

SUBCHAPTER A: ZONING REGULATIONS:

650.010 -

DEFINITIONS. For the purpose of this ordinance, the following words and terms as used herein are defined to mean the following:

*Accessory Building or Use:* A subordinate building having a use customarily incidental to and located on the lot occupied by the main building; or a use customarily incidental to the main use of the property.

*Agricultural Activity:* The growing of grains, hay or other crops and the raising of such poultry and stock as are incidental to the acreage farmed, provided, however, that such land shall consist of at least ten (10) acres in one parcel or in contiguous parcels under common ownership or operation. The storage of crops, grains, feed or other products shall be limited to those raised on or to be consumed on the premises. The disposal of community or collected garbage, the raising of fur-bearing animals, boarding stables, commercial feedlots, or slaughter-houses shall not so be considered.

*Alley:* A minor way affording secondary access to properties which otherwise abut on a street.

*Apartment:* A room or a suite or 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.

*Apartment House:* A building or improvement designed or utilized exclusively for residential occupancy but which lies wholly or partially below the existing grade of the property on which said building or improvement is located and which was designed to or could serve as a basement for a dwelling. This definition shall not include sub-grade, energy-efficient dwellings.

*Building:* Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate pans by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except 35 regards minimum side yard requirements as hereinafter provided.

*Building, Height of:* The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the decline of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

*Club, Private:* A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

*Commercial Feed Lot:* An area of land primarily devoted to buying, raising, feeding or selling of livestock under dry lot or confined conditions, where the operation is not part of normal agricultural activity.

*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.

*Day Care Facilities:* Those facilities providing care of a child away from his own home for any part of the 24-hour day, for compensation or otherwise, and as regulated by the Missouri Division of Family Services.

*Drive-In Establishments:* any restaurant, financial institution, or product vending enterprise where the patron does not enter and remain within a building during the transaction of his business.

*Dwelling:* A building or portion thereof; designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, boarding and lodging houses, apartment houses and townhouses, but shall specifically not include hotels and basement homes. This definition shall specifically include sub-grade energy-efficient homes.

*Family:* One 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 five (5) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit, cost-sharing basis.

*Governing Body:* The Board of Trustees of the Village of Wardsville Missouri.

*Home Occupation:* Customary home occupations including the professional office or studio of an architect, artist, dentist, doctor, engineer, lawyer, planner, scientist, teacher, beautician, barber or occupations such as handicraft, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupant, that not more than one-quarter ( $\frac{1}{4}$ ) of the area of one (1) floor of said residence shall be used for such purposes, and that no structural alterations or constructions involving features not customarily found in dwellings are required. An unlighted sign of not more than one (1) square foot in area, and attached flag against the building, shall be permitted. No equipment shall be used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. A home occupation shall not include the operation of a restaurant or auto body shop.

*Kennel:* Shall be the keeping of or harboring of a total of four or more adult dogs over the age of six months.

*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 this Ordinance, and having frontage upon a public street. A lot as used herein may consist of one or more platted lots, or tracts as conveyed as parts thereof.

*Lot 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 Inspector.

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

*Lot 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 Inspector.

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

*Lot Line, Front:* The boundary between a lot and the street on which it fronts.

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

*Lot 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.

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

*Lot Width:* The horizontal distance between sidelines, measured at the front building line.

*Mobile Home Court:* A tract of land where five or more mobile home spaces are offered for rent.

*Mobile Home:* A transportable dwelling unit built on a chassis and which has the following characteristics;

a. Designed for occupancy containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

b. Designed to be transported fabrication on its own wheels.

c. Arrives at site where it is to be occupied as a dwelling unit complete with major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

*Mobile Home Space:* An area with utility connections which is occupied or designed to be occupied by an uninhabited mobile home.

*Modular Home:* To qualify as a modular home a dwelling unit must meet all the following criteria; the dwelling unit.

a. Arrives at its permanent erection site after fabrication on a wheeled dolly or flatbed;

b. Arrives at the site in two or more component parts which are permanently joined together at the site;

c. Is to be permanently attached to a permanent foundation. A modular home shall be deemed to be a standard single-family dwelling and shall be subject to all requirements of a single-family dwelling.

*Motel:* A building or buildings containing in the aggregate, on one undivided tract or parcel of land, a group of individual private units, each provided with separate sleeping room or rooms, having both lavatory and toilet facilities, designed and to be used primarily for transient guests.

*Non-Conforming Use:* Any building or land lawfully occupied by a use at the time of passage of this Ordinance which does not conform with the use regulations of the district within which it is located.

*Parking Space:* A surfaced area not less than nine (9) feet wide and twenty-two (22) feet long, either within a structure or in the open. The parking space must be served with a driveway which provides access to a street or alley.

*Restaurant:* A building wherein food is prepared and served to the public for consumption on the premises or delivery, where the sale of food, exclusive of the sale of liquor, wine or beer for consumption on the premises, constitute a majority of the sales made on or out of the premises.

*Rooming House:* A dwelling occupied by a resident family or resident occupant and three or more rent-paying persons.

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

*Street:* A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, court, road, parkway, boulevard, highway, traffic way, thoroughfare, or any other similar term.

*Street Line:* The dividing line between the street and the abutting property.

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

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

*Sub-Grade. Energy-Efficient Dwelling:* A Building or improvement designed exclusively for residential occupancy, which lies wholly or partially below the existing grade of the property on; which said building or improvement is located, which is complete and finished in every respect and which is incapable of serving as a basement of a dwelling with floors which would lie entirely above grade.

*Truck Gardening:* The raising of food crops for use by the owner of the property on which the food crops are grown or for sale at retail by the owner of the property on which food crops are grown.

*Tavern:* A place where liquors are to be sold for consumption on the premises, where said sales constitute the majority of the sales made on the premises. Restaurants shall not constitute taverns for purposes of this ordinance.

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

*Yard:* An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the 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.

*Yard, 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.

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

*Yard, 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.

650.020 - GENERAL PROVISIONS, DISTRICTS AND BOUNDARIES. Except as hereafter provided:

(A) No buildings shall be erected, moved, constructed, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than that which is permitted in the district in which such building or land is situated.

(B) No building shall be erected, moved, extended, enlarged, reconstructed or structurally altered which violates the height, yard or area regulations established in this chapter for the district in which such building is situated.

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

(D) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in the Code.

(E) Any uses not herein addressed are subject to review by the Board of Trustees for the Village of Wardsville at regular monthly meetings.

(F) Districts. For the purpose of this Code, the Village of Wardsville is hereby divided into six (G) Zoning districts to be known as follows:

1. District A - Agricultural District
2. District RS Single Family Residential District
3. District RM Multiple Family Residential District
- District RM-2 Ownership Mobile Home Residential District
4. District C-1 Office Commercial District
5. District Merchant Commercial District

(G) District Boundaries:

1. The boundaries of the districts as enumerated above are shown upon the map designated as the Wardsville Zoning District Map. The Wardsville Zoning District Map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or

described herein, the original of said district map is property attested and is on file with the Village Clerk of the Village of Wardsville.

2. Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center

of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

3. All territory which may hereafter be annexed to the Village of Wardsville shall automatically be placed in the A-Agricultural District until otherwise changed by ordinances.

4. Where uncertainty exists as to the boundaries of the districts as shown on the Wardsville Zoning District Map, the following rules shall apply:

(a) Boundaries indicated as approximately following the center line of streets, highways, alleys or other public rights-of-way shall be construed to be said boundary.

(b) Boundaries indicated as approximately following platted lot lines shall be construed to be said boundary.

(c) Boundaries that divide a lot or parcel of property, location of any such boundary shall be determined by the use of the scale appearing on such map.

(Source: Ord. 32)

#### 650.030 DISTRICT USB REGULATION

(A) District A Agricultural District. The A District is intended to provide a location for the land situated on the fringe of the urban area, within the city limits, that is used for agricultural purposes.

Permitted Uses. No building or land shall be used, and no building shall be hereafter constructed,

reconstructed or altered, except for one or more of the following uses:

1. Any use permitted in RS District.

2. Agricultural activity. Farming, dairy farming, poultry raising, livestock raising, pasturing of livestock, game birds and all uses commonly classed as agricultural, provided that any building, structure, or yard for the raising, feeding, pasturing, or housing of any livestock or poultry shall be located at least 100 feet from a residential district and further provided that there shall be no feeding or disposal of garbage, rubbish or offal, other than regular removal, within 500 feet of a residential district

3. Greenhouses or roadside stands for the sale or displays of agricultural products raised on the premises.

4. Private clubs, hospitals, sanitariums, and homes for the aged

5. Fish hatcheries, apiaries, aviaries, and kennels.

6. Fur farming, except skunks and civet cats.

7. Accessory uses, including repair shops, sheds, barns, silos, bunk houses, irrigation wells and pumps, incidental dwellings, buildings and structures customarily required for any of the above uses. One sign not to exceed sixteen (16) square feet shall be considered an accessory use.

(B) District RS Single-Family Residential District The RS District is intended and designed to provide for low density residential development. This district is designed to protect residential areas now developed with single-family, detached dwellings and adjoining vacant areas likely to be developed for such purposes. The regulations are designed to stabilize such areas and to promote a suitable environment for family life. Permitted Uses. No building or land shall be used, and no building shall be hereafter constructed, reconstructed or altered, except for one or more of the following uses:

1. One-family, detached dwellings.

2. Customary accessory buildings including private garages, Carports, pergolas, swimming pools, fireplaces, and similar accessory uses.

3. Public, private and parochial schools.

4. Public buildings erected by any public agency except those buildings used primarily for maintenance.

5. Electric sub-stations, public utility pumping stations, water and sewage treatment facilities, water storage facilities, and devices for the metering of electrical, gas or water services to dwellings.

6. Public parks, playgrounds, cemeteries, swimming pools, community centers, athletic fields and recreation buildings therein.

7. Churches or other places of worship, including religious education buildings or other associated structures. Church signs shall be a permitted use, except that no flashing beacon signs shall be permitted.

8. Agricultural uses, not including nurseries, but including truck gardening, provided that no offensive odors or dust are created, no livestock is housed within twenty-five (25) feet of a property line, and provided further that gross retail sales in

excess of \$5,000 per year not be permitted on the premises. Neither commercial feed lots, slaughterhouses or kennels shall be permitted in this district

9. Temporary buildings to house offices, equipment storage or other functions incidental to construction and development activities, provided that such buildings shall be removed within eleven (11) months from the date of permit for their erection. A temporary building permit will be issued without charge by the Zoning Inspector upon application.

10. One sign not exceeding thirty-six (36) square feet in area referring to the construction, lease, hire or sale of a building, premise or subdivision lot which sign shall refer to the subdivision or property on which the sign is located and shall be removed as soon as the premises are sold or leased or construction is completed. No flashing signs shall be permitted.

11. Customary home occupations.

12. Sub-grade, energy-efficient dwellings.

13. Political signs not exceeding eight (8) square feet in area and not to be displayed more than twenty-one (21) days before any election. Such signs shall be removed within seven (7) days following an election.

14. Day care facilities.

15. No person shall construct in an RS District any residence or primary structure on a concrete slab or not having a basement level without first receiving the express authority of the Board of Trustees to do so. It is the intent of the Board of Trustees to dissuade the construction and use of single-level, multiple use structures, commonly known as a "shouse". Any such structure is found to be potentially damaging to the property values and enjoyment of neighboring properties and similarly zoned parcels of land.

(C) District RM Multiple Family Residential District. The RM Multiple-Family Residential District is designed specifically for duplexes, apartments, or dwellings in groups, commonly referred to as "condominiums" or "townhouses." Permitted uses. No building or land shall be used, and no building shall be hereafter constructed, reconstructed or altered, except for one or more of the following uses:

1. Any uses permitted in the RS District.
2. Apartment houses and condominiums.
3. Rooming and boarding houses, but not hotels or motels.
4. Nursing homes and homes for the aged.
5. Clubs, lodges and meeting places for other organizations.
6. Recreational facilities serving permitted uses within Section C.

(D) District RM-2- Ownership Mobile Home Residential District. The purpose of the Ownership Mobile Home Residential District is to give residents the opportunity to purchase lots and locate mobile homes in subdivision situated and designed specifically for mobile home living. Permitted Uses. No building or land shall



be used, and no building shall be hereafter constructed, reconstructed or altered, except for one or more of the following uses:

1. Any use permitted in RS District.
2. Mobile home dwellings, single-family.

(E) District C-1 Office Commercial District. The C-1 District is designed to provide commercial space for recreational and business purposes of a service nature. Permitted Uses. No building or land shall be used, and no building shall be hereafter constructed, reconstructed or altered, except for one or more of the following uses:

1. Any use permitted in the RS District.
2. Medical and dental offices and clinics.
3. Parking structures and lots.
4. Professional offices and offices of financial, insurance, real estate and philanthropic organizations.
5. Veterinarian, animal hospital; provided all animals are housed in an enclosed building.
6. Banks and savings and loan companies.
7. Barber and beauty shops.
8. Funeral homes and mortuaries.
9. Any other use which is determined by the Board to be of the same general character as above permitted uses but not including any use which is permitted in the C-2 Merchant Commercial District.
10. Signs limited to those listing the name of products, activities, or sendees offered on the premises.
11. No flashing signs shall permitted.

(F) District C-2 Merchant; Commercial District. The C-2 District is designed to provide a space for commercial purposes, such as those associated with sale or rental of goods with a minimum of adverse effect on surrounding property

Permitted Uses. No building or land shall be used, and no building shall be hereafter constructed, reconstructed or altered, except for one or more of the following surrounding Property.

Permitted Uses. No building or land shall be used, and no building shall be hereafter constructed, reconstructed or altered, except for one or more of the following uses:

1. Any use permitted in the C-1 Office Commercial District.
2. Appliance stores.
3. Automotive parts sales establishments.
4. Bakeries whose products are sold at retail on the premises.
5. Clothing or wearing apparel shops.

6. Drug stores.
7. Frozen food locker.
8. Gift, florist, music stores, and pet stores.
9. Grocery store, supermarkets.
10. Laundry and dry-cleaning establishments.
11. Miscellaneous trades and businesses such as plumbing and heating, upholstering, sheet metal shops, sign paint shops.
12. Paint stores.
13. Printing, publishing and related trades.
14. Restaurants.
15. Shoe repair shops.
16. Stores or shops for the conducting of a convenience type retail business.
17. Storage buildings incidental to retail stores and service establishments.
18. Any other use which is determined by the Board to be of the same general character as above permitted uses but not including any use which is permitted in the C-3 General Commercial District
19. Signs limited to those listing the name of products, activities, or services offered on the premises.
20. No flashing signs shall be permitted.

(G) Conditional Uses. The following uses shall be permitted in any district only after the issuance of a conditional use permit.

1. Cemeteries, which may include mausoleums thereon, for humans.
2. Private lakes.
3. Private stables, limited to no more than four (4) animals in livery at all times.
4. Reservoirs, wells, water towers, filter beds, water supply plants or water pumping stations.

(H) Accessory Uses.

1. For any dwelling there shall be permitted one private garage with space for not more than one motor vehicle for each two thousand (2,000) square feet of lot area. Such garage shall be located not less than sixty (60) feet from the front lot line, nor less than three (3) feet from any side lot line, nor less than one foot from any alley line. When the rear lot line is common to a side or rear lot line of another lot, such garage must be located a minimum of three (3) feet from such rear lot line and for corner lots, not less than the distance required for residences from side streets. A garage may be constructed across a common lot line by mutual agreement between property owners. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building, except that on a corner lot, a private garage, when attached to the main building and not exceeding the height of the main building, may extend into the required rear yard to a point not less than eighteen (18) feet from the rear lot line, and

shall not occupy more than thirty (30) percent of the required rear yard. No part of a detached accessory building shall be closer than ten (10) feet to the main building.

2. For any dwelling there shall be permitted a private swimming pool(s). Such use shall be located not less than sixty (60) feet from the front lot line, nor less than three (3) feet from any side lot line, nor less than one (1) foot from any alley line. When the rear lot line is common to a side or rear lot line of another lot, such use must be located a minimum of three (3) feet from such rear lot line and for corner lots, not less than the distance required for residences from side streets. Such use may be constructed across a common lot line by mutual agreement between property owners. Such use constructed as an integral part of the main building shall be subject to the regulations affecting the main building, except that on a corner lot, such use, when attached to the main building and not exceeding the height of the main building, may extend into the required rear yard to a point not less than eighteen (18) feet from the rear lot line, and shall not occupy more than thirty (30) percent of the required rear yard. No part of such use shall be closer than ten (10) feet to the main building.

#### 650.040 - DENSITY, YARD AND HEIGHT RESTRICTIONS.

##### (A) Lot Area.

1. District A-Agricultural District. The lot area for a lot in the Agricultural District shall not be less than (5) acres.

##### 2. District RS Single-Family Residential District.

a. All lots: In addition to any other requirements of any other ordinance regarding lot sizes or building set backs, no dwelling, or other building for human habitation, shall be constructed on any lot located in a RS (Residential Single Family District) if said lot is less than thirteen thousand two hundred (13,200) square feet in size or if such lot has less than one hundred ten feet (110') of frontage along the front lot line.

b. In addition to any other requirements of other ordinances regarding lot sizes or building setbacks, no dwelling, or other building of human occupation, shall be constructed on any lot located in a RS (Residential Single Family) district if said lot is less than one acre in size, unless the dwelling is connected to a public sewer system or a private sewer system regulated by the Missouri Public Service Commission.

3. Districts RM-Multiple Family Residential District and District RM-2 Ownership Mobile Home Residential District. lot area of a lot located in either the Multiple Family Residential District or the Ownership Mobile Home Residential District shall not be less than 5,000 square feet

4. Exception. Where a lot has less area than herein required in the district in which it is located at the time of the passage of this Ordinance, this regulation shall not prohibit the erection of a one-family dwelling.

a. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall not be less than 20,000 square feet per family, except wherein such lot lies in the Agricultural District.

##### (B) Lot Width.

1. District RS- Single Family Residential District. The width of a lot located in the single Family Residential District shall not be less than 110 feet at the building line.

2. District RM- Multiple Family Residential District and District RM-2 Ownership Mobile Home

Residential District. The Width of a lot located within either the Multiple Family Residential District or the Ownership Mobile Home Residential District shall not be less than 80 feet.

3. Exception. Where the width of a lot is less than herein required in the district in which it is located at the time of the passage of this Ordinance, this regulation shall be prohibit the erection of a one-family dwelling.

(C) Yards.

1. The minimum yard requirements for all Residential Districts shall be as follows:

(a) The front yard of any lot shall not be less than twenty-five (25) feet in depth.

(b) The rear yard of any lot shall be thirty percent (30%) of the lot depth, or twenty-five (25) feet, whichever is less.

2. Exceptions to the minimum requirements.

(a) Where the length of a block exceeds five hundred (500) feet and where lots comprising forty percent (40%) or more of the five hundred (500) feet of frontage are developed with buildings, the average of the existing front yards on the same side of the street shall be the established minimum front yard depth for the entire five hundred (500) feet of frontage; when the length of a block is less than five hundred (500) feet, the average of the existing yards shall be the established minimum front yard depth for the entire frontage of the block.

(b) Every part of a required yard or court shall be open from its lowest point to the sky, unobstructed except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, solar energy systems, ornamental features, and eaves. None of the above projections shall extend into a court more than six (6) inches nor into a minimum yard more than twenty-four (24) inches; and provided further, that canopies or open porches have a roof area not exceeding sixty (60) square feet may project a maximum of six (6) feet into the required front yard. Open paved terraces may project not more than ten (10) feet into the front or rear yard, and existing open porches extending into a required yard shall not be enclosed.

(c) Fire escapes, solid floored balconies, and enclosed outside stairways may project not more than four (4) feet into any yard.

(d) A terrace garage may be located in a front or side yard, provided that it is completely recessed into the terrace, and that the height of the terrace is sufficient to cover and conceal the structure from above, and further that the doors, when open, shall not project beyond any property line, and that the structure be set back at least four (4) feet from the front property line.

(e) In any residential district, a detached accessory building shall not:

- a. Exceed twenty-four (24) feet in height;
- b. Be higher than the main building; or
- c. Occupy more than thirty (30) percent of a rear yard.

A detached accessory building may be connected with the main building by a lightly constructed, covered passage, open on each side, not more than six (6) feet wide inside, the roof of which is not more than twelve (12) feet high at its highest point, and is not an extension of the roof of the main building.

(f) Filling station pumps may occupy required yards provided that they are not less than fifteen (15) feet from all lot lines.

(D) Building Height. No building or structure in any district shall be hereinafter constructed, reconstructed or altered which exceeds the maximum height of thirty-five (35) feet.

1. Exceptions.

(a) Television and radio towers, church spires, belfries, monuments, water towers, chimneys, stacks, flagpoles and other similar structures may be erected to such height as may be authorized by the Board of Trustees.

(b) Buildings in all districts may be increased in height provided that each yard is increased by one foot for each foot in height which exceeds the height requirement for the particular district. Dwellings which are increased in height shall not exceed more than ten (10) feet of the height limitations for the district in which it is located.

(E.) Vision clearance. On any corner lot on which a front or side yard is required, no wall, fence, sign or other structure or not plant growth of a type which would interfere with traffic visibility across the corner, shall be permitted or maintained higher than three (3) feet above the curb level, within fifteen (15) feet of the intersection of the street right-of-way lines.

650.045 - NONCONFORMING USES.

(A) The lawful use of land existing at the time of passage of this ordinance, or annexation, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued, any future use of such premises shall be in conformity with the provisions of this chapter.

(B) The lawful use of a building existing at the time of the passage of this article may be continued, although such use does not conform with the provisions hereof and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

(C) A nonconforming use, if changed to a conforming use or more restricted nonconforming use, may' not thereafter be changed back to a less restricted use than that to which it was changed. If any property is hereafter transferred to a more restrictive district by a change in the district boundaries, or the regulations and restrictions in any district are made more restrictive or of a higher classification by amendment to this chapter, the premises of this chapter relating to the nonconforming use of buildings or premises existing at the time of passage of this chapter shall apply to buildings or premises occupied or used at the time of the passage of such an amendment.

(D) Repairs and alterations may be made to a nonconforming building, provided that no structural alterations or extensions shall be made, except those required by law or ordinance, unless the it is changed to a conforming use.

(E) Restoration of Existing Buildings. Nothing in this article shall prevent the restoration of a nonconforming building partly destroyed by fire, explosion, act of God, or act of the public enemy, subsequent to the passage of this chapter, or prevent the continuance of the use of such building or part thereof, or prevent a change of such existing use under the limitations provided herein, provided such building is not destroyed to the extent of more than seventy-five (75) percent of its reasonable valuation, exclusive of foundations. This chapter shall prevent the restoration of such nonconforming building so damaged for more than seventy-five (75) percent of the reasonable valuation, and shall prevent the continuance of the use of such building or part thereof as such use existed at the time of such damage, and shall prevent a change of such existing use under the limitations provided by this chapter.

#### 650.050 ADMINISTRATION.

##### (A) Conditional Use Permit Procedure.

1. Purpose. It is the purpose of this section to provide for conditional use permits which may be granted only for uses expressly listed in the conditional use subsections of the zoning districts established in this chapter.

2. Application. Application for a conditional use permit shall be made to the Board of Trustees and shall be accompanied by the following:

(a) A completed application form.

(b) A fee, the amount to be determined by the Board of Trustees, to cover legal advertising costs.

(c) An accurate legal description of the subject property.

(d) Plans or other evidence, as appropriate, that support the conclusions set forth in subsection (c).

3. The applicant shall submit the completed application to the Village Clerk. The Village Clerk shall then refer the application to the Board of Trustees who shall review the request to determine its compliance with the provisions of this chapter. The Village Clerk shall handle all notification procedure.

4. Board shall hold a public hearing on the application.

5. After giving due consideration to the following standards, the Board may grant a conditional use permit stipulating any conditions deemed necessary to carry out the provisions and intent of this chapter:

(a) The proposed conditional use is in compliance with all regulations of the applicable zoning district.

(b) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site.

(c) Adequate utilities, drainage, and other such facilities are provided.

(d) Adequate access is provided and is designed to prevent traffic hazards and congestion.

6. Duty to Comply with Other Laws. Approval and issuance of such permit shall not be deemed to relieve the permitted of the duty to comply with the provisions of other laws and ordinances.

7. Violation. The violation of any condition imposed by the conditional use permit shall constitute a violation of this chapter.

8. Tenure of Permit. The granting of a conditional use permit is to allow that use on the specific site. If the use is not substantially altered, it shall be allowed on the site regardless of ownership. A conditional use permit may not be transferred to any other site.

9. Amendment. Amendment or addition to any conditional use permit is subject to the same procedures as those which apply to a new application.

(B) Enforcement. It shall be the duty of the director of public works to enforce the provisions of this chapter and to refuse to issue any building permit for any building which would violate any of the provisions hereof, and such director of public works, or any deputy or inspector working under his direction, by and with the consent of the director of public works, is hereby authorized and instructed to arrest, prosecute, or bring any proceedings in a proper court in the name of the city against any person violating any terms of this chapter. In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building or land is used in violation of this chapter, such director of public works is hereby authorized and directed to institute any appropriate action or proceeding to prevent such unlawful erection, maintenance, construction, reconstruction, alteration, repair, conversion, or use; to restrain, correct or abate such violation, to prevent the occupancy of such building or land, or to prevent any illegal act, conduct, business or use in or about such premises.

(C) Violation and Penalties.

1. In case any building is erected, constructed, reconstructed, altered, convened or maintained, or any building or land is used in violation of this chapter, the proper local authorities of the Village, in addition to the other remedies, may institute any

appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building or land, or to prevent any illegal act, conduct, business or use in or about such premises. Such regulations shall be enforced by the Board of Trustees, which is empowered to cause any building, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or in violation of any provision of this chapter enumerated herein.

2. The owner or general agent of a building or premises where a violation of any provision of the regulations of this chapter has been committed or shall exist, or the lessees or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any buildings or premises in which any such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$ 10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues. If the offense be willful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue, by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and 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. Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten (10) days after such service, or shall continue to violate any provision of the regulations made under authority of this chapter in the respect named in such order, shall also be subject to a civil penalty of two hundred dollars (\$250.00).

#### 650.060 INTERPRETATION.

(A) Conflict of Law. In interpreting and applying the provisions of this chapter, these provisions shall be held to be the minimum requirements for the promotion of health, safety or general welfare. Whenever this chapter requires a greater width or size or yards, courts, or other open spaces, requires a lower height of building, requires a greater percentage of lot to be left unoccupied, or imposes higher standards than are required in any other statute or local ordinance or regulations, the regulations of this chapter shall govern. Whenever the provisions of any other statute or local ordinance or regulations, the regulations of this chapter shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, require a lower height of buildings, require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations of this chapter, the provisions of such statute, local ordinance or regulation shall govern.

(B) Savings Clause. All rights or remedies of the Village are expressly saved as to any and all violations of any zoning ordinance or amendments thereto, of such Village and that have accrued at the time of the effective date of this ordinance, and as to such



accrued violation the court shall have all the powers that existed prior to the effective date of this ordinance, and that all existing violations of previous zoning ordinances which would otherwise become nonconforming uses under this chapter shall be considered as violations of this chapter in the same manner that they were violations of prior zoning ordinances of such Village.

#### 650.070 VALIDITY.

In case any portion of this chapter shall be held to be invalid or unconstitutional, the remainder of this chapter shall not thereby be invalid, but shall be in full force and effect, or in case any portion of the zoning district map shall be held to be invalid, the remainder of said map shall not be invalidated thereby.

#### 650.080 AMENDMENTS

1. Applications for amendment, revision, or change of the Wardsville Zoning District Map may be made by any person, or his agent, who owns the land sought to be rezoned. If such application is made by the owner's agent, such agent shall either upon the application the name and current mailing address of the owner. Such application shall be made upon forms prescribed by the Commission and duly filed with the Commission.

2. Applications: for amendment, revision, or change of any of the rules, regulations, or provisions of the text of the zoning ordinances may be made by any interested person on forms prescribed by The Commission and duly filed with the Commission.

3. A filing fee deposit of One Hundred Fifty Dollars (\$150.00) shall accompany said application, which filing fee shall constitute an advance deposit to cover actual publication and recording expenses associated with said application. The actual costs of publishing notice of the proceeding and of recording and transcribing the transcript of such shall be the responsibility of the applicant. In the event that these actual costs exceed the amount of said filing fee deposited, then the applicant shall forthwith pay any such additional amounts to the Village of Wardsville, Missouri. In the event that the filing fee deposit provided for herein exceeds actual publication and recording costs, then the Village of Wardsville shall refund to the applicant the amount of such deposit not necessary to cover all such expenses. This fee shall be refunded in full if the application is 'withdrawn before the first hearing notice is placed for publication.

4. All applications shall be filed with the Commission at any regularly scheduled meeting thereof. Upon receipt of any application, the Commission shall note thereon the date of filing and make a permanent record thereof. All such applications shall be set don't for hearing at the next regularly scheduled meeting of the Commission. Any such hearing may, for good cause, at the request of the applicant or in the discretion of the Commission, be continued. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation within the Village of Wardsville.

5. Upon the final hearing of such application the Commission shall make a written report with a recommendation for final approval or denial of the application by the Board of Trustees.

6. Before acting upon any application for amendment the Board of Trustees shall set a time and place for a hearing thereon, and at least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Village of Wardsville.

7. Recommendations for revision, or amendment of the zoning or building ordinances, including the zoning district map, may also be made by the Commission upon its own motion for final determination by the Board of Trustees; likewise, the Board of Trustees may revise, modify, or amend this Chapter, including the zoning district map upon its own motion provided, however, such proposed changes shall first be submitted to the Commission for recommendations and report. In either case, final action thereon shall be taken only upon notice and hearing, as provided herein.

8. In case a protest against such revision of amendment is presented duly signed and acknowledged by the owners of ten (10) percent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an arm determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such revision or amendment shall not become effective except by the favorable vote of three fourths (3/4) of all of the members of the Board of Trustees.

9. Notwithstanding any other provision of the ordinances, no public hearing shall be required before final passage of any proposed amendment to the zoning and building ordinances unless such proposed amendment is designed to change or create a boundary of a zoning district or to change or create restrictions on erection, construction, reconstruction, alteration or use of buildings, structures or land.

## SUBCHAPTER B: THE PLANNING AND ZONING COMMISSION

### 650.100 Board of Adjustment Created

1. Appointment. Zoning Board of Adjustment, hereinafter called the "Board" is hereby created. The Board shall consist of five (5) qualified voters of Wardsville appointed by the Board of Aldermen, for terms of five (5) years, except that of the first appointed, one (1) shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members of the Board shall serve without on and each member shall serve until his successor is appointed and qualified Members of the Board shall be removable for cause upon mittin charges and after public hearings. The Board of Trustees may also appoint alternates who shall serve and vote whenever any member is unable to attend or vote.

2. Procedure. The Board shall organize and elect a chairman, vice chairman, and secretary from its membership to serve for the duration of his term. The Board shall then adopt rules for its own government in accordance with this Chapter and Sections 89.010-89.140 RSMo. Meetings shall be held at the call of the chairman and at such times as the Board deems advisable. The chairman, or in his absence the vice chairman, may administer oaths and the Board may compel the attendance of witnesses. All meeting of the Board shall be open to the public. The secretary shall keep minutes of the proceedings indicating the vote of each member on each question, or if absent or failing

to vote, so note. The secretary shall keep records of the Board's examinations and other official actions all of which are to be immediately filed in the office of the Board and become public record. All testimony, objections thereto, and ruling thereon, shall be taken down by a reporter employed by the Board for that purpose. The secretary shall conduct all official correspondence and supervise the clerical work of the Board. Four (4) members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official of the city, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to affect any variation in such ordinance.

3. Powers of the Board. The Board shall have the following powers:

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administration official, in the enforcement of the Building and Zoning ordinances of the Village of Wardsville.

b. To hear and decide all matters referred to it or upon which it is required to pass under the Building and Zoning ordinances of the Village of Wardsville.

c. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the ordinances, to vary or modify the application of any of the regulations or provisions of the Ordinances relating to the construction or alteration of buildings or structures or the use of land so that the of the illegality. Such petition must be presented to the court within thirty (30) days after the filing of the decision in the office of the Board, and thereafter proceedings shall be had thereon as provided by Sections 89.010 to 89.140 RSMo.

650.105 Interpretation and conflict with other laws.

In interpreting and applying the provisions of the Zoning and Building, they shall be held in the minimum requirements for the promotion of the health, safety, morals, or general welfare.

650.110 Violation and penalty.

1. In case any structure is erected, constructed, or reconstructed, altered, convened, or maintained or any building, structure, or land is used in violation of the ordinances, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings prevent such unlawful erection, alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

2. The owner or general agent of a building or premises where a violation of any provision of the zoning and building ordinances has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises where such violation has been committed or shall exist, or general agent, architect, builder, contractor, or any other person who permits takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be subject to a fine of not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each and every day that such violation continues after due notice as

provided herein, but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each and every day that such violation shall continue. Any person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten days After such service or shall continue to violate any provision of the regulations made under authority of the ordinances in the respect named in such order, shall also be subject to a civil penalty of Two Hundred my Dollars (\$250.00).

#### SUBCHAPTER C: BUILDING AND LAND USE PERMITS

650.300 Building Permits Required, when it shall be unlawful to construct or alter, or to commence the construction or alteration of a building or structure, without first filing with the Zoning Inspector an application in writing and obtaining a formal building permit. A building permit shall be required for all new construction and for alterations which increase the sine of an existing structure. A building permit is not needed for painting; roofing; the making of normal repairs; the adding of storm windows, guttering or new siding; or interior remodeling.

650.310 Land Use Permits Required, when- A land use permit must be obtained from the Zoning Inspector for any commercial or Industrial use of land on which no building or structure is to be erected.

650.320 Application for a Permit- An application for a permit shall be submitted in such form as the Zoning Inspector may prescribe. Such applications shall describe briefly the proposed work and shall give such additional information as may be required by the Zoning Inspector for any intelligent understanding of the proposed work. Such applications shall be accompanied by payment of such fees as the Board of Trustees may establish. There should also be filed a plot diagram in the form and size suitable for filing permanently with the permanent record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction and of all existing buildings. Where no building or structure is to be erected the applicant shall state on the application for a permit, the nature of the proposed use of the land.

650.330 Exception for Accessory Building A building permit shall not be required under this ordinance for any accessory building not exceeding eighty (80) square feet in size, which accessory building is not affixed to a permanent foundation; provided, however, that only one such accessory building can be constructed on any parcel of ground under common ownership without a building permit.

650.340 Amendments to Applications Nothing in this section shall prohibit the filing of amendments to an application at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed and be deemed a part of the original application.

650.345 It shall be unlawful for any person or entity to connect a driveway, road, lane, parking lot, entryway or other paved or gravel addition to any existing street or roadway within the Village of Wardsville without first receiving the express approval, by majority vote, of the Board of Trustees. Any such connection that is shown on a subdivision plat approved by the Board of Trustees shall not require further approval hereunder. Any such connection which occurs without approval as contemplated herein shall be unlawful, and

the owner of the property connecting to said street shall be subject to a fine of not less than \$100 nor more than \$500 for such unlawful connection. Each 24 hour period that such connection exists without receiving the approval of the Board of Trustees shall serve as a separate violation hereof.

650.350 Action on Application- If after examination of the application for permit, the Zoning Inspector finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and shall issue a permit for the proposed work as soon as practical. If his examination reveals otherwise, he will reject the application, noting his finding in a report to be attached to the application and delivering a copy to the applicant.

650.360 Conditions of the Permit All work performed under a permit issued by the Zoning Inspector shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction is shown on the approved plot diagram or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram, showing the proposed change and conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement It shall be unlawful to change the use of land for which the land-use permit has been issued until a revised land-use permit has been obtained. Construction of the building or structure must be commenced within six (6) months of issuance of the permit and construction must be completed within twelve (12) months of the date of issuance of the building permit.

650.370 Revocation In addition to any other rights and remedies available to the Village of Wardsville at law or equity, the Zoning Inspector may revoke a permit or approval issued under the provisions of this chapter in the event the work performed fails to conform with the permit or any conditions of the permit as described in Section 8 of this ordinance and the Zoning Inspector shall revoke any permit or approval issued under the provisions of this chapter where there has been any false statement or misrepresentation as to a material fact in the application or plans on the permit or approval was based.

650.380 Occupancy Permits, procedure- Upon the completion of any construction or alteration of a building or structure for which a building permit has been issued, the person to whom the building permit was issued or his shall notify the Zoning Inspector that said construction or alteration has been completed. Additionally the person to whom the building permit was issued or his representative shall provide the zoning inspector with written opinions from a duly qualified electrician and a duly qualified plumber that the construction as completed complies fully with all applicable requirements of the Village of Wardsville with respect to electrical and plumbing work, if-any. The city clerk shall maintain a list of duly qualified electricians and plumbers acceptable to the city who have provided the city with documentation of sufficient education, training, and experience and familiarity with the city electrical and plumbing codes sufficient to perform inspections and render the opinions required by this section. All persons with a license, and in good standing, issued by the City of Jefferson, Missouri, shall be added to the list of qualified persons upon written request. The Zoning Inspector shall review said

inspection reports and opinions and if all requirements of this chapter have been complied with fully, the Zoning Inspector shall issue a certificate of occupancy said person.

650.390 Occupancy Permit Required- No person shall occupy a building or structure for which a building permit is required or has been issued without first obtaining a certificate of occupancy for said building or structure.

650.400 On-Site Sewage Disposal Systems- No occupancy permit shall be granted for any house, building, or property used for human employment, recreation, or other purposes, situated within the Village unless such house, building or other structure has suitable toilet facilities therein and that such facilities are connected directly with a proper public sewer in accordance with the ordinances of the Village. If no public sewer is located on any street alley, or right-of way abutting the property in question, then in lieu of connecting with the proper public sanitary sewer the owner may connect with an on-site sewage facility provided however that before any occupancy permit shall be granted the owner of the property shall obtain a permit from the Missouri State Department of Natural Resources or Cole County for operation of such an on-site sewage facility.

650.410 Violations of this Sub-chapter shall be punishable by a fine not to exceed \$500.00. Each date that a violation exists shall be punishable as a separate offense.