches. The parking areas should be appropriately spaced to serve those units they represent.
 - D. The availability of services and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be presented with the Preliminary Development Plans.
 - E. Approval of the Final Development Plan may be conditioned by the Planning and Zoning Commission or City Council to minimize any negative impact on the community.
7. Application for Rezoning: A petition to change to a “PD” Planned District shall be filed with the City, along with the filing fee as set forth by separate ordinance. A Preliminary Development Plan shall be attached and shall include the elements set forth in these regulations. The process for approval shall be the same as for any rezoning as provided by these regulations.
8. Approval Procedure: The approval by the City Council of the Preliminary Development Plan and the concurrent rezoning to the “PD” District shall be preceded by the publication and mailing of notice, a public hearing, and a recommendation by the Planning and Zoning Commission. If the City Council disagrees with the recommendation, the application shall be returned to the Planning and Zoning Commission for reconsideration. Approval of the Preliminary Development Plan shall be valid for two years from the date of its approval. The filing and approval of a Final Development Plan for any phase of the area contained in the Preliminary Plan shall extend the period of validity an additional two years. Once approved, the zoning classification can only be changed through rezoning and cannot be changed by expiration of the Preliminary Development Plan.
9. Preliminary Development Plan: The Preliminary Development Plan shall be prepared at a scale dimension of not more than 1”=100', and shall include:
 - A. Boundaries of the project with dimensions to scale;
 - B. Contour intervals of two feet;
 - C. Proposed size, height, location and arrangement of structures, parking areas with proposed arrangement of stalls and number of cars, entrance and exit driveways and their relationship to existing and/or proposed streets;

- D. Preliminary drainage plan in sufficient detail to show direction of flow, storm water detention facilities, if needed, and major drainage structures;
- E. General landscape plan to include location and height of all walls, fences, signs and screen plantings;
- F. Note provision for dedication of new or additional rights-of-way, if needed; such to be dedicated to the City prior to approval of a Final Development Plan;
- G. Phases of final development;
- H. Name and address of owner, applicant and engineering firm which prepared the plan;
- I. Seal of engineering firm licensed in the State of Missouri developing the plan, scale, north point and date of plan;
- J. A description of any limitations to be placed on the range of permitted uses, the hours of operation, the structure materials to be used or other similar factors; and
- K. Ten (10) copies shall be submitted.

10. Final Development Plan: The Final Development Plan shall be prepared in the same manner and include the same type of information as the Preliminary Development Plan (updated to show final sizes, dimensions and arrangement) with the following additions:

- A. Contour lines shall show finished grading only;
- B. The landscaping plan shall show the size and type of each tree, shrub and ground cover; and
- C. Drawings showing the size, appearance and method of illumination for each sign.

The Final Development Plan shall substantially conform to the approved Preliminary Plan, shall be in final form for the issuance of a building permit, shall have been previously reviewed by the appropriate City staff, and shall include a Construction Schedule. A final approval by the City Council shall authorize construction to begin according to the Construction Schedule providing all appropriate permits have been received. Construction of at least the first stage of development shall begin within three years from the date the ordinance of the zoning change was published in the newspaper. If construction does not begin within this period and no effort is made for an extension of time by the owner, the Final Development Plan shall be voided.

11. Building Permits: On final approval by the City Council, the owner shall provide five copies of the approved Final Development Plan to the City. The Zoning Administrator or his/her designee shall issue building permits only in accordance with the approved Final Development Plan.

12. Amendments: If any substantial variation or rearrangement of structures, parking area and drives, entrances, heights or open spaces is requested by the applicant, the applicant shall proceed by following the same procedure previously followed and outlined in the Preliminary Development Plan.

13. Open Space: The Planning and Zoning Commission may require the provision of open space to buffer dissimilar uses; to protect environmentally sensitive areas; or to counterbalance any reduction in lot area, yard size or bulk limitations.
- A. Open Space Requirements: If the Planning and Zoning Commission requires open space, the City and the applicant shall enter into an agreement providing for the establishment of an agency to maintain the open space. Such agreement shall include provision for default, cure by the City, and enforcement.
- B. Disposition of Open Space: The agency established in the preceding section shall not be dissolved or permitted to otherwise dispose of any open space by sale or otherwise without first offering to dedicate the same to the City.
- The development plan process shall be required prior to any rezoning or issuance of a building permit for other than a single-family dwelling.
14. Time Limit: A site plan approval for a “PD” district shall expire, subject to a public hearing, unless a building permit is taken within 12 months after the approved date for commencement to effectuate such site plan.

**ARTICLE 5
USE REGULATIONS**

1. Use Table: The use table of this section provides a tabular summary of the land use types allowed within each base-zoning district. The table is intended for reference and does not necessarily reflect all of the regulations that may apply to particular uses or districts. In the event of conflict between the use regulations of Article 5 and the zoning district regulations of Article 4, the text of the zoning district regulations shall prevail.
 - A. Permitted (by-Right): Uses identified in a zoning district column of the Use Table with a “P” are “permitted by-right” and shall be permitted in such zoning district, subject to such conditional use regulations as may be indicated in the “conditions” column and all other requirements of this Zoning Ordinance.
 - B. Conditional Uses: Uses identified in a zoning district column of the Use Table with a “C” are “conditional uses” and shall be permitted in such zoning district if reviewed and approved in accordance with the standards of Article 11. Conditional uses shall be subject to such conditional use regulations as may be indicated in the “use standards” column and all other requirements of this Zoning Ordinance.
 - C. Not Permitted: Uses not identified in a zoning district column of the Use Table as permitted by-right or by conditional use are not allowed in such zoning district unless otherwise expressly permitted by other regulations of this Zoning Ordinance.
 - D. Use Standards: A letter in the final “use standards” column of the Use Table refers to conditional use standards applicable to a particular use in one or more of the districts in which such use is allowed. The referenced regulations appear in Section 2 of this Article.

CITY OF MOBERLY, MISSOURI ZONING ORDINANCE

Article 5 - Use Regulations

USE REGULATIONS	ZONING DISTRICTS									Use Standards
	RESIDENTIAL					NON-RESIDENTIAL				
	N-1	R-1	R-2	R-3	M-P	B-1	B-2	B-3	M-1	
Accessory Uses	P	P	P	P	P	P	P	P	P	A
Home Occupations	P	P	P	P	P	P	P	P	P	L
Temporary Uses	P	P	P	P	P	P	P	P	P	W
AGRICULTURAL USES										
Agricultural Processing									C	
Agriculture, General	P									B
Agriculture, Limited	C								C	
RESIDENTIAL USES										
Apartment				P						R
Assisted Living	P			P			P	C		
Boarding House			P	P						
Duplex			P	P						
Group Home, Limited (1 - 8)	C	C	C	P	P					K
Group Home, General (9+)				C			C			K
Group Residential				C			C			
Manufactured Home - Residential Design					P					P
Manufactured Home					P					
Mobile Home										
Modular Home	P	P	P	P	P					
Manufactured Home Park					P					
Multifamily				P						Q
Single-Family, Detached	P	P	P	P	P					
Transitional Living Facility								C		X
COMMERCIAL USES										
Adult Entertainment Establishment										C
Agricultural Sales and Service							P		P	
Animal Care, General							C	C	P	N
Animal Care, Limited							P	P	P	
Bank or Financial Institution						C	P	P		
Bar or Tavern							P	P		
Bed and Breakfast	C	C	C	C	C		C	C		D
Car Wash							P	C	C	

CITY OF MOBERLY, MISSOURI ZONING ORDINANCE

Article 5 - Use Regulations

USE REGULATIONS	ZONING DISTRICTS									Use Standards
	RESIDENTIAL					NON-RESIDENTIAL				
	N-1	R-1	R-2	R-3	M-P	B-1	B-2	B-3	M-1	
Construction Sales and Service							P	P	P	
Day Care, Limited (5 - 10 individuals)	C	C	C	C	C					I
Day Care, Commercial (11 or more)							P	P	C	I
Catering								P		
Food Store							P	P		
Greenhouses, Nurseries									P	
Health Club						C	P	P		
Hotel, Motel or Tourist Court							P	P		
Manufactured Home Sales									C	
Office, General						P	P	P		
Parking Lot, Commercial						P	P	P		
Print Shop						C	P	P	P	
Recreation and Entertainment, Indoor						C	C	P		
Recreation and Entertainment, Outdoor						C	C	C		R
Repair Service							P	P	P	
Research Service						P	C	C	P	
Restaurant, Fast Food							P	P		
Restaurant, General						C	P	P		
Retail Sales and Service						C	P	P	C	
Safety Service	C	C	C	C	C	C	C	C	C	
Service Station, Automotive							P	P	C	
Service Station, Truck Stop							C	C	C	
Studio, Television, Film, Radio, Music							P	P	C	
Vehicle and Equipment Sales							P	P	C	Y
Vehicle/Equipment Storage Yard								C	P	Y
Vehicle Repair, General							C	C	P	Y
Vehicle Repair, Limited							C	P	P	Y
Warehouse, Residential Storage								P	P	
PUBLIC, QUASI-PUBLIC, AND RECREATION										
Airport or Airstrip	C								C	
Auditorium or Stadium							C	P	C	T
Cemetery, Crematory, Mausoleum	C	C	C	C	C	C	C	C	C	E
Churches, Chapels, Temples, Synagogues	C	C	C	C	C	C	C	C	C	

CITY OF MOBERLY, MISSOURI ZONING ORDINANCE

Article 5 - Use Regulations

USE REGULATIONS	ZONING DISTRICTS									Use Standards
	RESIDENTIAL					NON-RESIDENTIAL				
	N-1	R-1	R-2	R-3	M-P	B-1	B-2	B-3	M-1	
College or University	C					C	C	P		
Communication Tower	C						C	C	P	F
Convalescent Care				C			C	C		H
Correctional Facility									C	
Cultural Service							P	P	C	
Funeral Home							C	C		
Golf Course	C	C	C	C	C					J
Government Service						P	P	P	P	
Heliport or Helipad						C		P	P	
Hospital							P	P		M
Library		C	C	C	C		P	P		
Medical Service							P	P	P	
Military Service							C	C	C	
Parks and Recreation	C	C	C	C	C	C	C	C	C	
Post Office							P	P		
Recreational Vehicle Park	C									S
Religious Assembly	C	C	C	C	C	C	C	C	C	T
School, Elementary, Middle or High	C	C	C	C	C	C	C	C	C	
Shooting Range									C	
Vocational School							C	P	P	
MANUFACTURING, INDUSTRIAL AND EXTRACTIVE USES										
Asphalt or Concrete Plant									C	
Basic Industry									C	
Composting Facility									C	G
Food/Bakery Product Manufacturing								C	P	
Freight Terminal							C		P	
Gas and Fuel Sales/Storage								C	P	
Grain Elevator									P	
Hazardous Operation									C	
Landfill									C	O
Laundry Plant									P	
Manufacturing and Assembly									P	
Mining or Quarrying									C	O

CITY OF MOBERLY, MISSOURI ZONING ORDINANCE

Article 5 - Use Regulations

USE REGULATIONS	ZONING DISTRICTS									Use Standards	
	RESIDENTIAL					NON-RESIDENTIAL					
	N-1	R-1	R-2	R-3	M-P	B-1	B-2	B-3	M-1		
Oil or Gas Drilling/Refining										C	
Printing and Publishing						C	C	P	P		
Salvage Yard										C	U
Solid Waste Collection/Processing										C	V
Solid Waste Transfer Station										P	
Stockyard										C	
Transit Facility		C	C	C	C	C	P	P	P		
Utility, Major		C	C	C	C	C	C	C	C		
Utility, Minor	P	P	P	P	P	P	P	P	P		
Warehousing and Wholesale										P	
Welding or Machine Shop										P	

2. Use Standards: The conditional use standards of this section shall apply to permitted, conditional uses and accessory uses as noted.

A. Accessory Uses

Permitted uses and approved conditional uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal uses allowed in zoning districts. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, unless otherwise stated in this zoning ordinance.

(1) Residential Accessory Uses

Residential uses shall include, but not be limited to, the following accessory uses, activities and structures:

- (A) Fences and walls,
- (B) For lots of 20,000 square feet or less; garages, carports and off-street parking and loading areas, provided that the combined total of all detached garages or carports in a residential district shall not cover more than a total of 1,000 square feet or up to ten (10) percent of the total lot area, whichever is less;
- (C) For lots greater than 20,000 square feet; garages, carports and off-street parking and loading areas, provided that the total of the detached garages and carports in a residential district shall not cover more than a total of five (5) percent of the total lot area.

- (D) Gardens, provided that they meet the required front yard setbacks of the district in which they are located.
- (E) Gates and guard houses;
- (F) Guest house or guest rooms, neither of which may include kitchen facilities, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units;
- (G) Home occupations, subject to the home occupation requirements of this Article.
- (H) Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings, provided that such buildings shall not cover more than five (5) percent of the total lot area;
- (I) Radio and television receiving antennas and support structures.
- (J) Recreational and play facilities for residents;
- (K) Storage of recreational equipment such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, provided that storage shall be limited to private garages, side or rear yards of private homes, and in the driveways of private homes. Stored vehicles or equipment shall not protrude onto public property or obstruct any sidewalks. Recreational vehicles or equipment shall not be stored within required off-street parking spaces. No recreational vehicle shall be used for living or sleeping purposes while stored on the premises for a period exceeding 14 days in a calendar year;
- (L) Storm shelters and fallout shelters; and
- (M) Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the Zoning Administrator to ensure land use compatibility.
- (N) Swimming pools subject to a setback of no less than four (4) feet from a protective fence no less than six (6) feet in height around the perimeter of the pool.

(2) Nonresidential Accessory Uses

Nonresidential uses shall include, but not be limited to, the following accessory uses, activities and structures:

- (A) Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the principal use;
- (B) Dwelling units, other than manufactured homes, when used or intended to be used for security or maintenance personnel;
- (C) Dwelling Units, when located on the second story of a commercial structure located in the “B-2” district.
- (D) Fences and walls,
- (E) Gates and guard houses;
- (F) Offices for allowed business and industrial uses when the office is located on the same site as the principal use;
- (G) Parking garages and off-street parking areas;
- (H) Radio and television receiving antennas and support structures.
- (I) Restaurants, news stands, gift shops, swimming pools, tennis courts, clubs and lounges when in a permitted hotel, motel or office building;
- (J) Sales of goods produced as a part of allowed industrial activities when on the same site as the principal industrial use;
- (K) Recycling Collection Stations, subject to the provisions of sub-section 2.A.(4)(E) of this Article.
- (L) The storage of merchandise when located within the same building as the principal business; and
- (M) Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standard imposed by the Zoning Administrator to ensure land use compatibility.

(3) Accessory Use Development and Operational Standards

The following standards shall apply to all accessory uses and structures unless otherwise specifically provided.

- (A) Exterior Setback: No accessory structure shall be located within a required exterior setback.
- (B) Interior (Rear) Setback: Accessory structures shall not be required to comply with the interior rear setback standard that applies to principal uses. Accessory structures shall, however, be set back at least eight feet

- from rear lot lines and shall not be closer to the side lot line than the applicable minimum interior setback.
- (C) Interior (Side) Setbacks: No accessory structure shall be located within a required interior side setback.
 - (D) Setbacks from Easements: No accessory structure, other than a fence or wall, shall be located within any platted or recorded easement , or over any known utility.
 - (E) Height: No accessory structure shall exceed the maximum height standards of the underlying district unless specifically authorized.
 - (F) Building Separation: Unless attached to the principal structure, accessory structures shall be located at least five (5) feet from any other structure.
 - (G) Building Coverage: No detached accessory structure shall cover more than ten (10) percent of the total lot area. Accessory buildings and structures shall be included in the calculation of total building coverage.

(4) Recycling Collection Stations

Recycling Collection Stations shall be allowed as an accessory use in accordance with the following standards.

- (A) Maximum Size and Approval Required: Recycling collection stations shall be allowed as an accessory use only if it does not exceed 1,000 square feet in area and only if shown on a Site Plan that has been reviewed and approved in accordance with Article 12.
- (B) Screening: All collection stations shall be screened from public view of adjoining properties or any street right-of-way with a six (6) foot tall, 100 percent opaque, solid screen or be wholly contained within a structure.
- (C) Separation from Residential: Recycling collection station structures shall be located at least 150 feet from adjacent property zoned R-1, R-2, R-3 or MP.
- (D) Reverse Vending Machines: Reverse vending machines shall be located or soundproofed such that the noise of operation is imperceptible from the property line of property zoned or used for residential purposes.
- (E) Maintenance: An employee, business owner or property owner shall be responsible for keeping the recycling sites in a clean and safe condition and shall pick up any recycled materials that have blown around the site or adjacent area. All materials shall be stacked properly within a recycling bin and be monitored on a frequent basis.
- (F) Hours of Operation: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted.

Collection hours of recyclables shall be determined by the Zoning Administration.

- (G) Signs: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Zoning Administration.

B. Concentrated Feeding Operations shall not be permitted.

C. Adult Entertainment Establishment

Adult Entertainment Establishments are hereby prohibited in all zoning districts within the City of Moberly and no building, structure, premises or land shall be used, constructed, reconstructed, altered or expanded as or for an Adult Entertainment Establishment.

D. Bed and Breakfast

Bed and Breakfast facilities shall be allowed in any zoning district by conditional use permit. The following requirements shall apply to all bed and breakfast facilities:

- (1) The structure in which the bed and breakfast facility is located shall contain no less than 2,000 square feet of habitable floor area, and shall comply with standards for minimum dwelling size as required in the R-3 District for Multifamily dwellings.
- (2) The establishment is located in a dwelling unit permanently occupied by the owner or manager, wherein as an accessory use to the residential use, rooms are rented to the public for not more than fourteen (14) consecutive nights.
- (3) Two (2) off-street parking spaces with one (1) additional off-street parking space per lodging room shall be provided, and said spaces shall be adequately screened from neighboring property.
- (4) A time period may be established by the City Council for each bed and breakfast establishment.
- (5) No more than four bedroom units may be provided to guests. The City Council may, however, further limit the number of lodging rooms allowed in order to maintain the character of the neighborhood in which the bed and breakfast facility is located.

E. Cemeteries, Crematories and Mausoleums

The following standards shall apply to cemeteries, crematories and mausoleums.

- (1) Entrances: All cemeteries, crematories and mausoleums shall provide entrances on an arterial or collector street with ingress and egress so designed as to minimize traffic congestion.

- (2) Landscape Buffer: A landscape buffer shall be provided along all property lines abutting any R-1, R-2, R-3 or MP zoned property, pursuant to Article 8.

F. Communication Towers

Communication towers shall be subject to the following standards.

- (1) Principal Use: Communication towers shall always be considered a principal use. They may be located on lots occupied by another principal use.
- (2) Setbacks:
 - (A) The minimum setback between communication towers and all property lines shall be equal to 20 percent of the height of the tower.
 - (B) Communication towers shall be setback a minimum of 50 feet from any existing or planned right-of-way.
 - (C) Communication towers shall be set back a minimum of 100 feet from the lot line of any N-1, R-1, R-2, R-3 or M-P zoning district.
 - (D) Peripheral supports and guy anchors for communication towers may be located within the required setbacks, provided that they shall be located entirely within the boundaries of the property in which the tower is located and shall be located no closer than five feet from any lot line, and no closer than 10 feet from the lot line of an N-1, R-1, R-2, R-3 or M-P zoning district.
- (3) Height: The principal support structure for communication towers shall be permitted to exceed the height limit of the zoning district in which it is located, provided that the setback standards of this section are complied with.
- (4) Security Fences and Walls: A fence or wall not less than seven feet in height from finished grade shall be constructed around each communication tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards.
 - (A) Access to the tower shall be through a locked gate in the required fence or wall.
 - (B) If the communication tower is adjacent to a residential zoning district or a lot occupied by a residential dwelling unit, the required fencing shall consist of a masonry wall or solid fence with trees and shrubs planted along the exterior of the fence or wall. At least one tree and one shrub shall be required for each 30 linear feet of fence or wall line.
 - (C) If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in a tower, signs located every 20 feet and attached to the fence or wall shall display in large bold letters the following: “HIGH VOLTAGE - DANGER”

- (5) Airport Approach Paths: Communication towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA).
- (6) Removal of Obsolete and Unused Towers: All obsolete or unused communication towers shall be removed within 12 months of cessation of use.
- (7) Electromagnetic Radiation: Communication towers shall comply with all applicable Federal Communication Commission (FCC) standards for non-ionizing electromagnetic radiation (NER).
- (8) The requirement in these standards shall be amortized in over a seven-year period.

G. Composting Facility

The following standards shall apply to all Compost Facilities.

- (1) Landscape Buffer: Compost Facilities shall have a landscape buffer around its perimeter, pursuant to Article 8. The decision-making body may require a greater buffer to protect adjacent property from adverse visual and other impacts associated with a specific compost facility.
- (2) Traffic Circulation: The operation shall provide entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion. No more than one vehicle entrance shall be allowed for each 660 feet of lot frontage on a public street. There shall be enough room on-site to accommodate peak traffic volume and company vehicles. The Zoning Administrator may require a traffic report to be submitted with the Conditional Use Permit application.
- (3) Storage Bins: Storage bins or trailers will be allowed to be stored on-site as an ancillary use, providing they are durable, covered and meet the same setbacks required for the structure on the site. The bins shall be completely screened from view from off-site.
- (4) Setbacks: Structures shall be set back at least 100 feet from all lot lines and at least 300 feet from the lot line of any property zoned R-1, R-2, R-3 or M-P.
- (5) Hours of Operation: Uses shall not operate before sunrise or after sunset. When located within 1,000 feet of an R-1, R-2, R-3, or MP zoning district the use shall not operate after 7:00 p.m. or before 8:00 a.m.
- (6) Paving: All roads, driveways, parking lots and loading/unloading areas within 500 feet of any lot line shall be graded and improved with all weather material.
- (7) Storm Water Management: A storm water management plan may be required at the discretion of the City Engineer.

- (8) Litter Control: The operation shall be attended on days of operation to maintain the property in a clean, litter-free condition.
- (9) Hazardous Material: Operations shall not involve the on-site holding, storage or disposal of hazardous substances, except for such substances used for the operation of the facility such as fuel and pesticides.
- (10) Material: No food scraps (except for vegetable scraps) or other vermin-attracting materials shall be processed, stored or disposed of on the site of the compost facility. Only yard/garden wastes are allowed as compost material.
- (11) Other Regulations: All operations shall be licensed if required, have proper permits from the Missouri Department of Natural Resources and shall meet all City, County, State and Federal Health Department requirements pertaining to facilities, equipment and other features.

H. Convalescent Care

At least 70 square feet of usable open space shall be provided for each patient bed. This required open space may be designed to provide outdoor space for recreational activities or landscaped outdoor sitting areas.

I. Day Care

(1) Day Care, Limited:

Limited Day Care uses shall be conducted in a single-family or two-family dwelling unit that is occupied as a permanent residence by the day care provider.

(2) Day Care, Commercial:

(A) State Licensing: Commercial Day Care uses shall be licensed by the State of Missouri and shall meet all City, County and State Health Department requirements pertaining to facilities, equipment, and other features.

(B) Vehicle Drop-Off Area: An off-street loading zone capable of holding one car per ten individuals cared for shall be provided, in addition to the required parking area, in order to provide for easy pickup and discharge of passengers.

J. Golf Courses

(1) Location of Restaurants: Facilities such as restaurants and bars shall be allowed when an integral part of a principal club house building, provided there is no exterior display or advertising for the restaurant or bar.

(2) Location of Recreation Facilities: Buildings, swimming pools, tennis courts, and similar recreational facilities shall be set back at least 25 feet the property line of any R-1 or R-2 zoning district.

K. Group Home (Limited or General)

Group Homes shall be subject to the following standards only when located in an N-1, R-1, R-2, R-3 or M-P district.

- (1) Spacing: A Group Home to be located within a residential zoning district shall not be located within 1,320 feet of another Group Home, measured as the shortest distance between any portion of the structure in which persons reside.
- (2) Exterior Appearance: There shall be no alteration of the exterior of the Group Home that shall change the character thereof as a single-family residence. There shall be no alteration of the property on which the Group Home is located that will change the character thereof as property within a single-family dwelling district.
- (3) Neighborhood Character: A Group Home constructed in an N-1, R-1, or R-2 district shall be constructed to be compatible with the architectural character of the neighborhood in which it is located.

L. Home Occupations

Home occupations shall be permitted in all districts permitting dwellings.

(1) Restrictions and Limitations:

- (A) The home occupation shall be incidental and subordinate to the principal residential use of the premises and in any other than home day care, not more than 25 percent of the floor area of any one floor of a dwelling unit shall be utilized for a home occupation or not more than 50 percent of the detached structure and not to interfere with the required parking area.
- (B) All materials or equipment used in the home occupation shall be stored within an enclosed structure.
- (C) No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling.
- (D) No sign shall exceed four (4) square feet, shall not be illuminated and shall be placed flat against the main wall of the principal residential structure.
- (E) No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence, and not more than one full-time equivalent, non-resident employee.
- (F) No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.
- (G) No traffic shall be generated by the activity of the home occupation that is abnormal to a residential neighborhood.

- (2) Particular Home Occupations Permitted: Customary home occupations include, but are not limited to certain occupations that do not depend upon on-site commerce, and include the following list of occupations; provided, however, that each listed occupation is subject to the requirements of (A) through (N) above:
- (A) Art, dancing, and music schools provided that instruction is limited to five pupils at one time.
 - (B) Barber Shops and Beauty Parlors, but not more than two chairs per residence.
 - (C) Ministers, rabbis, priests and other religious leaders.
 - (D) Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.
 - (E) Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
 - (F) Watch, clock, and jewelry repair services.
 - (G) Radio, television, phonograph, recorder, and small appliance repair services.
 - (H) Music teachers, provided that instruction shall be limited to five pupils at a time.
 - (I) General Day Care uses and Limited Day Care uses subject to the provisions of sub-section I of this Article.
 - (J) Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc..
 - (K) Tailoring, alterations, and seamstresses.
 - (L) Tool sharpening and filing.
 - (M) Services not dependent on client visits to the site, such as computer-assisted services and graphic design
 - (N) Day Care, Ltd. which shall be exempt from floor area use restrictions.
- (3) Particular Home Occupations Prohibited: Permitted home occupations shall not in any event include the following:
- (A) Antiques - retail.
 - (B) Funeral services.
 - (C) Groceries - retail.

- (D) Second-hand merchandise - retail.
- (E) Equipment rental.
- (F) Automobile and other motor vehicle repair services.
- (G) Physicians.
- (H) Dentists.
- (I) Chiropractors.
- (J) Restaurants.
- (K) Stables or Kennels.
- (L) Tourist Home.
- (M) Renting of trailers or equipment.

M. Hospitals

Hospitals and charitable institutions shall provide entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion.

N. Kennel

A kennel shall harbor no more than 20 animals and located no closer than fifty (50) feet to another dwelling, including outside runs, and shall contain at least one (1) fully enclosed shelter for each animal or animals and provide an exercise area.

O. Landfills and Mining and Quarrying

Landfills and Mining and Quarrying uses shall be subject to the following standards.

- (1) Minimum Site Area: A minimum site area of 35 acres shall be required
- (2) Entrances: There shall be no more than one entranceway from a public street for each 660 feet of street frontage. A traffic study shall be required.
- (3) Hours of Operation: Uses shall not operate before sunrise or after sunset if located within 1,000 feet of an R-1, R-2, R-3, or MP zoned property.
- (4) Separation from Residential: No digging or excavating shall occur within 100 feet of any lot line or within 300 feet of the lot line of an R-1, R-2, R-3, or MP zoned property.
- (5) Paving: All roads, driveways, parking lots and loading and unloading areas within 500 feet of any lot line shall be graded and paved with an approved

concrete or asphalt/concrete surface as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

- (6) Slopes: The slope of material in any excavation shall not exceed the normal angle of repose of 55 degrees, whichever is less.
- (7) Buffers and Fences: When any open excavation will have a depth of ten feet or more and create a slope of more than 30 degrees, there shall be erected a fence of not less than six feet in height with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fences shall be located 50 feet or more from the edge of the excavation. Fences shall be adequate to prevent trespass and shall contain warning signs spaced no more than 100 feet apart to be visible along the entire length of said fences. A buffer shall be provided around the site, pursuant to Article 8.
- (8) Storm Water Management: A storm water management plan shall be required.
- (9) Site Restoration: The following restoration requirements shall apply to all excavation uses, provided that landfills shall, instead, be subject to state and federal requirements.
 - (A) Restoration Plan: Before approval of a conditional use permit for an excavation use, the operation shall submit to the Zoning Administrator a detailed plan for restoration of the site, including information on the anticipated future use of the restored land, existing and proposed final contours with an interval of no more than five feet. The plan shall include type and number per acre of trees or shrubs to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
 - (B) The restoration plans shall be filed with and approved by the Planning and Zoning Commission before quarrying or removal operations begin. The plans shall be prepared by a soil or geological engineer.
 - (C) Bonds: Before the issuance of any conditional use permit, the owner shall execute a bond sufficient to ensure restoration of the site in accordance with the approved restoration plan. Such bonds shall also be approved by the City Council as to form, sufficiency and manner of execution, and shall run for the same term as the term of the conditional use permit and any renewals.
 - (D) Water Quality: In restoration, no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or sub-surface water or into the atmosphere.
 - (E) Appearance: The restoration plan shall provide that all areas within any single development be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so

as to appear reasonably natural or they shall be restored pursuant to an approved restoration plan.

- (F) Top Soil and Fills: Where topsoil is removed, sufficient arable soil shall be set aside for reclamation of the premises and shall be re-spread over the premises after the operation. The area shall be brought to final grade by a layer of earth of two feet or original thickness, whichever is less, capable of supporting vegetation. The area shall be seeded or sodded in a manner approved by the Planning and Zoning Commission. Fill shall be of a suitable material approved by the Planning and Zoning Commission.

- (10) City, County, State and Federal Standards: All operations shall be licensed if required, have proper permits from the Missouri Department of Natural Resources and shall meet all City, County and Federal Health Department requirements pertaining to facilities, equipment and other features.

P. Manufactured Home Residential-Design

The following standards shall apply to all manufactured home residential-design dwellings.

- (1) The manufactured home shall have minimum dimensions of 22 feet in width and 40 feet in length;
- (2) The pitch of the roof of the manufactured home shall have a minimum vertical rise of four feet for each 12 feet of horizontal run and the roof finished with a type of shingle that is commonly used in standard residential construction in the City;
- (3) All roof structures shall provide an eave projection of no less than 12 inches, exclusive of any guttering;
- (4) The exterior siding shall consist of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of low luster white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City;
- (5) The manufactured home shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in “Manufactured Home Installations, 1987” (NCS BCS A225.1), as required of the city, and a continuous, permanent masonry foundation or masonry curtain wall, or poured concrete wall, unpierced except for required ventilation and access, is installed under the perimeter of the Residential-Design Manufactured Home;
- (6) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the building code and attached firmly to the primary structure and anchored securely to the ground; and

- (7) A Manufactured Home Residential-Design, when installed, shall have substantially the same appearance of an on-site, conventionally built, single-family dwelling.

Q. Multifamily

Multifamily land uses are allowed in the B-2 district provided they are located on the second floor of a commercial building.

All other multifamily development shall be subject to the following design guidelines and standards:

- (1) Site Plan Review: Multifamily development shall be subject to site plan review requirements and procedures of Article 12.
- (2) Natural Features and Environment: Each site should be designed to preserve natural features and environmental resources, such as:
 - (A) Flood plains and drainage ways.
 - (B) Bodies of water.
 - (C) Prominent ridges and rock ledges.
 - (D) Existing tree cover including tree masses, wind rows and significant individual trees.
- (3) Cut and Fill: Excessive cut and fill are unacceptable. The site plan should preserve the natural topography of the site.
- (4) Pedestrian Circulation: Pedestrian circulation systems (sidewalks, walkways, and paths) shall be located and designed to provide physical separation from vehicles along all public and private streets and within any parking area.
- (5) Building Separation: All buildings shall be separated by a minimum distance of 15 feet.
- (6) Lot Coverage: Each site plan should be designed to reflect unique site characteristics and strong neighborhood environments without overcrowding the site.
- (7) Access: All multifamily residential developments must have direct vehicular access to collector, arterial or higher classification streets. Multifamily residential development shall not take access to local streets.
- (8) Open Space: Open space should be provided to meet active and passive use requirements of the neighborhood.
 - (A) At least ten (10) percent of the total site area shall be set aside as common open space. The common open space are shall be suitable for active or passive recreational use. Common open space areas should be centrally placed within the neighborhood. Common open space may include pools,

tennis courts, and tot lots. Common open space may not be counted toward nor located in required zoning district setbacks.

(B) A minimum of 60 square feet of private open space shall be provided for each ground-level dwelling unit and each dwelling unit that is accessible from a walk out basement. Private areas should allow only limited access and be enclosed to ensure privacy. Private areas typically include yards, balconies and patios.

(9) Building Clustering: Unusable and unassigned open space surrounding buildings should be reduced by clustering buildings. Buildings should be clustered around a central common area, and not have the primary orientation directed toward the parking area.

(10) Building Orientation

(A) Individual Buildings: Individual buildings should be oriented in a way that established neighborhoods and sub-neighborhoods.

(B) Reduction of Unusable Open Space: Unusable open space should be reduced through building orientation, the use of low walls, fencing, landscaping and entry design.

(11) Vehicular Circulation and Parking

(A) Street Layout: The layout of streets should provide for safe operation of vehicles within the neighborhood. Excessively straight and wide streets encourage high-speed traffic and should be avoided. Curvilinear designs, reduced street widths and cul-de-sacs create stronger neighborhood environments.

(B) Parking Area Layout: Double loaded parking areas along private streets or drives are generally not acceptable. Parking areas should be clustered and separated from the street.

(C) Parking Enclosures: Parking enclosures should be designed and sited so as to compliment the primary structures and to provide visual relief from extensive pavement area.

(12) Pedestrian Circulation

(A) Pedestrian Linkages: Pedestrian access should be designed to provide reasonable linkages of dwelling units to neighborhood facilities such as recreation, services, mail and parking.

(B) Landscaping Details: Pedestrian systems should incorporate landscaping details to increase the visual interest and character of the neighborhood.

(C) Landscaping: Landscaping should be designed in sufficient form, quantity and location to reduce, to the greatest extent possible, negative impacts

affecting the site and adjacent properties and to increase the sense of neighborhood scale, character and identify.

- (D) Architectural Design: The architecture of multifamily housing is a key element in determining the character of a neighborhood. The architecture should create a strong feeling of identity through design principles of scale, harmony, rhythm and balance.
- (E) Elongated sites with rectangular, double-loaded building footprints should be avoided. These design typically lack interest and fail to create a strong sense of neighborhood.
- (F) The architectural design of each unit or building should impart a feeling of neighborhood scale. Units should be designed with vertical and horizontal offsets to break up roof lines, define private outdoor areas, allow greater views, and admit light and air to unit interiors. Large, blank wall surfaces should be avoided. Windows and projecting wall surfaces should be used to break up larger wall surfaces and establish visual interest.
- (G) The same level of architectural design and quality of materials should be applied to all sides of the building. The side and rear elevations, garages, carports, and all accessory structures should maintain the same level of design, aesthetic quality, and architectural compatibility.
- (H) Screening from the street of all outdoor refuse areas, ground mounted mechanical equipment, utilities, and banks of meters shall be provided. The screening of these items is to be architecturally compatible with the major building components and may include landscaping.

R. Recreation and Entertainment, Outdoor

- (1) Outdoor recreation and entertainment uses shall be located on arterials or collectors. Public activity areas shall be located at least 200 feet from any adjacent R-1, R-2, R-3 or MP zoning district.

S. Recreational Vehicle Parks

Recreational Vehicle Parks shall be permitted subject to the following conditions:

- (1) The site selected for recreational vehicle parks shall be well drained and primarily designed to provide space for short-term occupancy to the traveling public. Location of the site may not necessarily front on a major roadway or thoroughfare, but it shall be directly accessible to the major roadway by means of a private road or public road that it has frontage on. Short-term occupancy shall not exceed 30 days, except as approved by the Zoning Administrator.
- (2) Minimum tract size shall be two (2) acres and shall be in one (1) ownership.
- (3) The maximum number of recreational vehicle spaces allowed within the permitted districts shall not be more than 20 per acre. Consideration shall be given to whether the recreational vehicle park and the density level are designed accordingly. The

densities of overnight use may be higher than destination type since it primarily serves as a short stopping point while the destination type recreational vehicle park located at or near a scenic historical or outdoor recreational area provides for longer and extended stays of several days or weeks.

- (4) Minimum width of a recreational vehicle space shall be 25 feet. The space shall be so designed to provide space for parking both a travel trailer and towing vehicle off the roadway. No travel trailer unit shall be closer than 10 feet to any other adjacent unit, structure or roadway, and all spaces shall have direct access to the roadway. No unit shall be placed closer than 30 feet to any of the development property lines, and the 10 feet nearest the property line shall be permanently maintained as a sodded and/or landscaped area.
- (5) A central office or convenience establishment with an attendant shall be provided within the recreational vehicle park to register guests and provide service and supervision to the camp for camps in excess of 5 acres.
- (6) The applicant for a recreational vehicle park shall submit a development plan to the Planning and Zoning Commission for approval. Such plan shall contain the information as required below and any other information the Board reasonably shall deem necessary to fully evaluate the proposed development. The applicant shall submit the information on a sheet size not to exceed 24” x 36” dimensions as a proposed development plan showing:
 - (A) General layout of development with dimensions, depths, number of spaces and related sanitation accommodations.
 - (B) Parking area location, sizes and capacity.
 - (C) Ingress and egress points for the project.
 - (D) Use of structures.
 - (E) General layout of typical recreational vehicle space showing size of space and proposed improvements.
 - (F) Layout of roadway within the camp.
 - (G) Net density of proposed project, expressed in terms of units per acre.
 - (H) General landscaping plan indicating all new and retained plant material to be incorporated within the new development and layout of outdoor lighting system.
 - (I) Plan and method of sewage disposal and water supply.
 - (J) Location plan and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries and utility areas.

(K) The development shall provide a general refuse storage area or areas that shall be provided with a paved concrete surface and shall be enclosed to screen it from view.

(7) The recreational vehicle parks shall be planned and constructed in accordance with the minimum standards as established in this section and as outlined below:

(A) All parking areas and roadways shall be constructed and paved with a hard surface bituminous or concrete material.

(B) All camps shall be provided with general outdoor lighting with a minimum of 0.3-foot candles of general illumination.

(C) All yard areas and other open spaces not otherwise paved or occupied by structures shall be sodded and/or landscaped and shall be maintained.

T. Auditorium or Stadium

(1) Any parking area used for the overnight parking of buses and vehicles shall be located at least 100 feet from the lot line of a lot zoned R-1, R-2, R-3 or MP. Any such parking area shall be screened from view of adjacent R-1 or R-2 districts by a landscape buffer as approved by the Planning and Zoning Commission.

U. Salvage Yards

The following standards shall apply to salvage yards, scrap and waste material storage yards, auto wrecking and junk yards.

(1) Separation from Residential: No salvage yard shall be located within 300 feet of an R-1, R-2, R-3 or MP zoning district.

(2) Screening: The operation shall be conducted wholly within a non-combustible building or within an area surrounded on all sides by a fence or wall at least six feet in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all scrap, junk, or other materials within the yard. Scrap, junk or other salvaged materials shall be piled or stored so that they are not visible from outside the fenced in area and do not exceed the height of the enclosing fence or wall.

(3) Loading/Unloading: No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way.

V. Solid Waste Collection/Processing Facilities

The following standards shall apply to Solid Waste Collection/Processing Facilities.

(1) Screening: The operation shall be conducted wholly within a non-combustible building or within an area surrounded on all sides by a fence or wall at least eight

feet in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all scrap, junk, or other materials within the yard. No scrap, junk or other salvaged materials may be piled so to exceed the height of this enclosing fence or wall.

- (2) Traffic Circulation: The operation shall provide entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion. There shall be enough room on-site to accommodate peak traffic volume and company vehicles. A traffic analysis shall be required.
- (A) Storage Bins: Storage bins or trailers will be allowed to be stored on-site as an ancillary use, providing they are durable, covered and meet the same setbacks required for the structure on the site. The bins shall be screened as part of the operation.
- (B) Loading/Unloading: No solid waste or junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside an enclosed building, fence or screened area or within the public right-of-way, except the use of storage bins placed on the outside an enclosed building for recycling. The operation shall be attended on days of operation to maintain the property in a clean, litter free condition.
- (C) Separation for Residential: No structures shall be located within 300 feet and R-1, R-2, R-3 or MP zoned property.
- (D) Hours of Operation: Uses shall not operate before sunrise or after sunset if located within 1,000 feet of an R-1, R-2, R-3 or MP zoned property.
- (E) Paving: All roads, driveways, parking lots and loading/unloading areas within 500 feet of any lot line shall be graded and paved with an approved concrete or asphalt/concrete surface.
- (F) Storm Water Management: A storm water management plan may be required at the discretion of the City Engineer.
- (G) Other Regulations: All operations shall be licensed if required, have proper permits from the Missouri Department of Natural Resources and shall meet all City, County, State and Federal Health Department requirements pertaining to facilities, equipment and other features.
- (H) Time Limit and Renewal of Conditional Use Permit: The Conditional Use Permit shall be effective for one year, at which time it may be renewed in accordance with procedures applicable to the original approval. If renewed, a new time limit on the Conditional Use Permit shall be established at the public hearing. The Conditional Use Permit shall be revoked by the Zoning Administrator if it is determined by the Zoning Administrator that the use is creating a nuisance for nearby residents or

businesses or is failing to comply with the conditions imposed on the operation.

W. Temporary Uses Permitted. The following uses shall be allowed on a lot for which the vendor has a property interest as proved by a lease or title.

- (1) Christmas Tree Sales: Christmas tree sales in any business or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that no trees shall be displayed within 30 feet of the intersection of the curb line of any two streets.
- (2) Contractor's Office: Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.
- (3) Real Estate Office: Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
- (4) Seasonal Sales: Seasonal sale of farm produce grown on the premises, in an N-1 District. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are not located within the sight triangle of an intersection, as defined by these regulations, and are removed or moved back of the required front yard setback line at the end of the season during which they are used.
- (5) Carnivals and Circuses: A carnival or circus, but only in a commercial or industrial district, and then only for a period that does not exceed three weeks. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements of the sight triangle as defined by these regulations.
- (6) Garage or Porch Sales: The sale of used or second-hand merchandise shall be permitted in any residential district providing that such use shall not exceed three consecutive days in duration, nor occur more than twice during a 12 month period at one residence, excluding city-wide sales.
- (7) Temporary Sales, General: No temporary sales establishment shall be allowed to operate for more than two consecutive days nor more than four separate occasions during a calendar year.

X. Transitional Living Facility

Transitional living centers shall be subject to the following standards.

- (1) Size: No more than ten persons, including staff, shall reside in the center at one time.
- (2) Separation: No transitional living center shall be located within 1,500 feet of any other transitional living center or substance abuse treatment facility, nor shall

a transitional living center be located within 300 feet of any religious assembly, school R-1, R-2, MP zoned property.

Y. Vehicle/Equipment Sales, Vehicle/Equipment Storage Yards and Vehicle Repair (Limited and General)

- (1) All vehicle and equipment storage areas and parking areas must be hard-surfaced and dust free.
- (2) Storage areas for vehicles and equipment shall be fenced and screened from customers and pedestrians.

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ARTICLE 6
SUPPLEMENTARY DISTRICT REGULATIONS

1. Height Regulations: Chimneys, cooling towers, elevator head houses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, and necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the District Regulations. In all planned districts, one additional foot of height above the specified height limitation shall be permitted for each foot of additional yard provided over the minimum requirement on all sides of the lot.
2. Yard Regulations:
 - A. Minimum Yard Requirements: The yard requirements heretofore established in all districts shall be adjusted in the following cases:
 - (1) Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except in the following cases:
 - (a) Where no lots within the same block front on one of the two intersecting streets, the side yard requirement along such street shall be 15 feet, subject to the provisions of paragraph (1) above.
 - (2) Double frontage lots shall maintain the required front yard setback along both frontages.
 - B. Where 50 percent or more of the frontage of on one side of a street between two intersecting streets is developed with buildings that have observed a front yard greater than required then:
 - (1) Where a building to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of adjacent buildings on the two sides, or;
 - (2) Where a building to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
3. Number of Structures and Uses on a Zoning Lot: In other than an industrial district, no more than one principal use and structure may be located upon a lot or tract.
4. Sight Triangle: On a corner lot in any district, except "B-2", development shall conform to the requirements of the sight triangle as defined by this regulation.
5. Access to Business and Industrial Districts: No land that is located in a residential district shall be used for a driveway, walkway or access to any land which is located in any commercial or industrial district.

6. Determination of Structure Setback Line: The structure setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the furthest architectural projection of the existing or proposed structure; except that certain architectural projections listed below may extend beyond the structure setback line, subject to the following conditions:
- A. Projections shall be defined as: Any structural or non-structural portion or appendage attached to the main structure which by design protrudes outward beyond the structure floor; wall, roof or foundation line. Projections include, but are not limited to:
 - (1) Roof eaves
 - (2) Cornices
 - (3) Porches
 - (4) Stairs
 - (5) Bay and Egress Windows
 - (6) Dormers
 - (7) Combustible or Non combustible Ornamentation
 - (8) Soffits
 - (9) Balconies
 - B. Exception for Canopies and Awnings: A canopy or awning may be permitted to overhang a public way in any business zoning or industrial zoning district providing:
 - (1) No portion of the canopy or awning shall be less than eight (8) feet above the level of the sidewalk or other public way.
 - (3) The canopy or awning may extend the full width of the building facade to which it is attached, and further, it shall not extend beyond a point two (2) feet inside the curb line of a public street.
7. Building materials: New residential structures shall utilize exterior building materials typical in the community including but not limited to brick, wood and vinyl siding.
8. Fences: Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:
- A. No fence shall be constructed without a permit.
 - B. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals, or which will constitute a traffic hazard.
 - C. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or which shall adversely affect the public health, safety and welfare.
 - D. No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than four (4) feet in the front yard (three feet for solid fences), or greater than six (6) feet elsewhere; provided, however, that the Planning and Zoning Commission may, as a conditional use, authorize the construction of a fence up to eight (8) feet in height if the Planning and

Zoning Commission finds the public welfare is served. Fences within the front yard shall be transparent by no more than 25 percent opacity.

- E. Fences shall be constructed of the following materials and methods:
1. Rear yard fences: wood, brick, chain link and other approved fencing material designed for use in residential neighborhoods; posts may be metal. Board widths shall be no greater than 12 inches for solid, staggered or basket weave fences. Solid panels of plywood, wafer board or similar construction material and used construction or commercial objects, such as storage pallets, shall not be allowed; except that, plywood, wafer board or similar construction material may be used for temporary fences around construction sites for public safety.
 2. Decorative fences in front yards: wood, woven wire, chain link, wrought iron, square tubing and/or metal tubing. A decorative fence must be of open construction, no more than 25 percent opacity. Plywood, wafer board or similar construction material and used construction or commercial objects, such as storage pallets, shall not be allowed.
 3. All framework of a fence must be on the private (inside) portion of the property and all posts of a wire fence must be inside of the fabric. All posts, except metal "T" line posts, must be set in concrete to a minimum depth below the frost line, as required by the city.

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ARTICLE 7
OFF-STREET PARKING AND LOADING REGULATIONS

1. Intent and Purpose: It is the intent and purpose of this article to establish minimum requirements as to number of spaces, design and construction for off-street parking and loading areas.
2. Applicability: Off-street parking and loading space, as required in this article, shall be provided for all new structures, and for alterations and additions to existing structures. Off-street parking and loading space shall be required for any existing structure or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for any new structures, alterations, or additions to existing structures or uses of land. Such existing parking space shall be maintained and shall not be reduced so long as the main structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this article; except that no off-street parking or loading space shall be required for any use located in the "B-2" Central Business District.
3. Off-Street Parking General Provisions:
 - A. Utilization: Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.
 - B. Setbacks: Off-street parking spaces and drives may encroach into required setback areas; except that in no instance shall off-street parking be allowed in the front of commercial structures in the "B-2" district.
 - C. Accessory Use: Off-street parking and driveways shall be considered as an accessory use of the use for which the parking is provided. Parking not located on the same tract on which the main use is located must be located within the zoning district in which parking or storage lots are permitted as a main use; or be located in accordance with the provisions of this article relating to off-street parking exceptions.
 - D. Repair Service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
 - E. Computation: When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of 69% or less may be disregarded, and a fraction in excess of 70% shall be counted as one parking space.
 - F. Mixed Uses: When a structure or development contains mixed uses, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of individual parking requirements.
4. Off-Street Parking Layout and Design Requirements: Off-street parking improvement in other than R-1 and R-2 Districts shall be subject to site plan review. The construction and renovation of certain structures and facilities must conform to the provisions of the Americans with Disabilities Act (ADA) Title III of 1990. Structure plans for construction, alteration or remodeling permits must identify how compliance with the ADA parking and other site

requirements are to be met. Permits for new construction must comply with the entire Title III of the Act as it relates to the structure and site.

The Zoning Administrator will provide information upon request to assist the public in interpreting the requirements of the ADA, which generally provide for at least one accessible route within the boundary of the site from a parking space or street to an accessible structure entrance. Accessible spaces and access aisles are required, as well, among other detailed provisions.

For parking layout and design which is not subject to the ADA requirements, the following standards apply:

- A. Area: A required off-street parking space shall be at least 9 feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, and columns.
- B. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- C. Design: Off-street parking spaces shall comply with the design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the Governing Body.

D. Surfacing:

- (1) **New Commercial Facilities** – For this section, new commercial facilities shall also include the change of ownership and/or occupancy of an existing facility. Multi-structure, multi-family housing developments **are** included in this requirement.

All new commercial facilities within the City Limits of Moberly shall be required to have all open, off-street parking, and driveways graded and improved with an all-weather material, such as asphalt or concrete as specified by the City.

- (2) **Existing Commercial Facilities** – Facilities in operation prior to December 1, 2002, will be considered nonconforming uses. These lots will be required to maintain their existing, open, off-street parking and driveways in a weed-free and dust-free* environment.

Upon the sale of an existing facility that maintains a non-conforming parking and/or driveway, owner must notify buyer of said property of the City's surfacing requirements for a New Commercial Facility.

- (3) **Single-family and duplex residences** – All new single and duplex residential properties shall be required to improve no more than 75 feet of drive from edge of the paved street onto their lot or parcel with an all-weather material, such as asphalt or concrete as specified by the City.

- (4) **All-Weather surfacing materials**

- a. *Portland Cement Concrete Pavement*

- b. *Hot Mix Asphaltic Concrete* placed either over a granular sub-base or full depth asphaltic concrete.

All-weather surfaced lots shall maintain the surface in a state of good repair.

***Dust-free** – shall restrict the emissions of particulate matter to the ambient air beyond the premises of origin.

(5) **Enforcement** – It shall be a violation of this Ordinance if:

- a. Any person causes or allows operation of a Commercial facility open, off-street parking or driveway which allows, or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line of origin.
- b. Any person causing or allowing to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.

Should the Office of Code Enforcement determine that non-compliance with this section has occurred at a location, the office may require reasonable control measures, as may be necessary. These measures may include, but are not limited to, the following:

- a. Paving or frequent cleaning of roads, driveways and parking lots
- b. Application of Pea Gravel Chip and Seal
- c. Application of dust-free surfaces tack coat
- d. Planting and maintenance of vegetative ground cover

(6) **Exceptions** – surfacing requirements shall not apply to the following:

- a. Those portions of unpaved public roads that are not designated as non-attainment areas for particulate matter.

E. **Lighting:** Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with adjacent residential uses.

F. **Landscaping and Screening:** All off-street parking facilities in other than residential districts shall be screened and landscaped as required in site plan review and Article 8.

G. **Location of Parking Facilities:** Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the entrance of the building which it is required to serve:

- (1) For one-and two-family dwellings: On the same lot as the principal structure.
- (2) For multifamily dwellings: Not more than 200 feet from the premises they are required to serve.

- (3) For commercial and institutional uses (for hospitals, sanitariums, asylums, orphanages, rooming houses, club rooms, fraternity and sorority houses): Not more than 300 feet from the building they are required to serve.

5. Off-Street Parking Required Spaces: Off-street parking spaces shall be provided as follows:

A. Dwelling and Lodging Uses:

- (1) Boarding or rooming houses: One parking space per each two sleeping rooms.
- (2) Dormitories, fraternities, or sororities: Two parking spaces for each three occupants based on the maximum design capacity of the structure.
- (3) Hotels and motels: One space per each rental unit plus one space per each two employees in the largest working shift and such spaces as are required for restaurants, assembly rooms, and other affiliated facilities provided.
- (4) Manufactured home parks: Two parking spaces per each manufactured home.
- (5) Nursing homes, rest homes, etc.: One parking space per each five (5) beds based on the designed maximum capacity of the structure, plus one parking space for each employee.
- (6) Single-family: Two spaces per dwelling unit.
- (7) Two-family and multifamily: Two (2) spaces per dwelling unit. Two-family and multifamily dwelling units designed specifically for the elderly, one space per two dwelling units.

B. Business, Commercial, and Industrial Uses:

- (1) Automobile, truck, recreational vehicle and manufactured home sales and rental lots: One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles, plus one parking space for each employee.
- (2) Automobile salvage yards: One parking space for each employee, plus one parking space for each 10,000 square feet of storage area.
- (3) Financial, business, and professional offices: One parking space for each 300 square feet of gross floor area.
- (4) Bowling alleys: Four (4) parking spaces for each lane.
- (5) Cartage, express, parcel delivery and freight terminal establishments: One parking space for each two employees in the largest working shift in a 24-hour period, plus one parking space for each vehicle maintained on the premises.
- (6) Automobile wash: Three holding spaces for each car washing stall plus two drying spaces for each car-washing stall.

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- (8) Funeral homes and mortuaries: One parking space for each four seats based upon the designed maximum capacity of the parlor, plus one additional parking space for each employee and each vehicle maintained on the premises.
- (9) Furniture and appliance stores, household equipment or furniture repair shop: One parking space for each 400 square feet of floor area.
- (10) Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: One (1) parking space per three employees based upon the largest working shift in any 24-hour time period.
- (11) Medical and dental clinics or offices: One parking space for each 200 square feet of gross floor area.
- (12) Restaurants, private clubs and taverns: One parking space for each 2.5 seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have a minimum of at least ten parking spaces.
- (13) Retail stores and shops: One parking space per 200 square feet of floor area.
- (14) Service stations: One parking space for each employee plus two spaces for each service bay.
- (15) Theaters, auditoriums, and places of assembly with fixed seats: One parking space for each 3.5 seats.
- (16) Theaters, auditoriums, and places of assembly without fixed seats: One parking space for each four people, based upon the computed occupant load of the structure or the assembly area.
- (17) Warehouse, storage and wholesale establishments: One parking space for each two employees based upon the largest working shift in any 24-hour period.
- (18) All other business and commercial establishments not specified above: One parking space for each 300 square feet of floor area.

C. Other Uses:

- (1) Churches: One parking space for each six seats based upon the maximum designed seating capacity, including choir lofts.
- (2) Elementary, junior high and equivalent parochial and private schools: Two parking spaces for each classroom.
- (3) High schools, colleges, universities and other similar public or private institutions of higher learning: Eight parking spaces for each classroom, plus one space for each two employees.
- (4) Hospitals: One parking space for every four beds, plus one parking space for each resident or staff doctor plus one space for each two employees based on the largest working shift in any 24-hour period.

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- (5) Laundromats: One parking space for each two washing machines.
- (6) Nursery schools and day care centers, public or private: One parking space for each employee plus one parking space for each eight children. In addition, adequate space and traffic flow pattern shall be provided for the drop-off and pick-up of children.
- (7) Fraternal associations and union headquarters: One parking space for each three seats based upon the design maximum seating capacity.
- (8) Swimming pools and clubs: One parking space for each 50 square feet of water area.
- (9) Trade and commercial schools: One parking space for each three students and employees.

6. Conditional Uses:

- A. District Permitted: In order to provide off-street parking areas, the Planning and Zoning Commission may, after public notice and hearing, grant as a conditional use the establishment of parking areas in any zoning district under the provisions further set forth in this section.
- B. Location: Parking provided under this section must be within 300 feet (along lines of public access) from the boundary of the use for which the parking is provided.
- C. Use: The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials, or supplies. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.

7. Loading and Unloading Regulations: Loading and unloading space shall be provided off-street and on the same premises with every structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, office uses or warehouses, manufacturing or other uses, involving the receipt or distribution of materials or merchandise by motor vehicles. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys and walkways.

A. Spaces Required:

- (1) For all uses in the "B-3" General Commercial District, loading facilities shall be provided in accordance with the following table:

Gross Floor Area of Establishments	Required Number of Loading Berths	Required Size of Loading Berths
1,000 - 10,000 s.f.	1	10' x 25'

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Gross Floor Area of Establishments	Required Number of Loading Berths	Required Size of Loading Berths
10,000 - 25,000 s.f.	2	10' x 25' each
25,000 - 40,000 s.f.	2	10' x 70' each
40,000 - 100,000 s.f.	3	10' x 70' each

- (2) For all uses in the “B-1”, “M-1” and “M-2” Districts, loading facilities shall be provided in accordance with the following table:

Gross Floor Area of Establishments	Required Number of Loading Berths	Required Size of Loading Berths
1,000 - 10,000 s.f.	1	10' x 25'
10,000 - 40,000 s.f.	1	10' x 70'
40,000 - 100,000 s.f.	2	10' x 70' each

- (3) For each additional 100,000 square feet of gross floor area or any fraction thereof over 100,000 square feet of gross floor area, one additional berth shall be provided. Each such additional berth shall be at least 10 feet in width by 60 feet in length.

ARTICLE 8

LANDSCAPING, SCREENING AND BUFFERING REGULATIONS

1. Intent and Purpose: It is the intent and purpose of this article to establish minimum landscaping and buffering requirements for new development within the City of Moberly. Two types of landscaping/buffering are described in this article: Transition Buffers and Dumpster Screening.
2. Applicability: Landscaping, screening and buffering, as required in this article, shall be provided for all new development, except that specifically exempted in Section 3 of this article.
3. Exemptions: Improvements or repairs to existing development that do not result in an increase in floor area and changes in use that do not result in an increase in intensity shall be exempt from the regulations of this article.
4. Transition Buffer General Provisions:
 - A. Location of Buffers. Transition buffers shall be located along those portions of a site that are along those portions of adjoining lots with a different zoning classification.
 - B. Responsibility for Installing Buffers. The developing property shall always be responsible for providing required buffers.
5. Transition Buffer Specifications: When a transition buffer is required by this code, such transition buffer shall consist of a planting screen meeting the specifications herein. A landscaped berm or a fence screen meeting the specifications herein may be used in lieu of such planting screen if a variance for such substitution is granted by the Zoning Board of Adjustment.
 - A. Planting Screens. Planting screens shall consist of trees, bushes or shrubs of a variety and so planted and kept as to be achieved within thirty-six (36) months after occupancy of the premises to be screened.
 - (1) Such screen shall have a minimum height of six (6) feet above grade at any particular point along its length.
 - (2) Any two (2) foot square segment of a planting screen shall contain no more than thirty percent (30%) open space affording a direct horizontal view through such screen if such segment is over two (2) feet above grade.
 - B. Landscaped Berm. Adequate evidence shall be furnished demonstrating that the construction of such berm, along with any necessary culverts and ditching, will not create adverse drainage and flooding conditions on adjacent property.
 - (1) Such berm shall be at least thirty (30) feet in width at the base and at least four (4) feet in height, as measured perpendicular to grade level at any point along its length. Side slopes shall have a gradient no steeper than three to one.
 - (2) Side slopes of such berm shall be sodded or sealed so as to prevent erosion. The top of the berm shall contain a planting screen above except that the minimum height of such planting screen need be no more than three feet above the top of the berm at any particular point along its length. Construction and material of such berm shall be as approved by the Zoning Board of Adjustment.

Article 8- Landscaping, Screening and Buffering Regulations

- C. Fence Screen. A fence screen shall not be less than six (6) feet, nor more than eight (8) feet in height above grade level, at any particular point along its length. Any two (2) foot square segment of such screen shall contain no more than thirty percent (30%) open space affording a direct horizontal view through such screen. Construction and material of such fence screen shall be as approved by the Planning and Zoning Commission.
6. Transition Buffer Requirements: Landscape buffers shall be provided and maintained when certain land uses are adjacent to one another. This requirement is intended to help ease the land use transition between areas of varying development intensity and to ensure land use compatibility.
- A. Determination Transition Buffer Requirements. The following procedure shall be followed in determining if a transition buffer is required. Using the matrix in sub-section 6.B *Transition Buffer Requirements* of this article:
- (1) Identify the minimum zoning classification required to accommodate the proposed use. These classifications are listed under “Proposed Zoning” in the first column.
 - (2) For Transition Buffer Requirements, identify the actual zoning classification of the abutting site(s). These classifications are listed under the heading “Adjacent Zoning.”
 - (3) Determine if a transition buffer is required by crossing the previously identified proposed zoning with the adjacent zoning. The letter “R” indicates that a transition buffer is required, otherwise, no transition buffer is required.

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B. Transition Buffer Requirements.

TRANSITION BUFFER REQUIREMENTS										
ZONING OF THE PROPOSED DEVELOPMENT	ADJACENT ZONING									
	N-1	R-1	R-2	R-3	MP	B-1	B-2	B-3	M-1	M-2
N-1										
R-1										
R-2										
R-3		R	R							
MP		R	R	R						
B-1		R	R	R	R	R				
B-2										
B-3		R	R	R	R	R	R			
M-1		R	R	R	R	R	R	R		
M-2		R	R	R	R	R	R	R		

- (7) Dumpster Screening: Dumpsters for solid waste located in “B-1”, “B-2”, “M-1” and “M-2” districts shall be completely screened from view of roadways and adjacent sites by fences, walls or vegetative screens. The screen shall be designed to accommodate refuse hauling equipment, and provide complete visual screening of the dumpster and be compatible in material and color with the principal structure on the lot.
- (8) Community Policing Through Environmental Design (CPTED): Landscaping and berming improvements shall be designed according to CPTED principles in order to reduce or eliminate isolated public pedestrian and parking areas that cannot be seen from activities areas of the site.

**ARTICLE 9
SIGN REGULATIONS**

1. Intent and Purpose: It is the intent and purpose of these sign regulations to qualify, supplement or define the allowable uses of the several types of signs allowed in the district regulations appearing elsewhere in this regulation.
2. Applicability: Any sign shall, by definition, be a structure. No land, personal property or structure shall be used for sign purposes except as specified herein.
3. Nonconforming Signs: All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal nonconformance. Signs in legal nonconformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated.
4. Removal of Nonconforming Signs: Should any nonconforming sign be damaged by any means to an extent of more than 75 percent of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of these regulations.
 - A. Removal of On-Site Nonconforming Signs: All on-site nonconforming signs not otherwise prohibited by the provisions of these regulations shall be removed or shall be altered to conform to the provisions of this regulation (a) when the nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend, or (b) when the name of the business changes and the sign is changed or modified either in shape, size, or legend.
 - B. Removal of signs upon destruction of principal structures: When a principal structure is destroyed or removed due to natural or man-made circumstances, all signs on the property shall be removed within 90 days, unless a building permit has been issued to replace the structure within said time period.
5. Permit Required: No sign except temporary signs as defined in this article may be erected or altered until a sign permit has been issued by the Building Inspector.
 - A. Application: Application for permits required under this Article shall be made on forms provided by the Building Inspector and accompanied by the following, if required by the Building Inspector or if required by the provisions hereof:
 - (1) Plans and specifications of the proposed sign; the right to inspect all permanent signs and marquees prior to their installation and erection and prior to the issuance of a permit.
 - (2) A certificate of Accident Public Liability Insurance issued to the person or firm installing or erecting a sign or marquee over public property and providing coverage of \$50,000 per person, \$100,000 per accident and \$25,000 property damage.
 - B. Permit Fees: Every application before being granted a permit hereunder, shall pay to the City Clerk the following permit fee for each such sign or other advertising structure regulated by this article:

- (1) All signs requiring a permit other than temporary---\$1.00 per square foot, up to \$50.00.
 - (2) Temporary Signs---\$10.00, when required.
 - C. Inspection: As soon as a sign has been erected, the permittee shall notify the building inspector who shall inspect such sign and approve the same if it is in compliance with the provisions of this article. The building inspector may, from time to time, as he deems necessary, inspect all signs or other advertising structure regulated by this article for the purpose of ascertaining whether the same is secure or insecure or whether it is in need of removal or repair.
 - D. Permit Revocable at Any Time. All rights and privileges acquired under the provisions of this article or any amendment thereto, are mere licenses revocable at any time by the building inspector; and all such permits shall contain this provision.
6. Review and Action: The Zoning Administrator shall review the Sign Permit application in detail for the purpose of determining whether the proposed sign complies with all the applicable sign regulations of this Article, if applicable. Within 15 days of the submission of a complete application for a Sign Permit, the Zoning Director shall either:
- A. Issue the Sign Permit, if the sign complies in every respect with the standards of this Article, if applicable; or
 - B. Deny the Sign Permit if the sign fails in any way to comply with the standards of this Article. The Zoning Administrator shall specify all reasons for the denial.
7. Classification of Signs:
- A. Functional Types:
 - (1) Advertising Sign: (Billboards) A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
 - (2) Bulletin Board Sign: A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcement of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
 - (3) Business Sign: A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
 - (4) Identification Sign: A sign giving only the name and address of a structure, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.

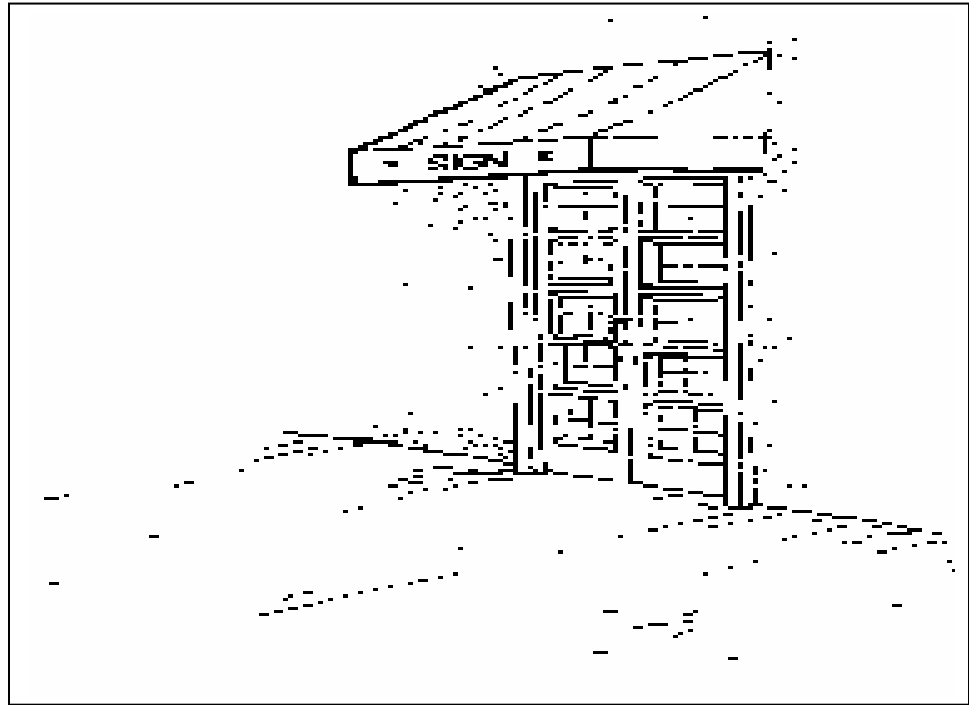
- (5) Memorial Sign: A sign, monument or statue serving to help people remember some person or event
- (6) Name Plate Sign: A sign giving the name and/or address of the owner or occupant of a structure or premises on which it is located and, where applicable, a professional status.
- (7) Temporary Sign: A display sign as listed below that is limited in time that such sign may remain in use either by the limitations of these regulations or the conditions of a sign permit.
 - (a) Real Estate Sign: A temporary sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign is located.
 - (b) Construction Sign: A temporary sign indicating the names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project only during the construction period and only on the premises on which the construction is taking place.
 - (c) Political Campaign Sign: Any sign relating to a candidate, political party, ballot issue, or other issue to be voted upon in any public election.

B. Structural Types:

- (1) Awning, Canopy or

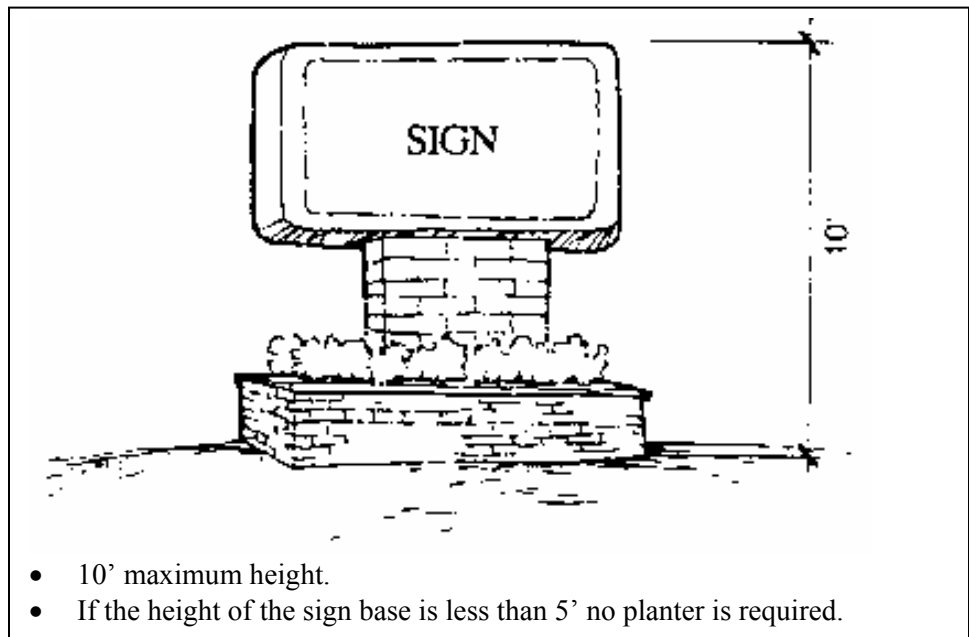
Marquee Sign: A sign that is mounted on, painted on, or attached to, an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee.

Figure 5 - Canopy Sign



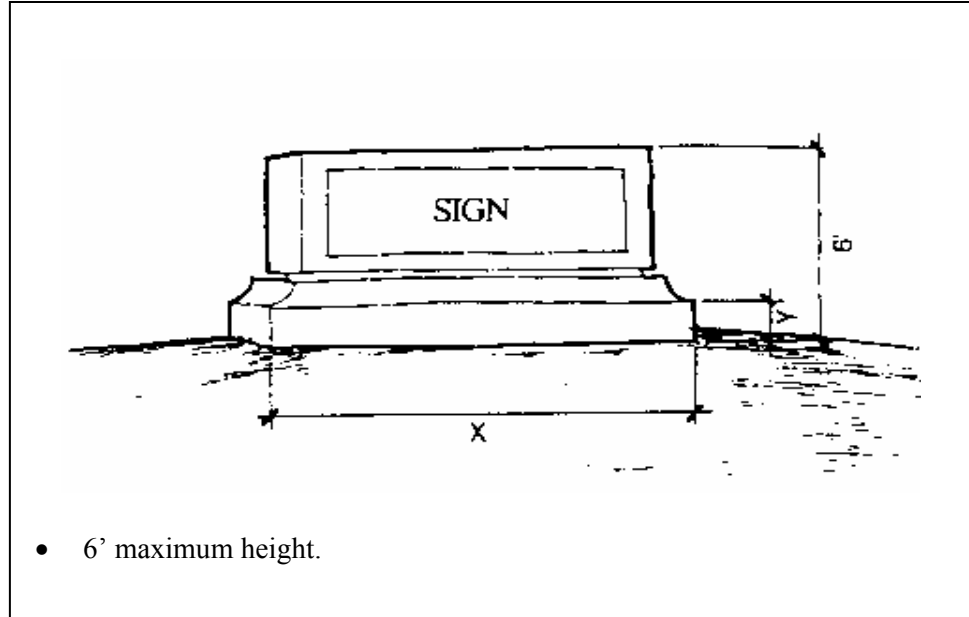
- (2) Ground Sign: Any sign placed upon, or supported by, the ground independent of the principal structure on the property, where the bottom edge of the sign is less than six feet above the ground and the height is no greater than 10 feet.

Figure 6 - Ground Sign



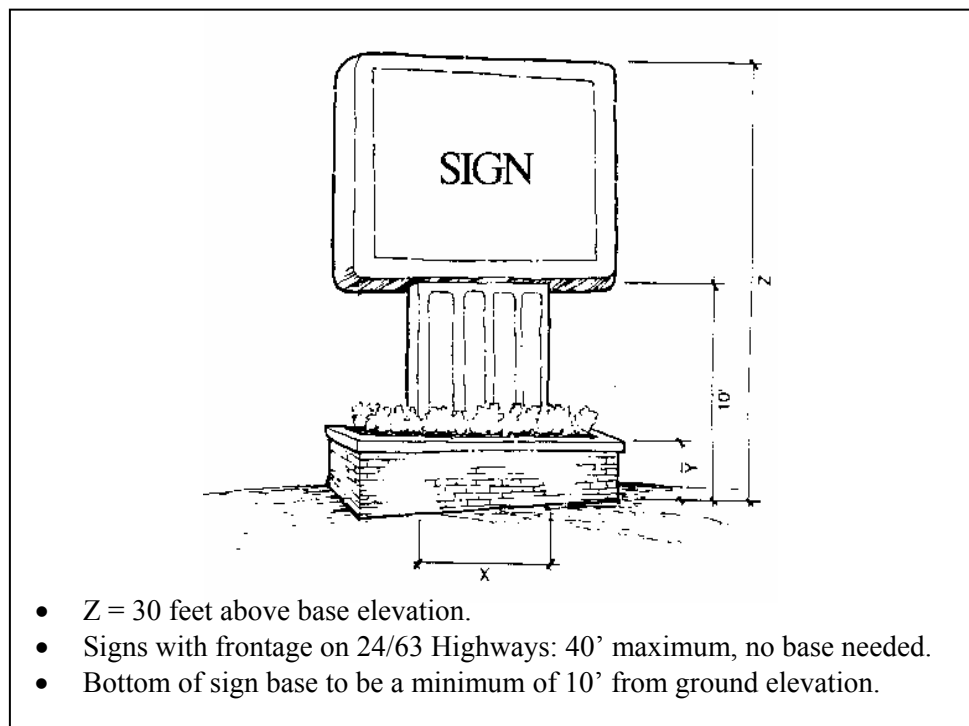
- (3) Monument Sign: A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles and whose height is no greater than 6 feet.

Figure 7 Monument Sign



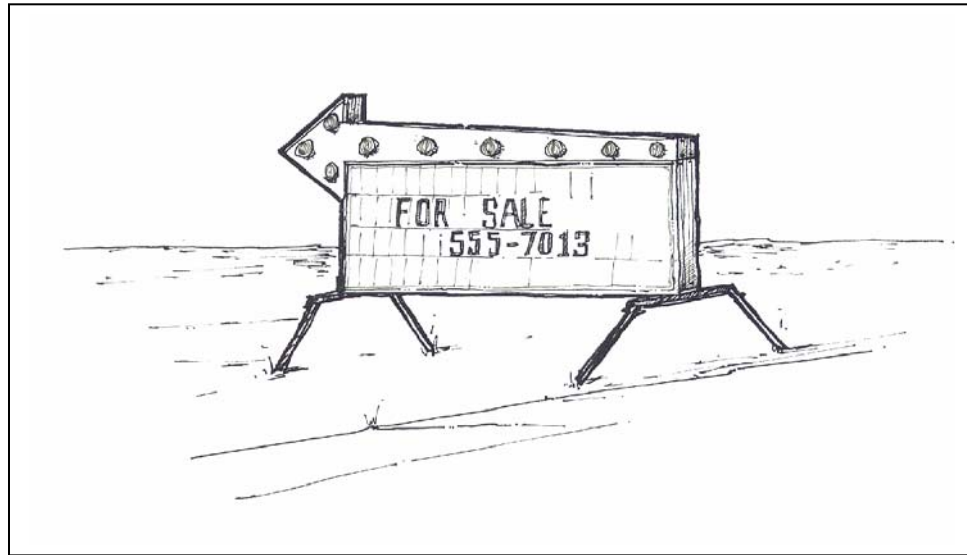
- (4) Elevated Sign: Any sign placed upon, or supported by, the ground independent of the principal structure on the property where the bottom edge of the sign is ten feet or more above the ground level with a top elevation of 30 feet.

Figure 8 - Elevated Sign—Recommended Design



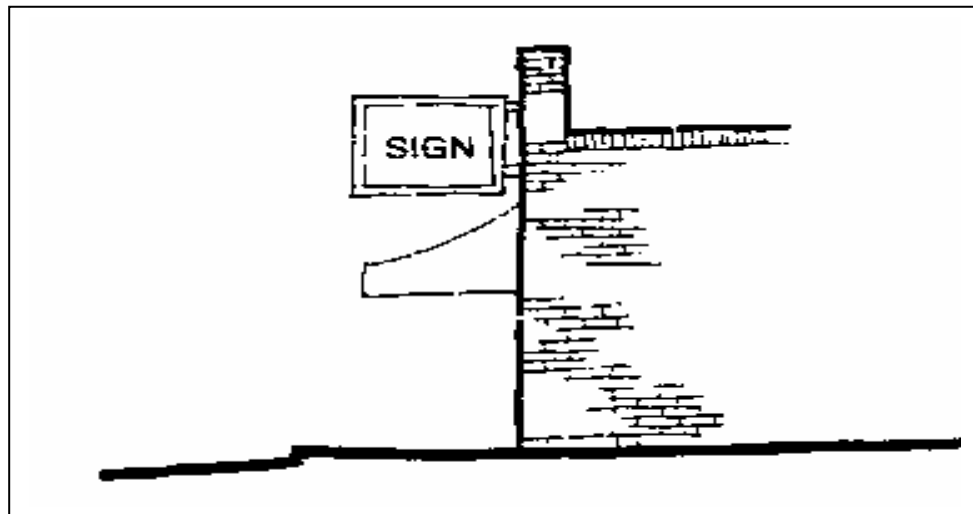
- (5) Portable Display Sign: Any movable display structure, capable of relocation, under its own power, or towed by a motor vehicle. The display message of the sign may be painted or non-painted and capable of being readily altered. Portable display signs may be with or without electrical illumination and power, and with or without wheels.

Figure 9 - Portable Display Sign



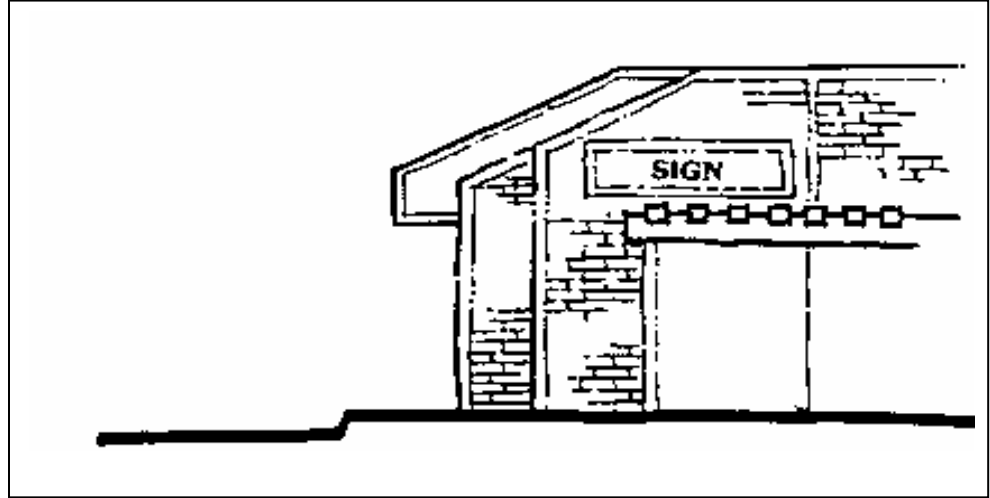
- (6) Projecting Sign: A sign that is wholly or partly dependent upon a structure for support and which projects more than 12 inches from such structure.

Figure 10 - Projecting Sign



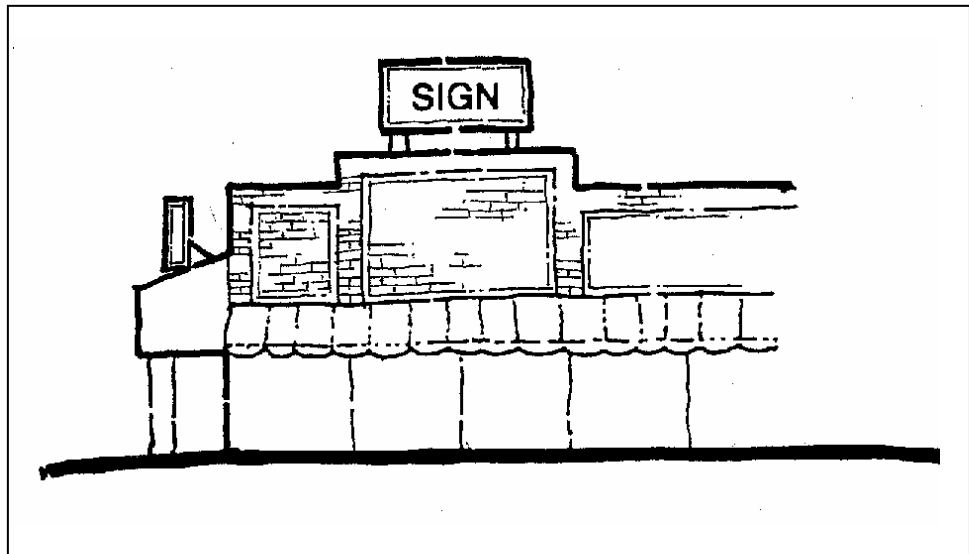
- (7) Wall Sign: A sign fastened to or painted on a wall of a structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such structure.

Figure 11 - Wall Sign



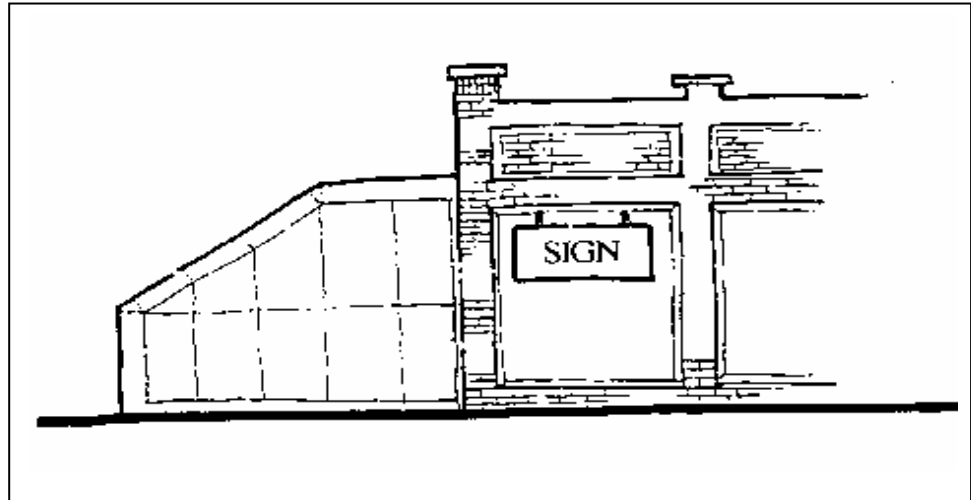
- (8) Roof Sign: A sign totally supported on the roof of a structure. Roof signs shall not project more than 12 inches beyond the face of the structure.

Figure 12 - Roof Sign



- (9) Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Figure 13 Window Sign



8. General Provisions:

- A. Gross Area of Sign: Gross area shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of the base on which it is mounted or from which it is suspended. If more than one side of a sign is utilized as a sign, then only the largest side shall be computed and shall be counted as a portion of the gross area. On lots where more than one sign is located, the total gross area of all the signs shall not exceed the maximum gross area for one sign permitted by this regulation.

For computing the gross area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.

- B. Sign Height: Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.
- C. Illuminated Signs: A sign designed to give forth artificial light or designed to reflect light derived from any source.
- (1) Illuminated signs shall be designed as to reflect or direct light away from any residential dwelling district and any illuminated sign located on a lot adjacent to, in front of or across the street from any residential district, which sign is visible from such residential district, shall not be illuminated between the hours of 11 p.m. and 7 a.m.
- (2) Illuminated signs in direct vision of a traffic signal shall not be in red, amber or green illumination.

- D. Flashing or Moving Signs: For the purpose of this regulation, any sign that is revolving, rotating, moving, animated, has moving lights or creates the illusion of movement shall be considered a moving sign. Any illuminated sign on which the artificial light is not constant in intensity and color at all times is considered a flashing sign.
- (1) Flashing signs shall not be permitted which are in any way similar to traffic signals or emergency vehicle lights.
 - (2) A sign which displays the current time and/or temperature by use of intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to text indicating time, temperature or other public messages. Such sign shall not in any case exceed 32 square feet in area.
- E. Access way or Window: No sign shall block any required accessway or window.
- F. Signs on Trees or Utility Poles: No sign shall be attached to any utility pole or tree.
- G. Traffic Safety:
- (1) No sign shall be maintained at any location where by reason of its position, size, shape or color, may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
 - (2) Any sign located within three (3) feet of a driveway, alley, or within a parking area shall have its lowest elevation at least eight feet above the curb level; however, in no event shall any sign be placed so as to project over any public right-of-way, except in the "B-2", Central Business District, where signs may project over a sidewalk.
 - (3) Under no circumstances shall any sign be placed in the sight triangle as defined by this regulation.
- H. Lineal Street Frontage: In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, the lineal street frontage shall be the distance of that property line abutting the major street.
- I. Landscaping: Ground signs and elevated signs shall be landscaped. The combination of landscaping and decorative planter shall extend no less than two vertical feet from ground level. Landscape planters shall be constructed of brick, concrete block, CCA or other materials as approved on the site plans.
- J. Scale and Context: Signs shall be in scale with the site or structure where located and in context with the site, structure and service offered.
- (1) Scale includes both human scale and proportion. Signs shall be proportional to the element they are attached to and the facade as a whole.
 - (2) Context includes form, style, color, balance and structure lines:

Form: Sign shape and its relationship to the structure or service offered.

Style: Historical, eclectic, modern or contemporary shapes, texts and colors.

Color: Analogous or complementary in relation to site or structure.

Balance: Location of sign in structure element relating to balance through location, mass and color.

Structure Lines: Major lines of building elements and compatibility to outlines, horizontal and vertical lines such as roof line, ground line, window lines, etc.

- K. All signs must be constructed of permanent all-weather materials.

Figure 14 – Sign Pattern

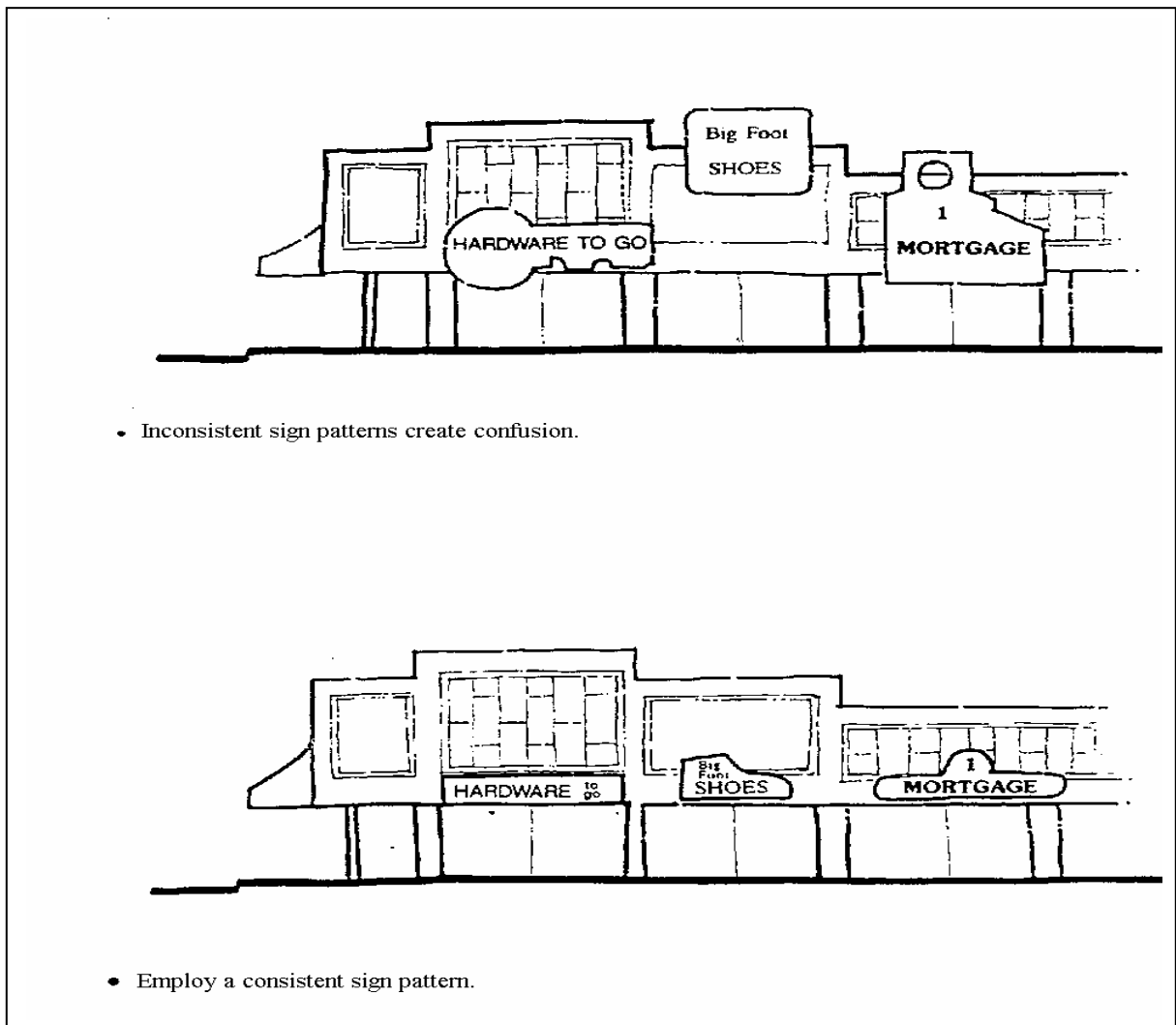
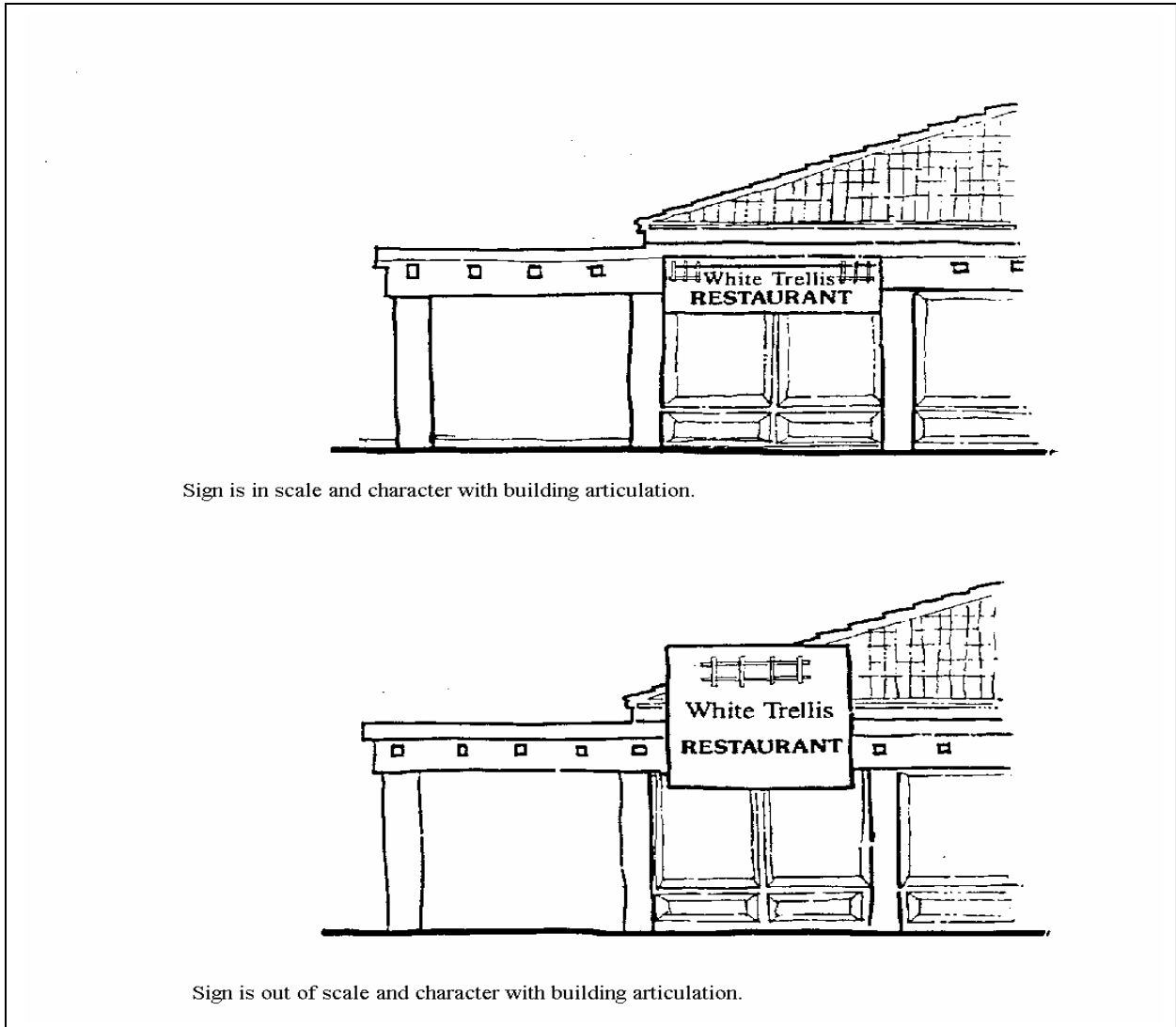


Figure 15 - Sign Scale and Character



Sign is in scale and character with building articulation.

Sign is out of scale and character with building articulation.

9. Exemptions:

- A. Total Exemptions: The following signs shall be exempt from the requirements of this article, except for the provisions of Sections 10.A through 10.E:
- (1) Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property.
 - (2) Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.
 - (3) Memorial signs displayed on public or private property.

- (4) Small signs, not exceeding three square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, and other similar signs; except that such signs shall not display logos or other business advertisements.
- (5) Scoreboards in athletic stadiums.
- (6) Temporary signs for the sale of household goods at a residence (for example, garage sales or auctions) for a period not to exceed five (5) days.
- (7) Political signs set outside the public right-of-way and in compliance with sight triangle requirements.

B. Exemptions from Sign Permit Requirements: The following signs are exempt from the sign permit section of this article, but shall comply with all of the other regulations imposed by this article:

- (1) Name plate signs not exceeding two (2) square feet in gross area accessory to a single-family or two-family dwelling.
- (2) Bulletin board signs not exceeding 100 square feet in gross area accessory to a church, school or public or non-profit institution.
- (3) Business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
- (4) Real estate signs not exceeding nine (9) square feet in area.
- (5) Construction signs not exceeding nine (9) square feet in area.
- (6) Window signs not exceeding 25% of the window surface in commercial and industrial districts.

10. Prohibited Signs:

- A. Signs on Public Property: Any sign installed or placed on public property, except in conformance with the requirements, shall be forfeited to the public and subject to confiscation, except that logo signs on public athletic fields shall be allowed. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
- B. Obscene or Indecent Advertisement: No person shall display upon any sign or other advertising structure any obscene, indecent or immoral matter.
- C. Roof Signs Above Roofline: Roof signs mounted or projecting above the highest roofline.
- D. Elevated Signs Above Roofline: Elevated signs located higher or projecting above the highest roof line on that property or adjacent properties if no structure exists on the property where the sign is located.

- E. Located on Right-of-Way: Any sign located on public right-of-way, except those signs required by governmental authority or political signs as may be permitted.
11. Temporary Portable Display Signs, With or Without Wheels Attached: Portable display signs shall be allowed on a premises in a commercial or industrial zoning district for not more than seven consecutive days, and no more 30 days in a 12 month period.
12. Temporary Signs: Temporary signs shall be erected and maintained in a safe and attractive manner and shall be subject to applicable regulations except as specifically modified herein.
- A. Real Estate Signs: Real Estate Signs shall be removed within one week of the date of sale, rental, or lease. Signs over thirty-two (32) square feet in area shall be authorized by the Board of Zoning Appeals, which shall base its decision on setback, traffic speed, sign design, and surroundings.
- B. Construction Signs: Construction signs shall be thirty-two (32) square feet or less. Such signs are subject to yard area requirements and may be erected at the start of construction and shall be removed upon project completion.
13. Maintenance:
- A. All signs within the City shall be maintained in a safe condition and in such a manner that they shall not become a visual detriment to the community at large. The Building Inspector shall be charged with the responsibility and authority to inspect all signs within the City and direct the maintenance of said signs. Maintenance of signs is defined as keeping sign structures in a safe condition, free of rust, with broken glass or plastic replaced, electrical lights and other electrical operations in operable condition, letters and other sign components in the equivalent condition as on the sign permit or as approved.
- B. Should the Building Inspector find a non-maintained sign as defined above, it shall cause the owner of said sign to be notified as to the deficiency and the corrective action that needs to be taken.
- C. Should the owner fail to exhibit evidence of compliance within 30 days after the mailing of the letter of notification, the Building Inspector shall cause the owner to be cited for violation of this regulation.
- D. Painted Sign Maintenance: The owner of any sign as defined and regulated by this Regulation shall be required to have properly painted at least once every two (2) years all parts and supports of the sign, unless the same are galvanized or otherwise treated to prevent rust.
14. Office Parks, Shopping Centers and Planned Districts: In the case of a proposed office park, shopping center, or other grouping of three or more tenants or establishments (new or remodeled), the developer shall prepare and submit to the Planning and Zoning Commission a master signage plan for all permanent exterior signs. Such plan shall set standards that shall run with all leases or sales of portions of the development. A full and accurate description of all signs shall be included indicating location, placement, materials, graphic design styles, type of illumination, etc. Final development plans shall not be approved until the Planning and Zoning Commission has approved the sign standards. For purposes of this section the terms “shopping center, office park, or their groupings,” shall mean a project of one or more buildings that has been planned as an integrated unit or cluster of units on property under unified control or ownership. The sale,

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subdivision, or other partition of the site does not exempt the project or portions thereof from complying with these regulations.

- A. In the case of a “shopping center, office park or other grouping” which is occupied by more than one tenant, one (1) monument sign or ground sign may be permitted in addition to the wall mounted signs, which sign shall depict only the name of the center or grouping of shops or offices.

- B. Where all tenants and/or property owners within a building or “shopping center, office park or other grouping” agree in writing, one tenant may, in lieu of the wall sign permitted, have one (1) monument sign or ground sign depicting the business or product. The design and location of this sign shall be subject to approval of the Planning and Zoning Commission.

15. District Regulations:

STANDARDS	ZONING DISTRICT								
	N-1	R-1	R-2	R-3	MP	B-1	B-2	B-3	M-1
		A	A	A	A	B	C	D	D
FUNCTIONAL SIGN TYPES									
Advertising Sign								P	P
Bulletin Board	P	P	P	P	P	P	P	P	P
Business Sign	P	P	P	P	P	P	P	P	P
Construction Sign	P	P	P	P	P	P	P	P	P
Identification Sign	P	P	P	P	P	P	P	P	P
Name Plate Sign	P	P	P	P	P	P	P	P	P
Temporary Sign	P	P	P	P	P	P	P	P	P
STRUCTURAL SIGN TYPES									
Awning, Canopy or Marquee Sign						P	P	P	P
Elevated Sign								P	P
Ground Sign						P		P	P
Monument Sign	P	P	P	P	P	P		P	P
Portable Display Sign								P	P
Projecting Sign						P	P	P	P
Wall Sign		P	P	P	P	P	P	P	P
Roof Sign									C

STANDARDS	ZONING DISTRICT								
	N-1	R-1	R-2	R-3	MP	B-1	B-2	B-3	M-1
		A	A	A	A	B	C	D	D
Window Sign						P	P	P	P

16. Sign Standards:

A. “R-1” Single-Family Residential District, “R-2” Two-Family Residential District, “R-3” Multifamily Dwelling District, “MP” Manufactured Home Park Residential District:

- (1) Number of Signs Permitted: One (1) sign per zoning lot; and two (2) signs per zoning lot on a corner lot, with one sign facing each street.
- (2) Maximum Gross Area:
 - (a) Business signs - home occupations: 4 square feet.
 - (b) Identification signs: 36 square feet. (In the N-1 District only)
 - (c) Bulletin board signs: 50 square feet.
 - (d) Temporary signs: As regulated by Section 12 of this Article.
 - (e) Name plate signs: 4 square feet.
 - (f) Monument Sign: 36 square feet. (In association with an approved Conditional Use Permit only)
 - (g) Subdivision Monument Signs: 36 square feet.
- (3) Maximum Height: 15 feet.
- (4) Required Setback: No sign shall be placed closer to the front property line than one-half the distance of the front yard; except that real estate signs shall be exempt from setback requirements.
- (5) Illumination: Bulletin board signs may be indirectly illuminated with incandescent or fluorescent lighting.

B. “B-3” General Commercial District:

- (1) Number of Signs Permitted:
 - (a) Awning, canopy or marquee signs and wall signs: No limitations.
 - (b) Ground, monument, elevated, or projecting signs: One per zoning lot.

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- (2) Maximum Gross Surface Area: 4 square feet for each lineal foot of street frontage; provided no single sign shall exceed a gross surface area of 100 square feet; provided further, no elevated sign shall exceed 250 square feet in gross surface area.
- (3) Maximum Height: 30 feet, except as otherwise limited in height by this Article.
- (4) Required Setback: No sign shall be placed closer to the front property line than 10 feet, and no sign shall be closer than 25 feet to a residentially zoned lot.
- (5) Illumination: Illuminated signs shall be permitted.
- (6) Elevated signs:
 - (a) One elevated sign shall be permitted on the premises of any business located on a platted lot, which has no less than 150 feet of frontage on 24/63 Highway rights-of-way.
 - (b) The height of the elevated sign shall be no greater than 50 feet or 30 above the highest elevation of the finished grade of the highway pavement, whichever is less.
 - (c) The gross surface area of the face of the sign shall not exceed 250 square feet.
- (7) Advertising Signs (Billboards): Same as “B-1”.

C. “B-2” Central Business District:

- (1) Number of Signs Permitted: No limit.
- (2) Maximum Gross Surface Area: 4 square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of 100 square feet.
- (3) Maximum Height: NA; except wall and projecting signs may extend to the roof eave line.
- (4) Required Setback: None.
- (5) Illumination: Illuminated signs shall be permitted.

D. “B-1” Business Park District and “M-1” Light Industrial District and “M-2” Heavy Industrial District:

- (1) Number of Signs Permitted: Same as “B-3”, except as modified by Advertising Signs in sub-section D.6 below.
- (2) Maximum Gross Surface Area: 4 square feet per lineal foot of street, frontage, provided no single sign exceeds a gross surface area of 300 square feet, except as modified by Advertising Signs in sub-section D.6 below.

- (3) Maximum Height: 30 feet above highest point for roof and wall signs and 30 feet for all others, except as modified by Advertising Signs in sub-section D.6 below.
- (4) Required Setback: Same as “B-3.”
- (5) Illumination: Illuminated signs shall be permitted, except as modified by Advertising Signs in sub-section D.6 below.
- (6) Advertising Signs (Billboards): Advertising signs (billboards) may be established along the 24/63 rights-of-way provided that they meet the following conditions:
 - (a) No advertising sign shall be located within 660 feet of another advertising sign abutting either side of the same street or highway.
 - (b) No advertising sign shall be located closer than 20 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the advertising sign is located. Setbacks shall be measured from the surface display area to the vertical extension of the property line.
 - (c) The surface display area of any side of an advertising sign may not exceed 400 feet. In the case of advertising sign structures with tandem or stacked advertising sign faces, the combined surface display area of both faces may not exceed 400 square feet.
 - (d) The height of an advertising sign shall not exceed 35 feet above the grade of the ground on which the advertising sign sits or the grade of the abutting roadway, whichever is higher.
 - (e) No advertising sign shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
 - (f) An advertising sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any advertising sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
 - (g) An advertising sign must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. An advertising sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
 - (h) An advertising sign established within a business, commercial, or industrial area, as defined in the “Highway Advertising Act of 1972” (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of

the Act and the regulations provided thereunder, as such may from time to time be amended.

**ARTICLE 10
NONCONFORMITIES**

1. General: Nonconformities are of three types: nonconforming lots of record, nonconforming structures and nonconforming uses. A definition of each type is as follows:
 - A. Nonconforming Lot of Record: An unimproved lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of these regulations, and neither said lot nor parcel complies with the lot width or area requirements for any permitted use in the district in which it is located.
 - B. Nonconforming Structure: An existing structure which does not comply with the height or yard requirements which are applicable to new structures in the zoning district in which it is located.
 - C. Nonconforming Use: An existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

2. Nonconforming Lots of Record: The Building Inspector shall issue a building permit for any nonconforming lot of record, provided that:
 - A. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and
 - B. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulations, and
 - C. Said lot can meet all yard regulations for the district in which it is located, and
 - D. Said lot can be served by municipal sewerage disposal; or can meet minimum standards for on-site sewage treatment as required by the County Health Office, should the City determine that the lot cannot be served by the municipal disposal system.

3. Nonconforming Structures:
 - A. Authority to Continue: Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which it is located, may be continued, so long as it remains otherwise lawful.
 - B. Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure; provided further, existing manufactured home parks not meeting the requirements of this ordinance shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of this ordinance.

- C. Damage or Destruction: In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 75 percent of its appraised value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 75 percent or less, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
 - D. Moving: No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
4. Nonconforming Uses:
- A. Authority to Continue: Any lawfully existing nonconforming use or part or all of a structure or any lawfully existing nonconforming use of land, may be continued, so long as otherwise lawful.
 - B. Ordinary Repair and Maintenance:
 - (1) Normal maintenance and incidental repair, or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
 - (2) Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.
 - C. Extension: A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:
 - (1) Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).
 - (2) Extension of such use within a structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming); provided, however, that such use may be extended throughout any part of such structure that was lawfully and manifestly designed or arranged for such use on such effective date.
 - D. Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

- E. Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 75 percent of its appraised value, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 75 percent or less, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
 - F. Moving: No structure that is devoted in whole or in part to a nonconforming use and no conforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning districts in which it is located after being so moved.
 - G. Change in Use: If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a conditional use be changed to another nonconforming use provided that the Board of Adjustment either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with Article 13. Once a change is made to a more appropriate use, the use shall not be returned to the original use or a less appropriate use.
 - H. Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned for a period of 12 consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.
 - I. Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.
 - J. Nonconforming Residential Uses: Notwithstanding the provisions of Sections 4(C) and 4(D), any structure which is devoted to a residential use and which is located in a business or industrial district, may be remodeled, extended, expanded, and enlarged; provided that after any such remodeling, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.
5. Status of Conditional Uses:
- A. Status of Existing Conditional Uses: Where a use exists at the effective date of these regulations and is permitted by these regulations only as a conditional use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district. Such conditional use shall not be enlarged or expanded unless a conditional use application is approved as set out in Article 11 of these regulations.
 - B. Status of Future Conditional Uses: Any use for which a conditional use permit has been issued, as provided in these regulations, shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use.

6. Exceptions:

- A. Reuse of a Commercial Structure: Any existing commercial structure, in a residential district, that was previously utilized by a documented commercial use may be occupied by a permitted home occupation. Any reuse of any existing commercial structure shall be subject to the site plan review process. All new alterations to the structure must meet the minimum requirement of the underlining zoning district.

**ARTICLE 11
CONDITIONAL USE PERMITS**

1. General Considerations:

- A. Delegation of Power: The City Council shall decide whether conditional use permits shall be granted only after having received a recommendation from the Planning and Zoning Commission. In no event shall a conditional use permit be granted where the proposed use is not authorized by the terms of these regulations, or where the standards of this Article are not found to exist.
- B. Conditions and Guarantees: Prior to the granting of any conditional use permit, the Planning and Zoning Commission or City Council may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use permit as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a conditional use permit is granted, the Planning and Zoning Commission may recommend or the City Council may require such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will be, fully complied with.
- C. Conditional Use Permits in Residential Districts: In no event shall conditional use permits in residential districts be transferable from an owner-applicant to a subsequent owner of the subject real estate or structure.

2. Procedures:

- A. Application: A written application for a conditional use permit shall be filed with the Zoning Administrator by the operator/owner of the proposed land use and shall include a statement indicating the section of the ordinance under which the permit is sought, the grounds upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth. The application shall be accompanied by an area map and site plan of the subject property.
- B. Fees: Every application for a conditional use permit shall be subject to a filing fee as established by the City Council.
- C. Site Plan: All applicants for a conditional use permit shall submit with their application ten (10) copies of a development plan for the property which shall include the following:
 - (1) A site plan showing:
 - (a) Approximate size and locations of all structures.
 - (b) Access from streets.
 - (c) Parking arrangements and numbers of spaces.
 - (d) Interior drives and service areas.
 - (e) Landscaped areas.

- (f) All proposed signs.
 - (2) Location map showing development and zoning of adjacent property within 100 feet.
 - (3) The full legal description of the boundaries of said development area.
 - (4) A description of the general character of all structures.
- D. Hearing: Upon receipt of the formal application and all accompanying material, the Zoning Administrator shall call a public hearing for the next scheduled meeting of the Planning and Zoning Commission; provided, however, that notice must be published in a newspaper of general circulation at least 15 days prior to the date set for hearing. The Planning and Zoning Commission shall submit a recommendation to their City Council within 30 days after the close of the public hearing.
- E. Findings: In making a recommendation to the City Council, the Planning and Zoning Commission shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative findings that the proposed use conforms with the general standards set forth in this Article. In no case shall a conditional use permit be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.
- F. Action by City Council: The City Council shall consider the Planning and Zoning Commission's recommendation at the next regularly scheduled City Council meeting for which the agenda item can be docketed. The City Council shall consider the recommendation of the Planning and Zoning Commission and act in accordance with the procedures for amending zoning district boundaries. If the City Council fails to act upon a recommendation within 120 days from the receipt thereof, the application shall be deemed to have been denied.
3. Standards for Issuance of Conditional Use Permits: Before any permit shall be granted, the Planning and Zoning Commission shall make written findings certifying that adequate provision has been made for the following:
- A. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.
 - B. Accessibility of the property to police, fire, refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.
 - C. Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.
 - D. The location, nature, and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.
 - E. The adequacy of required yard and open space requirements and sign provisions.

- F. The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.
4. Additional Conditions for Conditional Uses: In granting a conditional use, the City may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The use standards specified for the uses listed in Section 2 of Article 5 shall also be requirements for the approval of a conditional use permit.
5. Time Limit:
- A. **Sunset**: A conditional use permit shall expire, upon public hearing, unless a building permit is taken within 12 months to effectuate such specially permitted use; or if no building permit is required, evidence of use is filed with building inspector.
- B. **Abandonment**: Once a conditionally permitted use ceases or is abandoned for a period of more than 12 months, the conditional use permit shall expire upon public hearing; except that the conditional use permit for an auto salvage yard shall automatically expire if the state license for operating the auto salvage yard lapses for a period of time more than six months.
- C. **Home Occupation**: A conditional use permit for a home occupation shall not be transferable to a new owner of the real estate.

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**ARTICLE 12
SITE PLAN REVIEW**

1. Intent: The City of Moberly recognizes that the very nature of land development creates potential for traffic congestion, overcrowding, adverse visual environmental impacts, and health problems. Also, the City strives to achieve the goal of promoting growth in Moberly, while stabilizing the established residential patterns of the area. The City seeks to ensure that any location that must accommodate urban uses, shall be subject to Site Plan Review by the Planning and Zoning Commission. The Site Plan Review process shall help ensure that the meaning and intent of the Zoning Regulations, and all portions thereof, are fully complied with.

The Site Plan Review regulates the development of structures and sites in a manner that considers the following concerns:

- A. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, storm water runoff, etc.);
 - B. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
 - C. The adequacy of waste disposal methods and protection from pollution of surface or groundwater;
 - D. The protection of historic and natural environmental features on the site under review, and in adjacent areas; and
 - E. The stability of the built environment--particularly residential neighborhoods--by promoting urban development that is compatible with clearly identified natural resources.
2. Applicability: The Zoning Administrator shall require that all applications for building permits for developments in the multifamily, commercial and industrial zoning districts be subject to Site Plan Review in accordance with these regulations, and for redevelopment in the following circumstances: if the redevelopment enlarges the size of the original structure by more than fifty percent (50%); and if the redevelopment of an existing facility or parcel that changes its original use by more than fifty percent (50%) and that accessory structures are exempt from a site plan review when added to an existing conforming property, provided that the bulk, height and area requirements are still met. Developments shall be encouraged to implement the objectives of the Future Land Use Plan to foster compatibility among land uses in the City of Moberly. Site Plan Reviews shall be performed by the Zoning Administrator, and submitted to the Planning and Zoning Commission for approval if in conjunction with a public hearing.
 3. Site Plan Review: The Planning and Zoning Commission shall perform their review at the next regularly scheduled meeting of the Planning and Zoning Commission for which the item may be scheduled and shall adjourn and reconvene as is determined necessary.

The applicant may appeal a site plan review determination to the City Council for approval in the event that an applicant alleges that there is an error in any order, requirement, decision or determination made by the Zoning Administrator or the Planning and Zoning Commission in the

enforcement of Site Plan Review. The request for review by the City Council shall be accompanied by a complete description of the error(s) alleged.

3. Authority: Building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts in which Site Plan Review is applicable, unless Site Plan Review approval has been granted.
4. Submission Requirements: The Site Plan shall include the following data, details, and supporting plans which are relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.

Site Plans shall be prepared at a discernable scale.

- A. Name of the project, address, boundaries, date, north arrow and scale of the plan.
- B. Name and address of the owner of record, developer, and seal of the engineer, architect, land surveyor or landscape architect.
- C. Name and address of all owners of record of abutting parcels.
- D. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.
- E. The location and use of all existing and proposed structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations. For developments in the “B-2” Central Business District, indicate design details to make new construction compatible with existing structures.
- F. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
- G. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- H. The location, height, size, materials, and design of all proposed signage.
- I. A landscape plan showing all existing open space, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas.
- J. The location of all present and proposed utility systems including:
 - (1) sewerage system;
 - (2) water supply system;

- (3) telephone, cable and electrical systems; and
 - (4) storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swells.
- K. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
- L. Existing and proposed topography shown at not more than two-foot contour intervals. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the 100-year flood plain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements.
- M. Existing and proposed zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.
- N. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.

The Zoning Administrator may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:

- (1) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 - (2) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
 - (3) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.
5. Standard of Review: The recommendations of the Zoning Administrator shall be based on the following standards:
- A. The extent to which the proposal conforms to the previous sections of these regulations.
 - B. The extent to which the development would be compatible with the surrounding area and the Development Guidelines of this Article.
 - C. The extent to which the proposal conforms to the provisions of the City's Subdivision Regulations.
 - D. The extent to which the proposal conforms to customary engineering standards used in the City.
 - E. The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.

6. Development Guidelines, Commercial and Industrial Districts:

In zoning districts permitting commercial and industrial uses, buildings should meet the following minimum guidelines, based on site plan review:

- A. Raised exterior walls or screen walls should be designed to enclose groups of equipment. Roof mounted equipment, including ventilators and satellite dishes shall be screened from view (100% opacity) or isolated so as not to be visible from ground level of any adjacent public thoroughfare or residentially zoned area, up to a maximum of three hundred feet (300') away. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.
- B. The form and proportion of buildings shall be consistent or compatible with the scale, form and proportion of existing development in the immediate area.
- C. The use of unusual shapes, color and other characteristics that cause new buildings to call excessive attention to themselves and create disharmony shall not be allowed.
- D. The rhythm of structural mass to voids, such as windows and glass doors, of a front facade should relate to the rhythms established in adjacent buildings.
- E. Where large structures are proposed with overly-long facades (walls), where one dimension exceeds the length of the perpendicular dimension, such as warehouses, building mass should be articulated with variations in the building plane and parapet height and through the use of other unique design or site plan features. Parking lots along the facade can also relieve horizontally through the use of landscaped fingers and islands containing trees and shrubs.
- F. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. The use of walls in a single color, with little detailing or completely blank is discouraged.
- G. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.
- H. Careful consideration of durable materials, proportions, and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design is particularly important.
- I. Use of substantial amounts of masonry materials (face brick, stucco, stone) is encouraged. The use of aluminum siding, metal ribbed panels, and extensive mirrored glass surfaces are discouraged. Evaluation of building materials shall be based on the quality of its design and relationship and compatibility to building materials in the immediate neighborhood.

Corrugated metal facades should be complemented with abundant use of masonry, whether brick, stone, stucco, or split-face block, especially along perimeter streets. Architectural metal panels may be an acceptable substitute for masonry. Appropriate landscaping can be used to complement and enhance a building's design, color and material.

- J. Architectural treatments (e.g., building materials, colors, facade design, roof lines, screening) shall be consistent and compatible on all sides. Treatment that is uniform on all sides will be deemed to meet the requirements of this principle. Adjacent land uses, visibility from public streets, use of screening devices (walls, fences, berms, landscaping) are criteria to be considered when varying this treatment. The applicant will have the burden of demonstrating the reasons for differing treatment on different sides (e.g., the need for truck accesses on one side and pedestrian access on another).

Long expanses of overhead doors should be relieved by matching their color to the wall or trim, recessing the doors, or adding architectural details to diminish the dominance of the doors.

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**ARTICLE 13
BOARD OF ADJUSTMENT**

1. Formation: A Board of Adjustment is hereby created in accordance with State Statutes governing such creation. The word “Board” when used in this Article shall mean Board of Adjustment. The Board shall consist of five members, who shall be residents of the City. The membership of the first Board appointed shall serve respectively, one for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter members shall be appointed for terms of five years each.

The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, ordinances or resolutions. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of fact by the Board, the decision of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and will keep records of its examinations and other official actions, all of which shall be filed in the office of the Board immediately and shall be a public record.

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

of property at the time of the effective date of the District Zoning Regulations, or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances, that the strict application of the terms of the Zoning Regulations actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.

- (2) Variances may be granted for any modifications of the specific terms of the Zoning Regulations, except that a variance may not be granted to allow the establishment of a use not permitted in the district regulations.
- (3) A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination of each condition and the finding shall be entered in the record.
 - (A) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
 - (B) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
 - (C) The strict application of the provisions of the Zoning Regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
 - (D) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
 - (E) The granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Regulations.

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

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

3. Applications:

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

- (1) All applications to the Board shall be in writing on forms provided by the Board.
- (2) The Board shall fix a reasonable time for the hearing of an application and notice of the time, place, and subject of each hearing shall be published in the official newspaper (as designated by the City Council) at least 15 days prior to the date fixed for the public hearing. A copy of the Notice of Public Hearing shall be sent to each party of interest and to the Planning and Zoning Commission.
- (3) An application shall be accompanied by a filing fee of twenty dollars (\$20.00). A separate filing fee of \$20.00 shall be required for each request.

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

(1) Appeals:

- (A) An application for an appeal shall be filed within 60 days after a ruling has been made by the Zoning Administrator.
- (B) A copy of the order, requirement, decision, or determination of the Zoning Administrator which the appellant believes to be in error.
- (C) A clear and accurate written description of the proposed use, work, or action in which the appeal is involved and a statement justifying the appellant's position.
- (D) Where necessary, a plot plan, drawn to scale, shall be submitted in duplicate showing existing and proposed plans for the area in question.

(2) Variances:

- (A) The applicant shall submit a statement, in writing, justifying the variance requested, indicating specifically the enforcement provisions of the Zoning Regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five conditions as set out in Section 2 (B) (3) of this Article.
- (B) The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application, the structures existing thereon, and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information that would be helpful to the Board in consideration of the application.

4. Performance: In making any decisions varying or modifying any provisions of the Zoning Regulations, the Board shall impose such restrictions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.

The Board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board, and shall be enforceable by or payable to the City Council in the sum equal to the cost of constructing the required improvements.

In lieu of the performance bond requirement, the Board may specify a time limit for the completion of such required improvements and, in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

5. Who May Appeal From the Board Decision: Any person, department, or departments of the government jointly or separately aggrieved by any decision of the Board may present to the Circuit Court having jurisdiction a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality, and asking for relief therefrom. Such petition shall be presented to the Court within 30 days after the date of filing the decision in the office of the Board.

**ARTICLE 14
VIOLATION AND PENALTY**

The owner or agent of a structure or premises in or upon which a violation of any provision of this regulation has been committed or shall exist; or the lessee or tenant of an entire structure or entire premises in or upon which violation has been committed or shall exist; or the agent, architect, structure or premises in or upon which violation has been committed or shall exist, shall be punished by a fine not less than ten (10) dollars and not more than one hundred (100) dollars for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (100) nor more than two hundred and fifty (250) dollars for each and every day such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this regulation, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use, or to correct or abate such violation or to prevent the occupancy of said structure or land.

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**ARTICLE 15
AMENDMENTS**

1. Amendments to Change Zoning Regulations or District Boundaries: The City Council, from time to time, may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. A proposal for such amendment may be initiated by the City Council or the Planning and Zoning Commission. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Applications for conditional use permits shall be considered by the same procedure as zoning district amendments. Any such amendment, if in accordance with the adopted comprehensive plan, shall be presumed to be reasonable.
2. Public Hearing: All such proposed amendments first shall be submitted to the Planning and Zoning Commission for recommendation. The Planning and Zoning Commission shall hold a public hearing thereon at its next regular meeting for which the application may be scheduled, shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for recommendations on the original proposed zoning regulations. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration.
3. Public Notice: In addition to such publication notice, written notice of such proposed amendment shall be mailed at least 15 days before the hearing to all owners of record of lands located within at least 185 feet of the area proposed to be altered. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning and Zoning Commission or the City Council. Such notice is sufficient to permit the Planning and Zoning Commission to recommend amendments to zoning regulations which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard.
4. Adoption: The procedure for the consideration and adoption of a recommendation to amend zoning district boundaries shall be in the same manner as that required for the consideration and adoption of the original zoning regulations. A majority of a quorum of the Planning and Zoning Commission at the hearing shall be required to recommend approval or denial of the amendment to the City Council. If the Planning and Zoning Commission fails to make a recommendation on a rezoning request, the Planning and Zoning Commission shall be deemed to have made a recommendation of disapproval. When the Planning and Zoning Commission submits a recommendation of approval or disapproval of such amendment and the reasons therefore, the City Council may: (1) Adopt such recommendation by ordinance; (2) Override the Planning and Zoning Commission's recommendation by a 2/3 vote of the membership of the City Council; or (3) return such recommendation to the Planning and Zoning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.

If the City Council returns the Planning and Zoning Commission's recommendation, the Planning and Zoning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the City Council, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the respective ordinance or it need take no further action thereon. If the Planning and Zoning Commission fails to deliver its recommendation to the City Council following the Planning and Zoning Commission's next regular meeting after receipt of the City Council's report, the City Council shall consider such course of inaction on the part of the Planning and Zoning Commission as a resubmission of the original recommendation and proceed accordingly. The proposed rezoning shall become effective upon publication of the respective adopting ordinance or resolution.

5. Applications: Any party desiring any change in zoning district boundaries or regulations contained in this Zoning Ordinance, as to any lot, tract or area of land, shall file with the Zoning Administrator an application, and such application shall be accompanied by such data and information as prescribed in these Regulations.
6. Filing Deposit and Fee: An application fee and filing deposit in amounts as established by the City Council shall accompany each application filed with the City. Promptly upon the filing of any such application, the Zoning Administrator shall refer the application to the Planning and Zoning Commission agenda for study and recommendation and shall submit a report to the City Council concerning the nature of the application and that said application has been referred to the Planning and Zoning Commission.
7. Comprehensive Plan: Upon the adoption or amendment of any such plan or part thereof by adoption of the appropriate resolution by the Planning and Zoning Commission, a certified copy of the plan or part thereof, together with a written summary of the hearing thereon, shall be submitted to the City Council. No comprehensive plan shall be effective unless approved by the City Council.

An attested copy of the comprehensive plan and any amendments thereto shall be sent to all other taxing subdivisions in the planning area which request a copy of such plan.

8. Matters to be Considered for Zoning District Amendments: In order to recommend approval or disapproval of a proposed zoning district amendment, the Planning and Zoning Commission shall consider the following matters:
 - A. Character of the neighborhood.
 - B. Consistency with the comprehensive plan and ordinances of the City of Moberly.
 - C. Adequacy of public utilities and other needed public services.
 - D. Suitability of the uses to which the property has been restricted under its existing zoning.
 - E. Compatibility of the proposed district classification with nearby properties.
 - F. The extent to which the zoning amendment may detrimentally affect nearby property.

- G. Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.
9. Amendments to Text. When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the recommendation of the Planning and Zoning Commission shall contain a statement as to the nature and effect of such proposed amendment and determination as to the following items:
- A. Whether such change is consistent with the intent and purpose of these regulations;
- B. The areas which are most likely to be directly affected by such change and in what way they will be affected; and
- C. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected, or in the area of jurisdiction of such changed or changing conditions.
10. Protest: Regardless of whether or not the Planning and Zoning Commission approves or disapproves a zoning amendment, if a protest against such amendment is filed in the office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to said publication notice, signed by the owners of 30 percent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two thirds (2/3) of all the members of the City Council.

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**ARTICLE 16
ADMINISTRATION**

1. Legislative and Quasi-Judicial Regulation of Land Use: The City shall regulate land use as provided by statute and appoint a Planning and Zoning Commission by City ordinance; which Planning and Zoning Commission shall prepare and adopt bylaws for the conduct of their business, including adoption of a comprehensive plan.

2. Office of the Zoning Administrator:
 - A. Authorization: A Zoning Administrator shall be appointed by the City Council and shall be responsible for the enforcement of these regulations.

 - B. Duties of the Zoning Administrator: The Zoning Administrator shall enforce these regulations and in addition thereto and in furtherance of said authority, he shall:
 - (1) Approve and issue all zoning and occupancy certificates and make and maintain records thereof.
 - (2) Conduct inspections of structures and uses of land to determine compliance with the provisions of the zoning regulations.
 - (3) Receive, file, and forward to the Board of Adjustment the records in all appeals and all applications for variances.
 - (4) Maintain permanent and current records of the zoning regulations including, but not limited to, all zoning maps, amendments, variances, appeals and applications therefore and records of hearing thereon.
 - (5) Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning regulations, and the rules of the Board of Adjustment.

3. Building Permits:
 - A. Building Permits: Unless a building permit shall first have been obtained from the Building Inspector:
 - (1) The construction, moving, remodeling or reconstruction of any structure shall not be commenced; and,
 - (2) The improvement of land preliminary to any use of such land shall not be commenced.

Any building permit issued in conflict with the provisions of these regulations shall be null and void.

 - B. Application for Building Permit: Every application for a building permit shall include at least the following:

- (1) A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece or parcel, lot, lots, block or blocks, or parts or portions thereof, according to the recorded plat of such land.
- (2) A plot plan, in duplicate, drawn to scale and in such form as may, from time to time, be prescribed by the Zoning Administrator, showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking lots, the structure lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Zoning Administrator for the proper enforcement of these regulations.

One copy of both the plat and the plot plan shall be retained by the Zoning Administrator as a public record.

- (3) A copy of the utility permit issued by the City if the project to which the building permit application applies will involve a street cut or connection to the City's water service or sanitary sewer service.
- C. Issuance of Building Permit: A building permit shall be either issued or refused by the Zoning Administrator within ten days after the receipt of an application or within such further period as may be agreed to by the applicant. No building permit shall be issued unless all the zoning requirements of these regulations are met.
- D. Posting of Building Permits: Upon issuance of a building permit by the Zoning Administrator, the building permit shall be posted on the job site by the applicant. The building permit shall remain posted on the job site for the entire duration of the project for which the building permit was issued. Said building permit shall be posted in a conspicuous place that is visible from the street.
- E. Period of Validity: A building permit shall become null and void six (6) months after the date on which it is issued unless within such six-month period construction, moving, remodeling or reconstruction of a structure is commenced or a use is commenced. If the construction, moving, remodeling or reconstruction of any structure is not commenced within said six-month period, issuance of a new building permit shall be required.

**ARTICLE 17
APPROVAL AND EFFECTIVE DATE**

1. **APPROVAL AND EFFECTIVE DATE**

A. This is to certify that the Comprehensive Zoning Regulations and District Zoning Map referred to in this zoning regulation were duly approved by the Planning and Zoning Commission on this _____ day of _____, 200____.

Chairperson

Secretary

B. These regulations shall become effective upon publication of the adopting ordinance in the official City newspaper.

PASSED this _____ day of _____, 200____.

CITY COUNCIL OF MOBERLY, MISSOURI

Mayor

ATTEST:

City Clerk

Published:_____

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