

## **Chapter 400**

### **PLANNING AND ZONING COMMISSION**

Editor's Note — The original Zoning Commission was established by ordinance no. 129 passed on April 9, 1985, and consisted of 7 members.

#### **Section 400.010. Composition — Terms — Vacancy — Removal.**

There is hereby established within and for the City a Planning and Zoning Commission which shall consist of not more than fifteen (15) nor less than seven (7) members, including the Mayor, if the Mayor chooses to be a member; a member of the Board of Aldermen selected by the Board, if the Board chooses to have a member serve on the Commission; and not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first (1st) appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

#### **Section 400.020. Compensation.**

All citizen members of the Planning and Zoning Commission shall serve without compensation.

#### **Section 400.030. Officers.**

The Planning and Zoning Commission shall elect a Chairman from among the citizen members. The term of the Chairman shall be for one (1) year with eligibility for re-election.

#### **Section 400.040. Meetings — Rules — Records.**

The Planning and Zoning Commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records.

#### **Section 400.050. Expenditures.**

The expenditures of the Planning and Zoning Commission, exclusive of grants and gifts, shall be within amounts appropriated for the purposes of the Board of Aldermen.

#### **Section 400.060. Duty of Public Officials to Furnish.**

All public officials shall upon request furnish to the Planning and Zoning Commission, within a reasonable time, all available information it requires for its works.

**Section 400.070. General Powers.**

In general, the Planning and Zoning Commission shall have the power necessary to enable it to perform its functions and promote City planning. The Planning and Zoning Commission shall have the power to perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have and perform all of the functions of a Planning Board as outlined in such Chapter.

## **Chapter 405**

### **ZONING REGULATIONS**

#### **ARTICLE I**

##### **Introduction and General Provisions**

**Section 405.010. Short Title.** [Ord. No. 162 §110, 7-16-1990]

This Chapter shall be known, referred to and cited as the Zoning Ordinance of Clever, Missouri.

**Section 405.020. Purpose.** [Ord. No. 162 §120, 7-16-1990]

The zoning regulations set forth herein are enacted to implement the land use portion of the Comprehensive Development Plan for the City of Clever and to promote the health, safety, morals and general welfare of the citizens of the City. These regulations are intended to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of populations; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.

**Section 405.030. Authority.** [Ord. No. 162 §130, 7-16-1990]

The provisions set forth in these regulations have been prepared in accordance with the authority granted by the General Assembly of the State of Missouri as provided by Municipal Planning Act of 1983, Sections 89.300 to 89.491, RSMo.

**Section 405.040. Jurisdiction.** [Ord. No. 162 §140, 7-16-1990]

The jurisdiction of these regulations shall include all land in the corporate limits. These regulations shall also apply to any land added to the corporate area after such land shall have been legally annexed.

**Section 405.050. Definitions; General Interpretations.** [Ord. No. 162 §150, 7-16-1990; Ord. No. 197, 5-26-1995; [Ord. No. 445 §II – III, 6-17-2014]

- A. For the purpose of these regulations and in the construction of all other ordinances of the City the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise:

**ACCESSORY BUILDING** — A detached, subordinate, permanent building located on the same lot with the main building, the use of which is incidental to the main building or to the main use of the premises. This type of building will be subject to the building codes and permitting

process of the City, and the limitations set forth in Table 405.260: Table of Dimensional Requirements.

**ACCESSORY USE** — Any use which is incidental to and subordinate to the main use of the premises.

**ADULT DAY CARE** — The care, other than residential care, of an adult away from his own home on either a commercial or non-commercial basis for custodial purposes for only part of a twenty-four-hour day.

**AGRICULTURE, GENERAL** — The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program but excluding feed lots, stockyards, and animal slaughterhouses.

**ALLEY** — All property dedicated or intended for public or private street purposes or subject to public easements therefor, and not more than twenty (20) feet in width from property line to property line.

**ALTERATION (HISTORIC STRUCTURE)** — Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any feature of the structure.

**ALTERATION, STRUCTURAL** — Any change in a load-bearing member of a structure.

**ALTER OR ALTERATION** — Any change or modification in construction or occupancy.

**ANIMAL, FARM** — Any livestock or other domesticated animal raised for commercial or agricultural purpose.

**ANIMAL, HOUSEHOLD (PETS)** — Any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, pheasant, cows, livestock, chinchillas, horses, goats, sheep, monkeys, and other similar animals and fowl.

**ANIMAL, NON-DOMESTIC** — Any feline (other than a domestic house cat), non-human primate, bear, wolf, coyote, fox, venomous reptile, or any other animals or crossbreed of such animals which have similar characteristics of the animals specified herein or are dangerous or unsafe for contact with humans.

**AUTOMOBILE OR TRAILER SALES AREA** — The use of any building, land area or other premises, or portion thereof, for the display and sale of new or used automobiles, panel trucks, vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

**AUTOMOBILE REPAIR, MAJOR** — General repair, rebuilding of engines, transmissions and drive components, body work and painting.

**AUTOMOBILE REPAIR, MINOR** — Incidental replacement of parts and motor service to passenger cars and trucks.

**AUTOMOBILE SERVICE STATION, FILLING STATION OR SERVICE CENTER** — Any facility or area used for the retail sale of gasoline or oil fuels or automobile accessories and for incidental services, including lubrication, replacement of parts, engine tuning, and washing and cleaning, but not including body work, painting or major repair.

**AUTOMOBILE WRECKING YARD** — The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

**BASEMENT** — A story partly or wholly underground but having more than one-half (1/2) of its height below the average level of the adjoining ground.

**BERM** — An earthen mound designed to provide visual interest, screen undesirable views, undesirable lights, and/or decrease noise.

**BICYCLE RACK** — A bicycle parking facility that is fastened to a mounting surface, can accommodate up to two (2) bicycles, can support each bicycle by its frame in two (2) places and allows the use of a cable lock or U-shaped lock to protect bicycles from theft.

**BICYCLE SPACE** — An area that includes a rack and is free of obstructions to allow for the convenient and accessible parking of a bicycle.

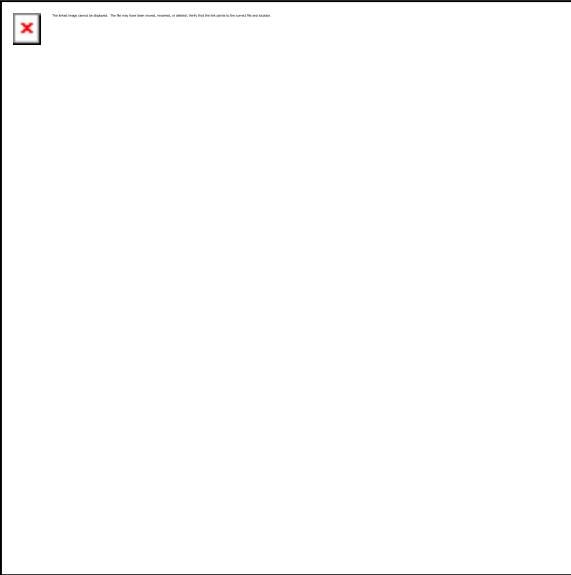
**BLOCK** — A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

**BOARDING HOUSE** — A building other than a hotel where, for compensation and by arrangement, meals or lodging are provided for three (3) or more persons.

**BOARD OF ADJUSTMENT** — Replaces the term "Board of Appeals."

**BUFFER** — Land area (particularly along rear and side property lines) typically containing trees, shrubs, and other plants, berms, fences or walls at least six (6) feet in height, and used to visibly separate one use from another or provide visual interest, screen undesirable views, undesirable lights, and/or decrease noise.

*Figure 4*



**BUILDING** — A structure having a roof supported by columns or walls, intended, designed, used or suitable for use for the support, enclosure, shelter or protection of animals or property, and when separated by fire walls each portion of such structure shall be deemed a separate building.

**BUILDING CODES** — The building code of the City of Clever, Missouri, together with the electrical code, plumbing code, fire code, technical specifications and stormwater improvement plans, and any related code(s) adopted by the Clever Board of Aldermen, and any regulations adopted in conformance therewith.

**BUILDING HEIGHT** — The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

**BUILDING LINE** — A line established beyond which no part of the building may project, except as otherwise provided by this Chapter.

**BUILDING, PRINCIPAL** — A building in which is conducted the principal use of the lot or parcel upon which it is situated. Every dwelling in the residential district is a principal building.

**BUILDING SITE** — The land area, consisting of one (1) or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory buildings or by a principal use or uses accessory thereto, together with such parking and loading spaces, yards and open spaces as are required by these regulations.

**BULK STORAGE** — The storage of chemicals, petroleum products, and other materials in aboveground containers for subsequent resale (wholesale) to distributors or retail dealers or outlets.

**CARNIVAL or CIRCUS** — An amusement enterprise consisting of rides, acts, shows, games, amusement devices, or other similar devices or any combination of such devices.

**CARPORT** — A structure open on at least two (2) sides used for the purpose of providing vehicular protection. Carports shall not be located within the side or front yard setbacks.

**CELLAR** — A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

**CEMETERY** — Land used for the burial of the dead and dedicated for such purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

**CHILD-CARE CENTER** — See "day-care center."

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

**CLINIC, MEDICAL OR DENTAL** — An establishment where human patients are admitted for examination and/or treatment by one (1) or more physicians, dentists, psychologists or social workers and where overnight lodging is limited to one (1) night for minor surgery.

**CLINIC, VETERINARY** — An establishment where animals are admitted for examination and treatment by one (1) or more veterinarians and where animals are not lodged overnight.

**COMBINATION USE** — A use consisting of a combination on one (1) lot or two (2) or more principal uses separately listed in Appendix A: Table of Permissible Uses.<sup>1</sup> (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two (2) or more separately owned or separately operated enterprises occupy the same lot and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

**COMMERCIAL** — Relating to sale of goods or services.

**COMMERCIAL GARDEN** — The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription, shares and for on-site distribution or sale to the general public. Commercial gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members.

**COMMUNICATION SERVICES** — Establishments primarily engaged in broadcasting and other information relay services accomplished through the use of electronic and telephone stations, telecommunication service centers and telegraphic service offices.

**COMMUNITY GARDEN** — The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription, shares, but not for on-site distribution or sale to the general public. Community gardens may be divided into separate plants for cultivation by one (1) or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members.

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1. Editor's Note: Appendix A is included as an attachment to this Chapter.

**COMPREHENSIVE PLAN** — The master plan, and its associated elements, of the City of Clever, adopted by the Planning and Zoning Commission and the Board of Aldermen, containing analysis, recommendations, and policies for the community's population, economy, housing, transportation, community facilities, and land use.

**CONDITIONAL USE PERMIT** — A permit issued by the Board of Aldermen that authorizes the recipient to make use of property in accordance with the requirements of this Chapter as well as any additional requirements imposed by the Board of Aldermen.

**CONVENIENCE STORE** — A one-story retail store that is designed and stocked to sell primarily fuel, food, beverages and other household supplies to consumers who purchase only a relatively few items. It is designed to attract and depends upon a large volume of stop-and-go traffic.

**DAY-CARE CENTER** — Any child-care arrangement that provides day care on a regular basis for more than four (4) hours per day for more than four (4) children of preschool age. This definition shall not include public and private schools organized, operated or approved under the laws of Missouri, custody of children fixed by a court, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious caring for children within their institutional building while their parents or legal guardians are attending services or meetings, classes or other activities.

**DRIVE, CIRCULAR** — A driveway having two (2) access points to a street.

**DRIVE-IN SERVICE** — A type of retail sales which encourages, recognizes or permits patrons or customers to call ahead for service, then by the flashing of lights and by the parking of motor vehicles at a particular place, intended to result in a cash sale and delivery outside of the places of business to such patrons or customers of food or beverage ready and intended for immediate human consumption without cooking or further preparation.

**DRIVE, SHARED** — A driveway which provides access to a street for more than one (1) parcel of land.

**DWELLING** — Any building or portion thereof which is designed or used primarily for residential purposes.

**DWELLING UNIT** — An enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one (1) family.

**ESTABLISHMENT** — An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

**FAMILY** — The following living arrangements shall constitute a family for the purposes of this Chapter:

1. One (1) or more persons related by blood, marriage, adoption, or custodial relationship living as a single housekeeping unit; or
2. Three (3) or less unrelated persons living as a single housekeeping unit; or
3. Two (2) unrelated persons, plus their biological, adopted or foster children, or other minors for whom they have legally established custodial responsibility, living as a



single housekeeping unit.

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

**FARMERS' MARKET** — A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits, fresh flowers, meat, eggs, and items customarily sold or dispensed at farmers markets from booths or vehicles located on site. A farmers' market may be conducted year-round in the same fixed location, or may be operated on an occasional or periodic basis as a seasonal, temporary use.

**FLEA MARKET** — An indoor establishment, not including shopping centers, individual retail operations or sales conducted by a non-profit or charitable organization, that is open to the general public and composed of five (5) or more stalls, rooms, stands or spaces used for the purpose of display and sale, exchange or barter of merchandise and where a fee may be charged to prospective buyers for admission and a fee may be charged for the privilege of offering or displaying such merchandise.

**FUNERAL HOMES** — Facilities for the preparation of the deceased for burial, for the viewing of the deceased and for funerals but shall not include cemeteries or facilities for cremation.

**GOVERNING BODY (LEGISLATIVE BODY)** — The Board of Aldermen of the City of Clever, Missouri.

**GRADE** — Any wall approximately parallel to and not more than five (5) feet from a street line shall be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Engineer.

1. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.
2. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets.
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

**GREENHOUSE** — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**GROUP DWELLING** — A building or place where by prearrangement and for compensation, lodging and meals for a definite period are provided for three (3) or more persons; and such accommodations are not furnished to transient or overnight customers. Typical uses include rooming houses, boarding houses, dormitories, fraternity, and sorority houses.

**GROUP HOME** — Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and 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 CORRECTIVE** — The occupancy of living units, operated by a sponsoring agency, by occupants not constituting a family or otherwise related, who were placed in the facility by a civil authority following criminal conviction or a period of commitment to a corrective institution. Typical uses include a halfway house for ex-offenders.

**GROUP RESIDENTIAL, CUSTODIAL** — The occupancy of living units, operated by a sponsoring agency, by occupants not constituting a family or otherwise related, who are unable to fully care for themselves due to age or to a physical or developmental disability. Typical uses include homes for the developmentally disabled, nursing homes, convalescent homes, senior citizen homes, and orphanages.

**GROUP RESIDENTIAL, REHABILITATIVE** — The occupancy of living units, operated by a sponsoring agency, by occupants not constituting a family or otherwise related, who were placed in the facility voluntarily or by civic authority for a period of rehabilitation and adjustment either due to or following a period of mental illness or abuse of alcohol or drugs. Typical uses include group homes for the mentally ill, drug or alcohol abuser but excluding institutions for long-term psychiatric care.

#### **HAZARDOUS SUBSTANCE**

1. Any material or waste which poses a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed;
2. Any material which is hazardous within the meaning of any Federal, State, or local law, regulation or ordinance, including but not limited to:
  - a. The Federal Resource Conservation and Recovery Act, as amended, 42 USC 6901 et seq.; or
  - b. Substances regulated under the Federal Toxic Substances Control Act, as amended, 15 USC 2601 et seq.; or
  - c. Substances described or regulated as hazardous or toxic under the ordinances or regulations of the City of Cleveland.

**HIGH-VOLUME TRAFFIC GENERATION** — All uses in the 2.000 classification not otherwise classified as low-volume traffic generation uses.

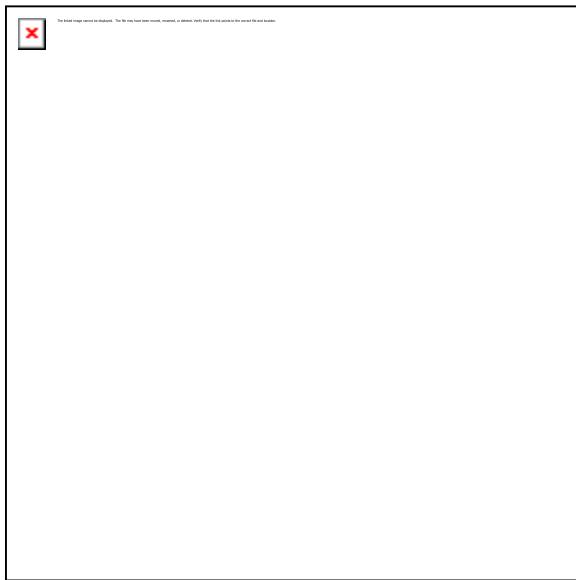
**HOME OCCUPATION** — A commercial activity that:

1. Is conducted by a person on the same lot (in a residential district where such person resides); and
2. Is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use.

**HOSPITAL ANIMAL** — An establishment where animals are admitted for examination and treatment by one (1) or more veterinarians and where there are facilities to lodge animals that are being treated.

**HOTELS and MOTELS** — Establishments providing lodging available to the public on a daily basis. Typical uses include hotels and motels and activities normally accessory thereto, such as incidental retail sales, offices, restaurants, bars, nightclubs, recreation facilities, intended for the convenience of guests, but shall not include accommodations for travel vehicles, recreational vehicles, tents, etc.

**IMPERVIOUS, PERVIOUS SURFACE** — Impervious surface is any part of a lot that is covered by buildings, structures, parking areas, driveways, and any other surfaces which reduce or prevent absorption of stormwater; likewise, a pervious surface is any surface that allows for the absorption of stormwater.



*Figure 5.*

**IRRIGATION SYSTEM** — A permanent, artificial watering system designed to transport and distribute water to vegetation.

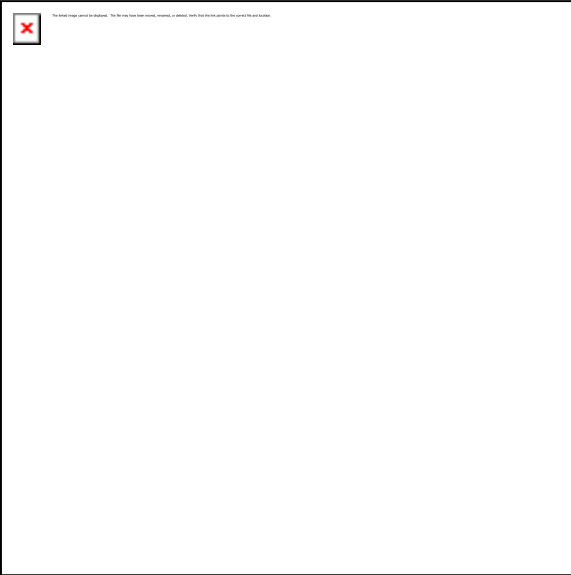
**JUNKYARD** — A lot, land or structure or part thereof used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

**KENNEL** — Any place where four (4) or more dogs are boarded, bred and offered for sale.

**LIVERY or BOARDING STABLES, RIDING ACADEMIES** — Any place where four (4) or more horses are boarded, bred, offered for sale, or made available on a fee basis.

**LOT** — A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

*Figure 6.*



**LOT AREA** — The total horizontal area within the lot lines of a lot.

**LOT, CORNER OR EXTERNAL** — A lot abutting upon two (2) or more streets at their intersection and shall be deemed to front on that street on which the lot has its least dimension.

**LOT, DEPTH OF** — A horizontal distance between the front and rear lot lines, measured in the general direction of the side lines of the lot.

**LOT, DOUBLE FRONTAGE** — An internal lot having a frontage on two (2) streets.

**LOT, INTERNAL** — A lot which does not constitute a corner or external lot.

**LOT LINE, FRONT** — A boundary line of a lot which coincides with a street boundary line. The word "street," as used in this definition, shall not include an alley.

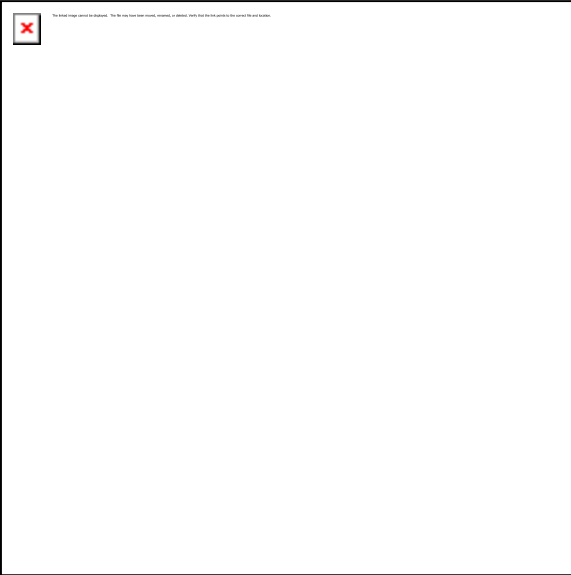
**LOT LINE, REAR (INTERNAL)** — A boundary line of a lot which does not coincide with a street boundary line but may coincide with an alley line.

**LOT LINE, SIDE (INTERNAL)** — A boundary line of a lot which does not coincide with a street boundary line. The word "street," as used in this definition, does not include an alley.

**LOT, REVERSED CORNER** — A corner lot, the rear lot line of which either abuts upon or is directly across an alley from the side lot line of another lot or parcel.

**LOT WIDTH** — The horizontal distance between the side lot lines measured at right angles to the lot depth. Where side lot lines are not parallel, the minimum width of a lot shall be measured at the front yard setback line, but in no case shall the front lot line be less than thirty-five (35) feet in width.

*Figure 7.*



**LOW-VOLUME TRAFFIC GENERATION** — Uses such as furniture stores, carpet stores, major appliance stores, etc., that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

**MANUFACTURED HOMES** — Factory-built structures; transportable in one (1) or more sections which are twenty-four (24) feet or more in width and forty-two (42) feet or more in length when assembled; designed to be occupied as a permanent single-family residential dwelling; not constructed or equipped with a permanent hitch or other device intended for the purpose of moving the structure from one place to another, other than for moving to a permanent site from the factory or distributor; has no permanently attached wheels or axles; installed on a permanent foundation; equipped with the necessary service connections; designed, manufactured, and certified to conform to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401).

**MANUFACTURED HOUSING DEVELOPMENT** — A site with required improvements and utilities for the long-term placement of manufactured homes for dwelling purposes. Services and facilities for residents of the development may also be included on the site.

**MANUFACTURED HOUSING SUBDIVISION** — A development containing lots intended primarily for the individual placement of manufactured homes for dwelling purposes.

**MOBILE HOME, CLASS A** — A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

1. The home has a length not exceeding four (4) times its width;
2. The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

3. The exterior siding consists of wood, hardboard or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
4. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
5. The tongue, axles, transporting lights and removable towing apparatus are removed after placement on the lot and before occupancy.

**MOBILE HOME, CLASS B** — A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A mobile home.

**MOBILE HOME, CLASS C** — Any mobile home that does not meet the definitional criteria of a Class A or Class B mobile home.

**MOBILE HOME, GENERAL** — A single-family dwelling unit that has the following characteristics:

1. Designed for long-term occupancy containing sleeping accommodations, flush toilet, tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
2. Designed to be transported after fabrication on its own wheels or detachable wheels.
3. Arrives at site where it is to be occupied as a dwelling unit complete with major appliances and furniture ready for occupancy, except for minor and incidental unpacking and assembly operations, location on foundation supports, connections to utilities and the like.

**MOBILE HOME PARK** — A mobile home park district is any parcel of land consisting of two (2) or more acres upon which two (2) or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. A mobile home space means the area within a mobile home district designed for the accommodation of one (1) mobile home.

**MODULAR HOME** — A dwelling unit constructed in accordance with the standards set forth in the State or local building code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) sections transported to the building site in a manner similar to a mobile home (except that the modular home meets the State or local building code applicable to site-built homes) or a series of panels or room sections transported on a truck and erected or joined together on the site.

**MUSEUMS** — Facilities for the display and viewing of artifacts, artwork, and memorabilia. Other activities which may be allowed if they are clearly incidental to the primary use may include lecture rooms, laboratories, libraries, sales of items related to the primary use and other activities normally considered as incidental.

**NON-CONFORMING LOT** — A lot existing at the effective date of this Chapter (and not created for the purposes of evading the restrictions in this Chapter) that does not meet the minimum area requirement of the district in which the lot is located.

**NON-CONFORMING PROJECT** — Any structure, development, or undertaking that is incomplete at the effective date of this Chapter and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

**NON-CONFORMING SITUATION** — A situation that occurs when, on the effective date of this Chapter, any existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Chapter, or because land or buildings are used for purposes made unlawful by this Chapter. Non-conforming signs shall not be regarded as non-conforming situations for purposes of Article V but shall be governed by the provisions of Section 405.390 and Appendix A (27.000).<sup>2</sup>

**NON-CONFORMING STRUCTURE** — A legally existing structure which fails to comply with the regulations set forth in this Chapter applicable to the zone in which this structure is located.

**NON-CONFORMING USE** — A non-conforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a non-conforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a non-conforming use.)

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

**NURSING HOME** — A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept and provided with food or shelter and care for compensation but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

**OFFICE, ADMINISTRATIVE** — An establishment primarily engaged in management and general administrative functions such as executive, personnel, finance and sales activities performed centrally for other establishments of the same company.

**OFFICE, BUSINESS** — An office for conducting the affairs of business or an establishment engaged in rendering services to business establishments such as advertising; data processing; employment service; management and consulting services and protective services.

**OFFICE, MEDICAL** — An office for a physician, physical therapist, chiropractor, surgeon or any other medical professional of the same general character. Medical offices do not include significant diagnostics, testing or outpatient surgery facilities normally associated with medical

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2. Editor's Note: Appendix A is included as an attachment to this Chapter.

clinics or hospitals.

**OFFICE, PROFESSIONAL** — An office of a member or members of a recognized profession such as an accountant, architect, attorney, engineer, insurance agent, real estate agent, personal or family counselor, public stenographer or any other profession which is of the same general character.

**OFFICE/RETAIL/WAREHOUSE COMBINATION** — A facility that provides combined office, retail, and warehouse facilities for one (1) or more small establishments.

**OFFICE, SALES** — An office accessory to a manufacturing, production, processing, cleaning, servicing, testing, repair or storage activity where sales are primarily generated by telephone or off site by salespersons with only incidental retail sales on site.

**OPEN OCCUPIED SPACE** — That area of private property upon which this Chapter prohibits the location of any building or structure.

**PARCEL** — A lot, The term "parcel" is used interchangeably with the term "lot" or "tract."

**PARKING AREA** — An open, unoccupied space used or required for use for parking of vehicles exclusively, and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged. (Table 405.480 Parking Requirements)

**PARKING LOT** — An open surfaced area used exclusively for the temporary storage of motor vehicles, but no vehicles may be equipped, repaired, rented, or sold. (Table 405.480 Parking Requirements)

**PARKING SPACE** — A surfaced area of not less than two hundred (200) square feet on private or public property, either within or outside a building, suitable in size and location to store one (1) standard automobile. (Table 405.480 Parking Requirements)

**PAWN SHOP** — Any establishment that loans money on deposit of personal property, or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. This classification does not include secondhand motor vehicles, parts, or accessories.

**PERSON** — Any natural individual, firm, trust, partnership, association, or corporation.

**PLANNING AND ZONING COMMISSION** — The official planning and zoning body of the City of Clever, Missouri.

**PLAT** — A map, plan, or layout of a City, Township, section or subdivision indicating the location and boundaries of individual properties.

**PORTABLE BUILDING** — A subordinate building equal to or less than two hundred (200) square feet, the use of which is incidental to that of the main building, dwelling, or premises, which is not erected on a permanent foundation. Portable buildings shall be constructed, erected, and located in a manner that provides a convenient means of relocation.

**PREMISES** — A parcel together with all buildings and structures thereon. See "building site."

**PUBLIC SEWAGE SYSTEM** — A system serving two (2) or more dwelling units and approved



by the Missouri Department of Natural Resources (DNR) and Environmental Protection Agency (EPA).

**PUBLIC WATER SUPPLY SYSTEM** — A system serving two (2) or more dwelling units and approved by the Missouri Department of Natural Resources.

**RECONSTRUCTION** — The act or process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time.

**RESIDENCE, DUPLEX** — A two-family residential use in which the dwelling units share a common wall (including, without limitation, the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance. (See Appendix A, Table of Permissible Uses, Chapter 405: Zoning Regulations.<sup>3</sup>)

**RESIDENCE, MULTIFAMILY** — A residential use consisting of a building containing three (3) or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch). (See Appendix A: Table of Permissible Uses, Chapter 405: Zoning Regulations.)

**RESIDENCE, MULTIFAMILY APARTMENTS** — A multifamily residential use other than a multifamily conversion or multifamily town house. (See Appendix A, Table of Permissible Uses, Chapter 405: Zoning Regulations.)

**RESIDENCE, MULTIFAMILY CONVERSION** — A multifamily residence containing not more than four (4) dwelling units and results from the conversion of a single building containing at least two thousand (2,000) square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence. (See Appendix A, Table of Permissible Uses, Chapter 405: Zoning Regulations.)

**RESIDENCE, MULTIFAMILY TOWNHOUSES** — A multifamily residential use in which each dwelling unit shares a common wall (including, without limitation, the wall of an attached garage or porch) with at least one (1) other dwelling unit and in which each dwelling unit has a living space on the ground floor and a separate ground floor entrance. (See Appendix A, Table of Permissible Uses, Chapter 405: Zoning Regulations.)

**RESIDENCE, SINGLE-FAMILY DETACHED, MORE THAN ONE (1) DWELLING PER LOT** — A residential use consisting of two (2) or more single-family detached dwelling units on a single lot. (See Appendix A, Table of Permissible Uses, Chapter 405: Zoning Regulations.)

**RESIDENCE, SINGLE-FAMILY DETACHED, ONE (1) DWELLING UNIT PER LOT** — A residential use consisting of a single detached building containing one (1) dwelling unit and located on a lot containing no other dwelling units. (See Appendix A, Table of Permissible Uses, Chapter 405: Zoning Regulations.)

**RESIDENCE, TWO-FAMILY** — A residential use consisting of a building containing two (2) dwelling units. If two (2) dwelling units share a common wall, even the wall of an attached

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3. Editor's Note: Appendix A is included as an attachment to this Chapter.

garage or porch, the dwelling units shall be considered to be located in one (1) building. (See Appendix A, Table of Permissible Uses, Chapter 405: Zoning Regulations.)

**RESIDENCE, TWO-FAMILY APARTMENT** — A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment. (See Appendix A, Table of Permissible Uses, Chapter 405: Zoning Regulations.)

**RESIDENTIAL CONDOMINIUMS** — A residential building or group of residential buildings in which dwelling units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. (See Appendix A, Table of Permissible Uses, Chapter 405: Zoning Regulations.)

**RESTAURANT** — An establishment where food and drink is prepared and served for consumption on or off the property. If alcoholic beverages are served, more than fifty percent (50%) of gross income must be derived from the sale of prepared meals or food and non-alcoholic beverages, for consumption on the property, for the establishment to be classified a restaurant.

**RESTORATION** — The act or process of accurately recovering the form and details of a structure or property as it appeared at a particular period of time by removing later work and/or replacing missing original work.

**RETAIL ESTABLISHMENT** — An establishment that provides goods and/or services directly to the consumer, or where an order may be placed by the consumer for such goods and/or services and where such goods and/or services are available for immediate purchase and removal from the premises by the purchaser.

**RETAIL TRADE** — Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**ROOMING HOUSE** — See "boarding house."

**SANITARY LANDFILL** — A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste materials of any kind.

**SCHOOL, BUSINESS** — An establishment which provides instruction and training in office, clerical, managerial, sales, information technology, administrative skills or trades such as beauty school, barber college, beautician school or similar skills or trades.

**SCHOOL, INDUSTRIAL** — An establishment which provides instruction and training in a skilled trade such as mechanics, carpentry, plumbing, service, construction, industrial or other skill related to assembling, processing, manufacturing, repair or similar skills or trades.

**SELF-SERVICE STORAGE FACILITIES** — Facilities (including their rental office and caretaker's apartment) providing for the rental of enclosed storage units to the general public. Open outside storage for boats, recreation vehicles, automobiles and other similar personal vehicles shall be incidental to the provision of enclosed storage space and which outside space shall be substituted for an equal square footage of permitted enclosed space. No business

activities other than the rental of storage units shall be conducted within the area used for the storage facility. Garage sales, the maintenance and repair of vehicles and equipment, the manufacture or assembly of any goods or materials and similar activities are prohibited within the area used for the storage facility. Typical uses include mini-storage facilities. Proper disposal of stored items from defaulted units is considered incidental to normal business practice for such facilities.

**SETBACK LINE, BUILDING** — The required minimum horizontal distance between the lot line and the nearest front, side, or rear line of the building, as the case may be. (Appendix A, Table of Permissible Uses.<sup>4</sup>)

**SHELTER** — A building or other structure where lodging, or lodging and meals, are provided to a person or persons, unrelated by family to the provider, at no cost or at a charge that is less than the full cost of providing same, whether or not additional services are provided at that location. Such additional services may include, but are not limited to, counseling and drug or alcohol rehabilitation, except that shelter shall not include any of the following:

- (1) Residential or custodial group homes as defined in this Section of the Zoning Ordinance;
- (2) Temporary lodging for non-Christian County resident families of patients, or patients themselves, of State-licensed health facilities within Christian County;
- (3) University or educational institution residence halls;
- (4) Fraternity or sorority houses;
- (5) State and City licensed nursing homes and day-care centers;
- (6) Foster homes licensed under Chapter 210, RSMo.;
- (7) Hospitals, mental institutions, residential care facility or institution that is licensed by the State of Missouri under Chapters 197, 198, and 630, RSMo.;
- (8) Emergency shelters as certified and identified by the American Red Cross, Regional Mass Care Provider, that may provide lodging, meals and services related to relocation and are available during or after a fire or natural disaster for a limited duration. Any spacing requirements and maximum occupancies in this Article shall not apply to emergency shelters;
- (9) Facilities for victims of domestic violence.

**SIGN** — Any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to designate an individual, firm, profession, business or a commodity and which are visible from any public street or air.

**SIGN, ATTACHED** — Any sign substantially and permanently attached to, applied on, structurally connected to, painted on, engraved on, etched on, or supported by, any part of a building.

**SIGN, DETACHED** — Any sign other than an attached sign, and including any inoperable

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4. Editor's Note: Appendix A is included as an attachment to this Chapter.

vehicle or any trailer located for the primary purpose of advertising.

**SIGN, DIRECTIONAL** — Any sign which serves solely to designate the location of or direction to any premises or area.

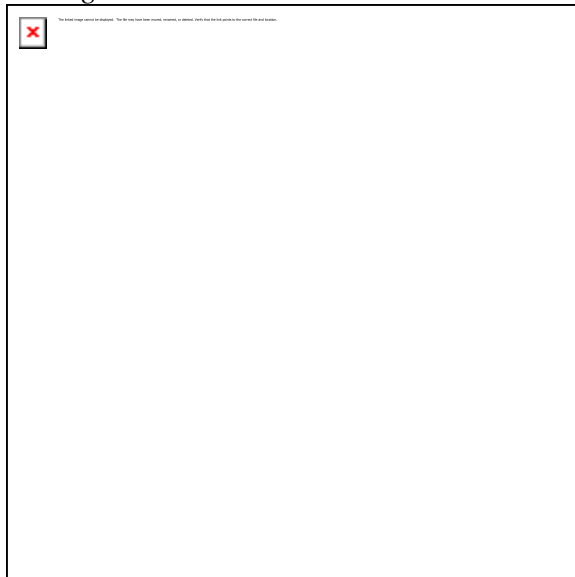
**SIGN, IDEOLOGICAL AND NON-COMMERCIAL** — A sign which does not name or advertise a product, service, or business but only expresses a viewpoint, non-commercial message, opinion, or idea. This includes commemorative plaques, historic markers, holiday decorations, political signs, political or fraternal flags or emblems, or protective signs which are commonly associated with safeguarding their permitted uses of a premises, including but not limited to "vicious dog," "no trespassing," "neighborhood watch," and "authorized parking only."

**SIGN, OFF-PREMISES** — Any structure, object or device erected, maintained or used for advertising purposes not related to a principal use of the premises upon which it is located.

**SIGN, VEHICLE** — Any sign on a vehicle which is traveling or lawfully parked where the primary purpose of such parking is not the display of any sign.

**SIGN, WALL** — A sign in a parallel plane to and attached, installed, painted, engraved or etched upon a structure's wall, awning, canopy, marquee, parapet, sun shield, window, door or similar item.

*Figure 8.*



**SPECIAL-EXCEPTION PERMIT** — A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this Chapter as well as any additional requirements imposed by the Board of Adjustment.

**STORAGE CONTAINER** — A container, including what is sometimes referred to as storage "pods" or "portable on demand storage units"; any box van that has been disconnected from a chassis; and similar intermodal type shipping/cargo containers that are:

1. Designed and commonly used for storing, shipping or transporting products and materials; and

2. Are typically transported by a separate motorized vehicle or upon a trailer.

**STORAGE, SELF-SERVICE** — A building or group of buildings commonly referred to as "mini-storage," consisting of individual, small, self-contained units that are available on a rental basis for the storage of business and household goods or contractors' supplies. Facilities do not contain a rental office and/or caretaker's apartment.

**STORAGE TRAILER** — Includes any dry freight van, semi-trailer, tractor trailer, refrigerated van, or similar type trailer, whether connected to a chassis or trailer or not, used for storage and/or warehousing purposes or any purpose or intent other than that for which the container or trailer was originally designed, that being for the shipping and transporting of products and materials.

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

**STORY, HALF** — A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartments or living quarters shall be counted as a full story.

**STREET** — That area of land platted and dedicated for public use, or lawfully used, as a public thoroughfare for vehicular travel; excluding from this definition accessways commonly designated as alleys.

**STREET FUNCTIONAL CLASSIFICATION** — Streets and roads are classified by their primary function in the City's transportation network. Design standards are related to functional classification. These functional classifications include:

**ALLEY** – All property dedicated or intended for public or private street purposes or subject to public easements therefor, and not more than twenty (20) feet in width from property line to property line.

**COLLECTORS** – A street that collects and distributes traffic to and from local streets and arterial streets and is intended to provide for low to moderate volume and low-speed, shorter length trips. The function of traffic movement and property access are balanced.

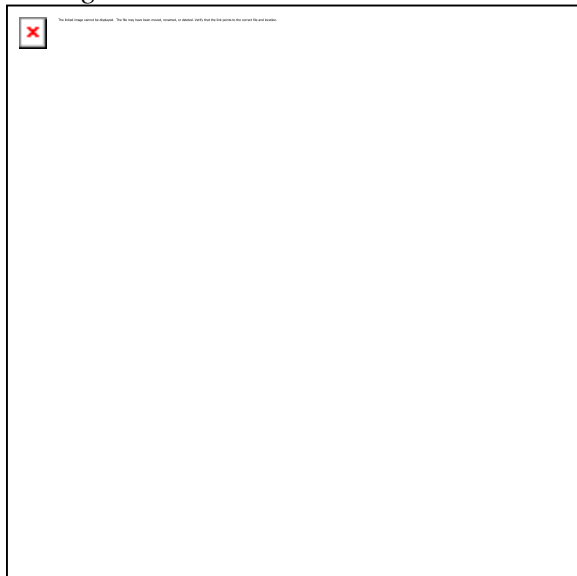
**LIMITED-ACCESS HIGHWAY** – Connects the City to other areas and primary function is to move traffic through the City. Carries large volumes of traffic at high speeds. Access is typically limited to major interchanges and intersections.

**LOCALS** – A street intended to provide access to abutting property and designed for low-volume, low-speed traffic.

**PRIMARY ARTERIALS** – A street intended to provide for high-volume, moderate-speed traffic movement through the community and between major activity centers. Access to abutting property is subordinate to the flow of traffic, and entrances and exits to the arterial are subject to control.

**SECONDARY ARTERIALS** – A street intended to provide for moderate-volume, moderate-speed traffic movement between major activity centers and between neighborhood areas within the City. Access to abutting property is subordinate to the flow of traffic, and entrances and exits to the arterial are subject to control.

*Figure 9.*



**STREET LINE** — A dividing line between a lot, tract or parcel of land and a contiguous street.

**STRUCTURAL ALTERATIONS** — Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders; any substantial change in the roof or in the exterior walls, excepting from this definition such alterations as may be required for the safety of the building.

**STRUCTURE** — Anything fabricated, assembled, constructed or erected by the skill of man, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but not limited to, buildings, advertising signs, billboards, poster panels, steak ovens, trash burners, radio towers, poles and fences.

**SWAP MEET** — Any indoor or outdoor activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and where a fee may be charged to prospective buyers for admission and a fee may be charged for the privilege of offering or displaying such merchandise.

**THEATER, MOVING PICTURE** — A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

**THEATER, OUTDOOR OR DRIVE-IN** — An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis to patrons seated in automobiles or on outdoor seats.

**TOWER** — Any structure that is designed and constructed for the purpose of supporting one (1) or more antennas; including lattice towers, guy towers, or monopole towers. This definition also includes any structure in which supporting the antenna array is not the primary purpose of the structure, such as a water tower or utility pole. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers,

alternative tower structures and the like. This term is not intended to describe buildings or other structures that have been constructed primarily for the purpose other than supporting one (1) or more antennas, despite the fact that such structure may currently, or in the future, actually support one (1) or more antennas, not to exceed ten (10) feet above the apex of the roof in residentially zoned districts such as: satellite dishes, television antennas, and radio antennas.

TRACT — A lot. The term "tract" is used interchangeably with the term "lot" or "parcel."

USE — The activity or function that actually takes place or is intended to take place on a lot.

USE, ACCESSORY — See "accessory use".

USE, PRINCIPAL — A use listed in Appendix A, Table of Permissible Uses.<sup>5</sup>

UTILITY FACILITIES, COMMUNITY OR REGIONAL — All utility facilities other than neighborhood facilities.

UTILITY FACILITIES, NEIGHBORHOOD — Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in questions, be located in or near the neighborhood where such facilities are proposed to be located.

VEHICLE REPAIR ACTIVITY — The maintenance, repair, painting, disassembling, or reassembling of a vehicle, engine, or components thereof in any manner.

VEHICLE TOWING AND STORAGE SERVICE — A facility where towed or impounded vehicles are stored until they are claimed by their owners or otherwise disposed.

VEHICLE USE AREA — That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

WHOLESALE TRADE — Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

YARD — An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided herein. In measuring a yard, the depth of the front yard, side yard, or rear yard, the minimum horizontal distance between the lot line and the main building shall be used. (Appendix A: Table of Permissible Uses.<sup>6</sup>)

YARD, FRONT — A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway. Covered porches shall be considered part of the main building and shall not project into a required front yard.

YARD, REAR — A yard extending across the rear of a lot between the side lot lines and being

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5. Editor's Note: Appendix A is included as an attachment to this Chapter.

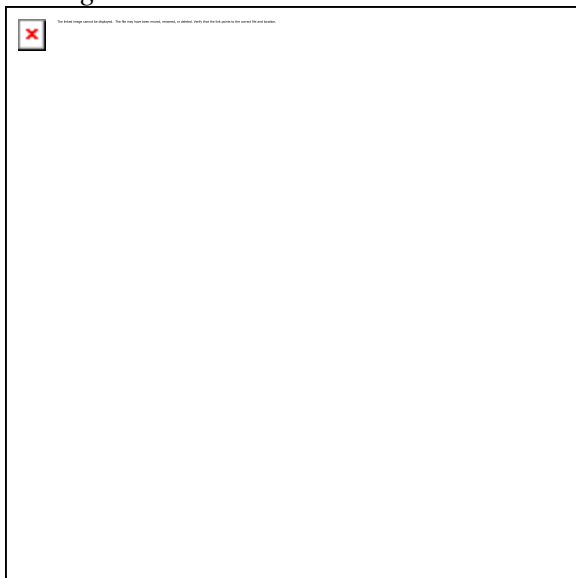
6. Editor's Note: Appendix A is included as an attachment to this Chapter.

the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall, in all cases, be at the opposite end of the lot from the front yard.

**YARD, SIDE** — A yard extending from the front lot line to the rear yard line and being the minimum horizontal distance between the side lot line and the side of the main building or any projection thereof as herein defined. On corner lots, the side yards shall be perpendicular to the street upon which the lot has its least dimension.

**ZERO LOT LINE** — The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

*Figure 10.*



**ZONING INSPECTOR** — A person or persons designated by the Board of Aldermen of Clever.

**ZONING MAP** — The official Zoning Map of Clever, Missouri, such map being located in the office of the City Clerk.

- B. General Interpretations. The following general rules shall apply in interpreting the meaning of this Chapter:
1. Words used in the present tense shall also include the future tense.
  2. Words used in the singular number shall also include the plural and vice versa.
  3. The word "shall" is mandatory and not discretionary.
  4. The word "may" is permissive.
  5. The words "used" and "occupied" shall be construed to include "intended, designed or arranged to be used or occupied."



6. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies and any other similar entities.
7. Where reference is made to the regulations, it shall be construed to mean the regulations as originally passed in this Chapter and all subsequent amendments, supplements and revisions.

**Section 405.060. Boundaries.** [Ord. No. 162 §§160 – 161, 7-16-1990]

- A. The boundaries of the zoning district shall be shown upon the Zoning Map which is a part of this Chapter. The Zoning Map shall be located in the office of the City Clerk of Clever, Missouri. The Zoning Map and all notations, references and other information shown thereon were all set forth or described herein.
- B. *Boundaries, Where Uncertainty Exists.* Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the Zoning Map, the following rules shall apply:
  1. The zoning district boundaries shall be streets or alleys unless otherwise shown. Where the districts designated on the map accompanying and made a part of this Chapter are bounded approximately by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of the district.
  2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the zoning district boundaries shall be construed to be the lot lines. Where the districts designated on the Zoning Map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of the zoning districts unless the boundaries are otherwise indicated on the Zoning Map.
  3. In unsubdivided property, the zoning district boundary lines on the Zoning Map accompanying and made a part of this Chapter shall be determined by the use of the scale appearing on the Zoning Map.

**Section 405.070. Annexed Area.** [Ord. No. 162 §170, 7-16-1990]

All territory which may hereafter be annexed by the City of Clever, Missouri, shall be classified as an "A-1" Agricultural District until, within a period not to exceed ninety (90) days following the date of annexation, the Planning Board shall appropriately reclassify such territory.

**Section 405.080. Violation Prohibited.** [Ord. No. 162 §180, 7-16-1990]

- A. Except as hereinafter specifically provided:
  1. No land shall be used except for a purpose permitted in the zoning district in which it is located.
  2. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the zoning district in which such building is located.

3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the zoning district in which such building is located.
4. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the zoning district in which such building is located.
5. The minimum yards, parking spaces and open spaces, including lot area per family required by this Chapter for each and every building existing at the time of passage of this Chapter or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Chapter for the zoning district in which such lot is located.
6. 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 (1) main building on one (1) lot except as specifically provided hereinafter.

**Section 405.090. through Section 405.100. (Reserved)**

**ARTICLE II  
Districts and District Regulations**

**Section 405.110. Establishment of Districts.** [Ord. No. 162 §190, 7-16-1990]

- A. For the purposes of this Chapter, the City of Clever, Missouri, is divided into the following districts:
1. *"A-1" Agricultural District.* Primarily undeveloped land usually found on the periphery of the City. Such lands are usually restricted to agriculture and limited residential use and constitute the prime area for urban growth and expansion.
  2. *"R-1b" Single-Family Residential District.* Low density residential district with related recreational, religious and educational facilities being provided.
  3. *"R-1c" Single-Family Residential District.* Districts similar to "R-1b" districts but usually permitting higher density. Such areas are usually close to the central business district.
  4. *"R-M" Multi-Family District.* High density residential areas served by common facilities and open space.
  5. *"C" General Commercial District.* Automobile-oriented commercial districts providing a wide variety of business services and retail outlets. Such districts usually generate a lot of traffic and require strict parking, paving width and building setback provisions.
  6. *"CBD" Central Business District.* The commercial district usually composing the City center. Such a district should offer a wide range of services and outlets and should be pedestrian oriented.

7. *"I" Industrial District.* An industrial district intended primarily for light manufacturing, assembling, fabrication or warehousing, wholesale and service uses. This area may require access to rail and street transportation. Buildings should be architecturally attractive and surrounded by landscaped yards.

**Section 405.120. Agricultural Districts.** [Ord. No. 162 §§210 – 211, 7-16-1990]

- A. Certain classes or districts, designated by the primary "A-1" and referred to collectively herein as agricultural districts or "A-1" districts, are established for the purposes hereinafter set forth.
- B. *Agricultural District.* The following regulations shall apply to every lot and building site in "A-1" Agricultural District and shall be subject to all of the general provisions of this Chapter.
- C. Uses permitted in "A-1" Agricultural District.
- D. *Uses Permitted In "A-1" District By Zoning Permit.* Those principal uses designated by the abbreviation "Z" in the Appendix A: Table of Permissible Uses shall be allowed by permit issued by the Administrator.
- E. *Conditional Uses "A-1" District.* Those principal uses designated by the abbreviation "C" in the Appendix A: Table of Permissible Uses shall be allowed only upon approval by the Board of Aldermen in accordance with the provisions of Section 405.270.
- F. *Dimensional Regulations "A-1" District.* All lots within the "A-1" District shall be developed in accordance with the dimensional regulations prescribed in the Table of Dimensional Regulations (Table 405.260).
- G. *Parking Requirements "A-1" District.* All uses within the "A-1" District shall satisfy the requirements prescribed in the Table of Parking Requirement (Table 405.480).

**Section 405.130. Residential Districts – Generally.** [Ord. No. 162 §220, 7-16-1990]

Certain classes of districts, designated by the primary symbol "R" and referred to collectively herein as residential districts or "R" districts, are established to provide space in suitable locations for the various types of dwelling accommodations needed in the City and to provide a means of regulating the density and distribution of the population.

**Section 405.140. "R-1b" Single-Family Residential District.** [Ord. No. 162 §221, 7-16-1990]

- A. The following regulations shall apply to every lot and building site in a "R-1b" residential district and shall be subject to all of the general provisions of this Chapter.
- B. Uses permitted in "R-1b" districts.
- C. *Uses Permitted In "R-1b" Districts By Zoning Permit.* Those principal uses designated by the abbreviation "Z" in the Appendix A: Table of Permissible Uses shall be allowed by permit issued by the Administrator.
- D. *Conditional Uses "R-1b" Districts.* Those principal uses designated by the abbreviation "C"

in the Appendix A: Table of Permissible Uses shall be allowed only upon approval by the Board of Aldermen in accordance with the provisions of Section 405.270.

- E. *Dimensional Regulations "R-1b" Districts.* All lots within the "R-1b" districts shall be developed in accordance with the dimensional regulations prescribed in the Table of Dimensional Regulations (Table 405.260).
- F. *Parking Requirements "R-1b" Districts.* All uses within the "R-1" district shall satisfy the requirements prescribed in the Table of Parking Requirements (Table 405.480).

**Section 405.150. "R-1c" Single-Family Residential District.** [Ord. No. 162 §222, 7-16-1990]

- A. The following regulations shall apply to every lot and building site in an "R-1c" Residential District and shall be subject to all of the general provisions of this Chapter.
- B. Uses permitted in "R-1c" districts.
- C. *Uses Permitted In "R-1c" Districts By Zoning Permit.* Those principal uses designated by the abbreviation "Z" in the Appendix A: Table of Permissible Uses shall be allowed by permit issued by the Administrator.
- D. *Conditional Uses "R-1c" Districts.* Those principal uses designated by the abbreviation "C" in the Appendix A: Table of Permissible Uses shall be allowed only upon approval by the Board of Aldermen in accordance with the provisions of Section 405.270.
- E. *Dimensional Regulations "R-1c" Districts.* All lots within the "R-1" districts shall be developed in accordance with the dimensional regulations prescribed in the Table of Dimensional Regulations (Table 405.260).
- F. *Parking Requirements "R-1c" Districts.* All uses within the "R-1c" district shall satisfy the requirements prescribed in the Table of Parking Requirements (Table 405.480).

**Section 405.160. "R-M" Mixed Residential District.** [Ord. No. 162 §223, 7-16-1990]

- A. The following regulations shall apply to every lot and building site or parcel in an "R-M" district and shall be subject to all the general provisions of this Chapter.
- B. Uses permitted in "R-M" districts.
- C. *Uses Permitted In "R-M" Districts By Zoning Permit.* Those principal uses designated by the abbreviation "Z" in the Appendix A: Table of Permissible Uses shall be allowed by permit issued by the Administrator.
- D. *Conditional Uses "R-M" Districts.* Those principal uses designated by the abbreviation "C" in the Appendix A: Table of Permissible Uses shall be allowed only upon approval by the Board of Aldermen in accordance with the provisions of Section 405.270.
- E. *Dimensional Regulations "R-M" Districts.* All lots within the "R-M" districts shall be developed in accordance with the dimensional regulations prescribed in the Table of Dimensional Regulations (Table 405.260).
- F. *Parking Requirements "R-M" Districts.* All uses within the "R-M" district shall satisfy the

requirements prescribed in the Table of Parking Requirements (Table 405.480).

**Section 405.170. Business Districts – Generally.** [Ord. No. 162 §230, 7-16-1990]

Certain classes of districts designated by the primary symbol "C" and referred to collectively herein as business districts or "C" districts are established to provide space in suitable locations for the various types of commerce and trade necessary in the City and to provide a means of regulating the amount of land coverage and the height of buildings.

**Section 405.180. "CBD" Central Business District.** [Ord. No. 162 §231, 7-16-1990]

- A. This business district is intended for conducting of personal and business services and the general retail business of the community.
- B. Uses permitted in "CBD" districts.
- C. *Uses Permitted In "CBD" Districts By Zoning Permit.* Those principal uses designated by the abbreviations "Z" in the Appendix A: Table of Permissible Uses shall be allowed by permit issued by the Administrator.
- D. *Conditional Uses "CBD" Districts.* Those principal uses designated by the abbreviation "C" in the Appendix A: Table of Permissible Uses shall be allowed only upon approval by the Board of Aldermen in accordance with the provisions of Section 405.270.
- E. *Dimensional Regulations "CBD" Districts.* All lots within the "CBD" districts shall be developed in accordance with the dimensional regulations prescribed in the Table of Dimensional Regulations (Table 405.260).
- F. *Parking Requirements "CBD" Districts.* All uses within the "CBD" district shall satisfy the requirements prescribed in the Table of Parking Requirements (Table 405.480).

**Section 405.190. "C" Commercial Districts.** [Ord. No. 162 §232, 7-16-1990]

- A. This business district is intended for the conducting of personal and business services and the general retail business particularly suited to major highway locations.
- B. Uses permitted in "C" districts.
- C. *Uses Permitted In "C" Districts By Zoning Permit.* Those principal uses designated by the abbreviation "Z" in the Appendix A: Table of Permissible Uses shall be allowed by permit issued by the Administrator.
- D. *Conditional Uses "C" Districts.* Those principal uses designated by the abbreviation "C" in the Appendix A: Table of Permissible Uses shall be allowed only upon approval by the Board of Aldermen in accordance with the provisions of Section 405.270.
- E. *Dimensional Regulations "C" Districts.* All lots within the "C" districts shall be developed in accordance with the dimensional regulations prescribed in the Table of Dimensional Regulations (Table 405.260).
- F. *Parking Requirements "C" Districts.* All uses within the "C" district shall satisfy the requirements prescribed in the Table of Parking Requirements (Table 405.480).

**Section 405.200. "I" Industrial Districts.** [Ord. No. 162 §§240 – 241, 7-16-1990]

- A. Certain classes or districts, designated by the primary symbol "I" and referred to collectively herein as industrial districts or "I" districts, are established for the purposes hereinafter set forth.
- B. *"I" Industrial District.* This industrial district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust and glare of such operation is completely confined within an enclosed building.
- C. Uses permitted in "I" districts.
- D. *Uses Permitted In "I" Districts By Zoning Permit.* Those principal uses designated by the abbreviation "Z" in the Appendix A: Table of Permissible Uses (Table 200) shall be allowed by permit issued by the Administrator.
- E. *Conditional Uses "I" Districts.* Those principal uses designated by the abbreviation "C" in the Appendix A: Table of Permissible Uses shall be allowed only upon approval by the Board of Aldermen in accordance with the provisions of Section 405.270.
- F. *Dimensional Regulations "I" Districts.* All lots within the "I" districts shall be developed in accordance with the dimensional regulations prescribed in the Table of Dimensional Regulations (Table 405.260).
- G. *Parking Requirements "I" Districts.* All uses within the "I" district shall satisfy the requirements prescribed in the Table of Parking Requirements (Table 405.480).

**Section 405.210. through Section 405.250. (Reserved)**

**ARTICLE III  
Supplementary Regulations**

**Section 405.260. Dimensional Requirements.**

Editor's Note – The Table of Dimensional Regulations is included as an attachment to this chapter.

**Section 405.270. Conditional Uses.** [Ord. No. 162 §310, 7-16-1990]

- A. The Board of Aldermen shall approve a conditional use, if permitted in the district, only if the following requirements have been met:
  - 1. The location of the proposed use is compatible to other land uses in the general neighborhood and does not place an undue burden on existing transportation and service facilities in the vicinity.
  - 2. The site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use.
  - 3. The proposed use, if it complies with all conditions upon which the approval is made contingent, will not adversely affect the property in the vicinity.

**Section 405.280. Additional Conditions.** [Ord. No. 162 §311, 7-16-1990]

The Board may also determine that the proposed use is such that it is necessary to require greater standards than listed in the district in order to correlate the proposed use to other property and uses in the vicinity.

**Section 405.290. Approval Contingent Upon.** [Ord. No. 162 §312, 7-16-1990]

- A. The Commission may provide that approval be contingent upon acceptance and observance of specified conditions including, but not limited to:
1. Conformity to plans and drawings submitted with the application.
  2. Special yards, open space, buffer strips, walls, fences, hedges or landscaping.
  3. Performance standards relative to emission of noise, vibration or other potentially dangerous or objectionable elements.
  4. Limits on time of day for conducting of specified activities.
  5. A period in which the approval shall be exercised or otherwise shall lapse.
  6. Guarantees as to compliance with the terms of approval.

**Section 405.300. Approval by Board.** [Ord. No. 162 §313, 7-16-1990]

The procedures for public hearing, notice and filing fee of an application for a conditional use shall be the same as required for Amendments, etc., in Article VII, Section 405.720 of this Chapter, except that the filing date must be twenty (20) days prior to any regular meeting of the Planning and Zoning Commission. The approval of the Board of Aldermen after public hearing shall be final and become effective in fifteen (15) days of approval by the Board.

**Section 405.310. Home Occupations.** [Ord. No. 162 §§320 – 322, 7-16-1990]

- A. Home occupations may be permitted as indicated by the Appendix A: Table Of Permissible Uses (Table 200).
- B. *Criteria.* A home occupation must satisfy the following criteria:
1. No employment of help other than the members of the resident family by blood or marriage.
  2. No outdoor display or storage of material.
  3. No signs displayed except as permitted in this Chapter.
  4. No commodity is sold on the premises except that which is prepared on the premises.
  5. Not more than twenty percent (20%) of the net floor area of the dwelling may be devoted to the occupation.
  6. No required off-street parking space shall be used in conducting of the home occupation.

7. No mechanical equipment is used which makes any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
  8. In no way shall the appearance of the structure or conducting of the occupation within the structure be so altered that it may reasonably be recognized as serving a non-residential purpose (either by color, materials or construction lighting, sounds or noises, vibrations, etc.).
- C. *Typical Home Occupations.* The following is a non-exhaustive list of enterprises that may be home occupations if they meet the foregoing criteria:
1. The office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, accountant or similar professional,
  2. Workshops, greenhouses or kilns, or
  3. Dressmaking or hairdressing studios.

**Section 405.320. Mobile Home Park – Mobile Home Community.** [Ord. No. 162 §§330 – 332, 7-16-1990]

- A. *Owner May Petition As Conditional Use.* A landowner may petition the City for consideration of a mobile home park. Such petition shall be considered under the provisions and procedures of a conditional use permit and in accordance with the Appendix A: Table of Permissible Uses (Table 200).
- B. *Standards.* The mobile home park or mobile home community shall conform to the following requirements:
1. A mobile home park shall be no less than two (2) acres in total area.
  2. Each boundary of any mobile home park must be at least fifty (50) feet from any permanent residential building located outside the mobile home park.
  3. The mobile home park or mobile home community shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
  4. Mobile home spaces shall be provided consisting of a minimum of five thousand (5,000) square feet for each space which shall be clearly defined and marked.
  5. Each mobile home space shall have a width of at least forty (40) feet exclusive of common driveways.
  6. Mobile homes shall be so harbored on each space so that there shall be at least fifteen (15) feet clearance between mobile homes, provided however, that with respect to mobile homes parked end-to-end, clearance may be less than fifteen (15) feet but not less than ten (10) feet. No mobile home shall be located closer than fifteen (15) feet from any building within the mobile home park.
  7. All mobile home spaces shall abut upon a driveway of not less than twenty (20) feet



- in width, which shall have unobstructed access to a public street or highway and the sole vehicular access shall not be by an alley and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac. Driveways shall be graded and surfaced with not less than four (4) inches of crushed stone or other suitable material on a well-compacted subbase to a continuous width of twenty-five (25) feet, exclusive of required parking spaces.
8. Off-driveway parking sites shall be maintained at a minimum ratio of one (1) car space for every mobile home space. Off-driveway parking spaces with not less than four (4) inches of crushed stone or other suitable material on a well-compacted subbase shall be provided for each mobile home space. Required parking spaces may be included within the five thousand (5,000) square feet required for each mobile home space.
  9. All roadways within the mobile home park shall be all-weather surfaced, maintained and adequately lighted.
  10. All electric distribution systems, plumbing systems and telephone service systems to each mobile home space, except outlets and risers, shall be underground. Each mobile home space shall be provided with a one hundred fifteen (115) volt single phase service with a minimum of one hundred (100) ampere individual service outlet.
  11. All mobile home parks shall be connected to the City sanitary sewer system or other adequate disposal system approved by the Board and satisfactory connections made available to each mobile home space.
  12. A steel cable with a minimum diameter of one-quarter ( $\frac{1}{4}$ ) inch shall be securely attached at all corners of each mobile home to a concrete anchor which extends at least twenty-four (24) inches below the surface of the ground.
  13. At least two hundred (200) square feet of recreation space for each mobile home space shall be reserved within each mobile home park as common recreation space for residents of the park. Such areas shall, along with driveways and walkways, be adequately lighted for safety.
  14. No mobile homes or other structure within a mobile home park shall be closer to each other than thirty (30) feet, except that storage or other auxiliary structures for the exclusive use of the mobile home may be no closer to another mobile home than twenty (20) feet.
  15. No mobile home shall be located closer than thirty (30) feet of the exterior boundary or the park of a bounding street right-of-way. Buildings used for laundry or recreation purposes shall be located no closer than forty (40) feet to the exterior boundary or the right-of-way of a bounding street.
  16. *Buffer.* A densely planted buffer strip consisting of trees, shrubs and other plantings at least six (6) feet in height shall be provided along all rear and side property lines of the park. A six (6) foot solid fence may be substituted.
  17. Plans clearly indicating the developer's intention to comply with the provisions of this Section shall be submitted to and approved by the Planning and Zoning Commission.

Such plans must be drawn to a scale of not less than 1" = 50' by a registered engineer, professional land use planner or registered land surveyor. Such plans must show the area to be used for the proposed mobile home park district; the ownership and use of neighboring properties; all proposed entrances, exits, driveways, walkways and off-street parking spaces; the location of mobile home spaces, recreation areas and service buildings; the location of sanitary conveniences including toilets, laundries and refuse receptacles; the proposed plan of water supply, sewage disposal and electric lighting. The Planning and Zoning Commission shall have the authority to impose such reasonable conditions and safeguards on the proposed development as it deems necessary for the protection of adjoining properties and the public interest.

18. Any expansion of mobile home parks in existence on the effective date of this Chapter shall comply with the provisions of this Section.

**Section 405.330. Fences and Walls.** [Ord. No. 162 §340, 7-16-1990; Ord. No. 529, 4-20-2021<sup>7</sup>]

**A. General Provisions.**

1. **Scope.** The provisions of this Chapter shall apply to the construction, installation, reinstallation, alteration, replacement, repair, location and maintenance of fences and walls.
2. **Intent.** The purpose of this Chapter is to provide minimum requirements to safeguard life, health, property, and public welfare, by regulating and controlling the construction and location of fences and walls to provide an aesthetically compatible and pleasing urban environment and edify the City of Clever's position as a livable and desirable community.

**B. Applicability.**

1. **Jurisdiction.** This Chapter shall apply to all real property within the corporate limits of the City of Clever, Missouri.
2. **Required.** Any owner or authorized agent who intends to construct, install, substantially alter, or replace a fence or wall, or to cause any such work to be done, shall first make application to the City's Building Official and obtain the required permit in the amount of forty-five dollars (\$45.00) for R1b, R1c, and RM (residential) zonings and one hundred twenty (\$120.00) for Commercial, Industrial, and Agricultural zonings.
3. **Prohibited.** No individual or entity performing any of the actions listed in Subsection (B)(2) on behalf of the owner or authorized agent of property shall do so without first verifying with the owner or authorized agent that the required permit has been issued and is available for inspection by the City's Building Official during the duration of the work being performed. The individual or entity performing the work shall maintain a copy of the permit at the worksite for inspection purposes and shall be responsible for performing the work in compliance with the requirements of this Chapter and any other applicable provisions of the City Code.

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7. Editor's Note: With inclusion of Ord. No. 529 the title of this Section was also changed from "Fences" to "Fences and Walls."

4. Exemptions.

- a. All real property that is zoned as Agricultural (AG) or used as a public utility facility or other public use shall be exempt from the provisions of this Chapter.
- b. Any fence being repaired or replaced with the same type and size of material shall be exempt as long as the existing fence is not non-conforming.

5. Violation. Any violation of this Section shall be punished pursuant to Subsection (G).

C. Definitions. For the purposes of interpreting the regulations found here, the certain words and terms shall have the following meanings (Also, reference Chapter 405, Zoning Regulations: Definitions):

**AREA OF SPECIAL FLOOD HAZARD** — The land in a floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year, as delineated in the Flood Insurance Rate Map.

**BUILDING** — A structure having a roof supported by columns or walls, intended, designed, used or suitable for use for the support, enclosure, shelter or protection of animals or property, and when separated by fire walls each portion of such structure shall be deemed a separate building.

**BUILDING LINE** — A line established beyond which no part of the building may project, except as otherwise provided by this Chapter.

**BUILDING OFFICIAL** — The officer or other designated authority charged with the administration and enforcement of this Chapter or a duly authorized representative.

**EASEMENT** — That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property.

1. **ACCESS EASEMENT** — That portion of land or property reserved for present or future use by a person or agency to access utility or drainage easements or adjacent properties. The easement shall be permitted to be for use on the lot or lots.
2. **DRAINAGE EASEMENT** — That portion of land or property reserved for present or future stormwater run-off. The easement shall be permitted to be for use under or on the lot or lots.
3. **UTILITY EASEMENT** — That portion of land or property reserved for present or future utility, such as electric, gas, water, etc. The easement shall be permitted to be for use under, on or above a lot or lots.

**ELECTRIC** — Any material comprising a fence or wall that carries an electric current intended to generate an electric shock upon contact, excluding fences comprised of individual wires specifically designed for conditioning domesticated animals owned as pets and nuisance-rodents to recognize certain boundaries.

**FENCE** — An enclosure, wall or partition constructed of approved materials, which encloses or divides a lot, parcel, or tract of land.

**FENCE HEIGHT** — Any fence or wall measured from the finished grade to the top of said fence

or wall.

**FLOOD INSURANCE RATE MAP** — An official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**FLOODPLAIN** — Any land area susceptible to being inundated by water from any source.

**FLOODPLAIN ADMINISTRATOR** — The officer or other designated authority charged with the administration and implementation of flood damage prevention, pursuant to Chapter 415 of the Clever City Code.

**LOT** — A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. Also, reference Chapter 405, Zoning Regulations: Definitions.

**LOT LINE** — Reference Chapter 405, Zoning Regulations: Definitions.

**OWNER** — Any person, agent, firm or corporation having a legal or equitable interest in the property.

**PERMIT** — An official document or certificate issued by the authority having jurisdiction that authorizes performance of a specified activity.

**PERSON** — A natural individual, heirs, executors, administrators or assigns, and also includes a firm, trust, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

**PUBLIC WAY** — Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**REPAIR** — The substantial reconstruction or renewal of an existing fence or wall for the purpose of maintenance.

**SIGHT DISTANCE TRIANGLE** — A triangular shaped portion of land established at street intersections and street driveway intersections in which nothing may be erected, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of persons entering or leaving the intersections.

**STRUCTURE** — Anything fabricated, assembled, constructed or erected by the skill of man, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but not limited to, buildings, advertising signs, billboards, poster panels, trash burners, radio towers, poles and fences.

**WALL** — See "FENCE."

**WALL HEIGHT** — See "FENCE HEIGHT."

**WORKMANLIKE** — Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD** — An open space on the same lot with a building, unoccupied and unobstructed by any

portion of a structure from the ground upward except as otherwise provided herein. In measuring a yard, the depth of the front yard, side yard, or rear yard, the minimum horizontal distance between the lot line and the main building shall be used. (Appendix A: Table of Permissible Uses.)

**YARD, FRONT** — A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway. Covered porches shall be considered part of the main building and shall not project into a required front yard.

**YARD, REAR** — A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies, or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall, in all cases, be at the opposite end of the lot from the front yard.

**YARD, SIDE** — A yard extending from the front lot line to the rear yard line and being the minimum horizontal distance between the side lot line and the side of the main building or any projection thereof as herein defined. On corner lots, the side yards shall be perpendicular to the street upon which the lot has its least dimension.

#### **D. Fences And Walls.**

1. Fences and walls constructed within the City limits shall comply with the provisions of this Section and be constructed in workmanlike fashion.
2. Materials.
  - a. General. All materials, including fasteners, supports, ornamental decorations, etc., used in construction of fences and walls as defined herein, shall be resistant to the elements.
  - b. Prohibited. The following materials shall be prohibited in the construction or use with fences and walls as defined herein:
    - (1) Razor wire (concertina wire);
    - (2) Barb wire;
    - (3) Electric;
    - (4) Tires, pallets or other material not specifically designed to be used as a fence.
  - c. Exceptions.
    - (1) Security fences located in commercial or industrial zoning districts may be comprised of chain link and barbed or razor wire and may be located in the front, side, and rear yards of the property, subject to approval by the Administrator. All barbed or razor wire shall be placed no less than seven (7) feet above the finished grade.

- (2) Where Required. Key boxes are required in new and existing fences where access to or within an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Department is authorized to require a key box to be installed in an approved location. The key box shall be the KNOX BOX brand and shall contain keys to gain necessary access as required by the Fire Department. Any security gates installed with a key pad entry or a magnetic card swipe reader shall have a KNOX BOX brand key operated switch installed for emergency entry where required by the Fire Department.

### 3. Construction Requirements.

- a. Fences and walls can be installed up to the property line; but all posts, bases and other structural parts shall be located completely within the boundaries of the lot on which it is located.
- b. All fences and walls erected adjacent to a public street shall have the finished side of the fences facing toward the street.
- c. The owner and/or occupant of the property shall maintain his or her fence or wall in good condition at all times. Fences or walls found to be in a deteriorated condition and/or in need of repair shall be subject to the provisions of Chapter 215 of the Clever City Code.
- d. Fences or walls shall not be installed in or through a stormwater detention basin, retention pond, drainage easement or area of special flood hazard, unless such fences or walls are formally authorized by the City's Floodplain Administrator through the issuance of a permit.
- e. Fences or walls installed in or through a utility easement shall be installed at the property owner's risk, and the property owner shall be responsible for the cost of repair to the fence or wall removed or damaged by a utility company or the City exercising its rights under the terms of the easement.
- f. Fences or walls erected at the intersection of streets or driveways shall not be located within a reserved sight triangle, as indicated by Exhibit 1, held on file in the City offices.
- g. Utility Line Location. It is very important to accurately locate any utilities on your property prior to any excavation, including fence postholes, to prevent person injury or utility damage. All utilities will be located free by calling the Missouri One-Call System, Inc., at 1-800-344-7483. Please call between two (2) and ten (10) days prior to digging.
- h. Any application for the construction of a fence or wall that is proposed to exceed six (6) nominal feet in height, in residential zoning districts shall provide a written justification of the request along with the application that will be reviewed by the Building Official. Should the Building Official accept the proposed variance from the standard, all fences exceeding six (6) nominal feet

in height shall be constructed in accordance with the design criteria listed below; or by an alternate design prepared by a design professional registered in the State of Missouri; or by a design deemed acceptable by the Building Official.

- (1) Minimum fence post pier shall be twelve (12) inches in diameter with a minimum depth of thirty-six (36) inches into undisturbed soil; and
  - (2) The post shall be set into the post pier a minimum of thirty (30) inches; and
  - (3) Fence posts shall be a minimum of six (6) feet on center; and
  - (4) Maximum fence height not to exceed eight (8) feet .
- i. All fence or wall construction with electric materials that carry an electric current intended to generate an electric shock upon contact shall install warning signage on the fence . There shall be at least one (1) clearly visible warning sign located on the exterior of each side of the fence and every twenty-five (25) feet of the entire length of the portion of the fence comprised of electric materials as described above. Each warning sign shall clearly and legibly indicate that an electric fence is in use and have an area no less than twenty-five (25) square inches on either side.
  - j. All fences or walls constructed with electric materials that carry an electric current intended to generate an electric shock upon contact shall be located completely within the boundaries of a separate fence or wall composed of non-electric materials and be installed at a height no higher than the height of the separate fence or wall which encloses it.
4. Restrictions.
- a. Temporary fences are not allowed.
  - b. In no case shall a fence encroach into a public space or into a sidewalk. All fences shall remain a minimum of twelve (12) inches from the closest sidewalk edge.
  - c. In no case shall a fence enclose or restrict access to a water meter, water valve, or sewer manhole.
  - d. In cases where fences are not erected on property lines due to easement or other restrictions, a pedestrian gate shall be installed within the fence that allows access to the unenclosed space for maintenance activities.
  - e. Upon the receipt of the application the City shall conduct an administrative and site analysis. The City recommends that the owner of any property who plans on erecting a fence/wall to obtain a proper survey. Fence misplacement outside proper property lines is not the responsibility of the City of Clever.
  - f. The City is not responsible for covenants. It is advisable to check with your homeowner's association (if applicable) and review the covenants of the

subdivision prior to the fence placement.

E. Fence And Wall Height Requirements.

MAXIMUM ALLOWABLE FENCE/WALL HEIGHT

Fence Location	All Residential Zoned Districts (Rlb, Rlc, RM)	All
Commercial/Industrial		
Rear yard and rear half of side yard	6 feet	12 feet (see barb/razor wire)

F. Non-Conforming Fences And Walls.

1. Authority To Continue. Any fence or wall which does not comply with the applicable requirements may be continued so long as it remains otherwise lawful.
2. Enlargement, Repair, Alteration. Any non-conforming fence or wall shall not be enlarged, repaired, or altered without obtaining a fence permit and shall thereafter conform to the regulations of this Chapter.
3. Moving. Non-conforming fences or walls shall not be moved in whole or part for any distance whatsoever to any other location on the same lot or any other lot unless the entire fence or wall shall thereafter conform to the regulations of this Chapter.

G. Violations.

1. Unlawful Acts. It shall be unlawful for any person, firm or corporation to install, alter, repair, or move a fence or wall; or cause the same to be done, in conflict with or in violation of any provisions of this Chapter.
2. Violation – Penalties. Any person found guilty of violating this Chapter shall be penalized in accordance with Section 100.220 of the Clever City Code.

**Section 405.340. One Building per Lot – Exceptions.** [Ord. No. 162 §351, 7-16-1990]

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, commercial or industrial buildings in an appropriate zoning district, i.e., school campus, cluster housing, shopping center, industrial park and so forth.

**Section 405.350. Accessory Uses and Buildings.** [Ord. No. 162 §§360 – 362, 7-16-1990; Ord. No. 522, 12-15-2020]

- A. Accessory Buildings. In no case shall an accessory building be located in a "front yard" of any residential lot. Accessory building, permanent or portable, shall be permitted in the "rear yard" as defined by this Chapter.
- B. Accessory Uses. No accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building on a lot is completed and used. At no time shall an accessory building be converted or occupied as an inhabitable structure.



**Section 405.360. Lot Sizes.** [Ord. No. 162 §370, 7-16-1990]

No yard or lot existing at the time of passage of this Chapter shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

**Section 405.370. Impede Vision at Corner.** [Ord. No. 162 §380, 7-16-1990]

On a corner in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

**Section 405.380. Storage of Automobiles.** [Ord. No. 162 §390, 7-16-1990]

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

**Section 405.390. Signs.** [Ord. No. 189 §§1 – 4, 10-10-1994; Ord. No. 460 §§I – XVII, 7-21-2015]

- A. *Intent And Purpose.* It is the intent and purpose of this Section to promote guidelines for the erection and use of signs, symbols, markings, and advertising allowed in the district regulations appearing elsewhere in this regulation.
- B. *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.
- C. *Administration And Enforcement.* This Section shall be administered by City staff subject to the oversight of the Board of Aldermen and shall be enforced by the Building Inspector and the Code Enforcement Officer in the following manner:
  - 1. The Building Inspector and/or Code Enforcement Officer, upon finding that any provision of this Section or any condition or a permit issued under this Section is being violated, are authorized to institute legal proceedings to enjoin violations of this Section.
  - 2. *Penalties.* Any person(s) violating the provisions of this Section shall be guilty of an ordinance violation and be subject to a fine of not less than twenty-five dollars (\$25.00) and not more than fifty dollars (\$50.00) for each such violation.
  - 3. The owner of the sign and/or the operator of the business shall be jointly and severally liable for all applicable fines and fees. The City shall have the power to prosecute the owner of the sign and the owner of the business in the Municipal Court.
- D. *Permit Required.* No person, firm, or corporation shall erect, install, create by painting, or relocate a sign or sign structure of any kind without a permit issued by the City of Clever, upon payment of a permit fee as set forth in this Chapter. Signs that have been erected without a permit shall pay a late fee of fifty dollars (\$50.00) upon application if no action has been taken after ten (10) days' notice by the City.

1. Application for a permit shall include:
  - a. All requested information listed on the sign permit application.
  - b. *Plan for sign.* Every application for a sign permit shall file with the application a plan showing, for each sign, the height of the sign from the street grade to the top and bottom of the sign, position of the sign; the sign legend or commercial message; sign location; dimensions; construction specifications; electrical components and wiring; method of attachment and design of structural members to which attachment is to be made; and location of the foundation or post hole location in relation to the property line and public right-of-way, as applicable.
  - c. 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 five hundred thousand dollars (\$500,000.00) per person, one million dollars (\$1,000,000.00) per accident and one hundred thousand dollars (\$100,000.00) property damage.
2. *Issuance.* If the plans and specifications accompanying the sign permit application required by this Section are in accordance with the provisions of the City Building Code, the Building Inspector will issue a sign permit in conjunction with the building permit.
  - a. *Inspections.*
    - (1) Footing inspection on all detached signs, including a situation where square footage or panels are added to existing detached signs.
    - (2) Electrical inspections on all electrical or illuminated signs prior to final placement.
    - (3) Final inspection, which shall cover the sign location, structural members, and placement of the insignia.
    - (4) The Building Inspector may, from time to time, as deemed necessary, inspect all signs and other advertising structures regulated by this Chapter for the purpose of ascertaining whether the same is secure or unsecure or whether it is in need of removal or repair.
3. *Expiration.* A sign permit shall become null and void if the work for which the permit was issued has not commenced within six (6) months from the date the permit was issued. The sign permit may be renewed for the same project for an additional three (3) months at no additional cost. If the work is still not completed after the full nine (9) months, the project shall be required to purchase a new sign permit.
4. *Fees.* The fee for the erection of any sign shall be as follows:
  - a. On-site, freestanding, attached, and ground sign fee shall be one dollar (\$1.00) per square foot for the size permitted by land classification.
  - b. Temporary commercial sign fee shall be five dollars (\$5.00) each for a maximum of two (2) signs not to exceed a thirty-day display.

- c. Off-site sign fee, except billboards, shall be three dollars (\$3.00) per square foot for the size permitted by land classification.
  - d. Billboard and poster panel sign fee shall be one hundred fifty dollars (\$150.00) per sign.
  - e. The permit fee for all commercial portable signs shall be fifty dollars (\$50.00) per sign per year paid by the sign owner. Each portable sign shall be levied a relocation fee of fifteen dollars (\$15.00) on each occasion it is moved to a new location. A portable sign permit shall not exceed sixty (60) days total per calendar year per property address from the date of permit issuance. The fee will be waived for not-for-profit organizations, but all other provisions apply. Land classification provisions apply.
- 5. *Review and action.* The Building Inspector 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 Section. Within fifteen (15) days of the submission of a complete application for a sign permit, the Building Inspector shall either:
  - a. Issue the sign permit if the sign complies in every respect with the standards of this Section; or
  - b. Deny the sign permit if the sign fails in any way to comply with the standards of this Section. The Building Inspector shall specify all reasons for the denial.
- 6. *Denial, suspension, or revocation.* The Building Inspector and/or Code Enforcement Officer shall issue a thirty-day written warning when a sign is found to be in non-compliance to allow it to be brought into compliance (the exception would be a safety hazard). The Building Inspector and/or Code Enforcement Officer at the end of those thirty (30) days may, in writing, suspend, deny, or revoke a permit issued under the provision of this Section whenever the permit is issued on the basis of a misstatement of fact, fraud, or non-compliance with this Section. When the Building Inspector and/or Code Enforcement Officer denies a sign permit, he shall give written notice of denials and shall reference the Section of the sign code or other pertinent code used as a standard for the basis of denial. Also see the Subsection on variances.<sup>8</sup>
- E. *Exempted Signs.* The following signs do not require permits or payment of the fee but must meet the other requirements of this Section:
  - 1. *Total exemptions.* The following signs shall be exempt from the requirements of this Section, except for the provisions of Subsection (L):
    - a. Customary holiday decorations.
    - b. The flags of any nation, State, town, military or service organization, provided such flags are flown in accordance with established protocol and are not located on flagpoles that exceed the height limitation of the zoning district, as applicable.

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8. Editor's Note: See Subsection (Q), Variances.

- c. 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.
  - d. Memorial signs displayed on public or private property, not exceeding six (6) square feet in area.
  - e. Small signs, not exceeding three (3) 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.
  - f. Scoreboards in athletic stadiums.
  - g. Rummage, garage, estate sale, and similar type signs may be no more than three (3) square feet in size, may be displayed a total of ninety-six (96) hours at the location of the sale and must be immediately taken down.
  - h. Political signs located on private property, providing the candidate or ballot issue campaign has the permission of the property owner, meets all legal requirements of the State of Missouri, meets size requirements according to land classification, are not erected more than thirty (30) days prior to the election date and are removed within seven (7) days after the election.
2. *Exemptions from sign permit.* The following signs are exempt from the sign permit Subsection from this Section but shall comply with all of the other regulations imposed by this Section:
- a. House address, family name, decorative flag, no trespassing, and similar signs.
  - b. Bulletin board signs not exceeding one hundred (100) square feet in gross area accessory to church, school, public, or non-profit institution.
  - c. Real estate signs not exceeding nine (9) square feet in area.
  - d. Construction signs not exceeding nine (9) square feet in area.
  - e. A-frame, sandwich board or curb signs used for commercial purposes, located within twenty (20) feet of the front of the business, displayed no earlier than 6:00 A.M., and taken inside the business no later than 10:00 P.M. daily. They must not be placed in such a manner as to block or hinder pedestrian or vehicular traffic and may not exceed fifteen (15) square feet in size.
  - f. Window signs not exceeding twenty-five percent (25%) of the window surface in commercial and industrial districts.
- F. *General Provisions And Restrictions.* The following Subsection shall apply to all signs within the City limits of the City of Clever:
- 1. *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 (1) side of a detached 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 (1) sign is located, the total gross area of all the signs shall not exceed the maximum gross area for one (1) sign permitted by this regulation.
2. *Sign height.* Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.
  3. *Illuminated signs.* A sign designed to give forth artificial light or designed to reflect light derived from any source.
    - a. 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 11:00 P.M. and 7:00 A.M.
    - b. Illuminated signs in direct vision of a traffic signal shall not be in red, amber, or green illumination.
    - c. Illuminated signs shall be designed as to reflect or direct light away from any portion of a public street or highway.
  4. *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.
    - a. Flashing signs shall not be permitted which are in any way similar to traffic signals or emergency vehicle lights.
    - b. 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 thirty-two (32) square feet in area.
  5. *Traffic safety.*
    - a. 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.
    - b. Any sign located within three (3) feet of a driveway, alley or within a parking area shall have its lowest elevation at least eight (8) 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 Central Business District where signs may project over a sidewalk. The sign may not extend within two (2) feet of the curbline.

- c. Under no circumstances shall any sign be placed in the sight triangle as defined by this regulation. Sight triangles at driveway edge to a point fifty (50) feet right or left of the driveway opening along the street curb.
  - d. All elevated, projecting, or other detached signs must maintain a ten-foot minimum clearance to overhead electric conductors over six hundred (600) volts.
- 6. *Landscaping.* Ground signs, monument signs, and elevated signs shall be landscaped. The landscaping shall extend no less than three (3) feet from the base of the sign and, in the case of ground signs and monument signs, shall be incorporated within a decorative planter.
- 7. *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.
  - a. Scale includes both human scale and proportion. Signs shall be proportional to the element they are attached to and the facade as a whole.
  - b. Context includes form, style, color, balance, and structure lines.
    - (1) *Form.* Sign shape and its relationship to the structure or service offered.
    - (2) *Style.* Historical, eclectic, modern, or contemporary shapes, text, and colors.
    - (3) *Color.* Analogous or complementary in relation to site or structure.
    - (4) *Balance.* Location of sign in structure element relating to balance through location, mass and color.
    - (5) *Structure lines.* Major lines of building elements and compatibility to outlines, horizontal and vertical lines such as roofline, ground line, window lines, etc.
- 8. Elevated and ground signs over one hundred (100) square feet in area and/or over twenty (20) feet from ground level to bottom of sign effective area require engineering with calculations from an engineer/architect licensed to practice in the State of Missouri. A signed seal is required on calculations and drawings for the proposed sign structure. This also applies to roof-mounted signs over one hundred (100) square feet in effective area. Roof signs requiring engineering must also show details of supporting roof structure to verify ability of the roof to support imposed loads based on International Building Code criteria. Calculations shall be based on thirty (30) psf and seventy (70) miles per hour exposure values for both elevated and roof signs.
- 9. *Regulations for allowing two (2) advertising, elevated, ground or monument signs on a zoning lot.*
  - a. To be allowed only in districts designated as Commercial and Industrial Zoning.
  - b. The lot must have four hundred (400) feet or more of frontage along an arterial

street or expressway as defined in the City Code Book, Section 405.050, Definitions. Multiple frontages may not be added together to qualify for the four-hundred-foot minimum.

- c. A two-hundred-fifty-foot minimum spacing between signs must be maintained.
  - d. A twenty-foot setback must be maintained from all interior, adjacent property lines.
  - e. An additional sign is allowed for each additional four hundred (400) feet of frontage. The same setback and spacing rules apply as above.
  - f. A zoning lot with frontage along two (2) arterials, expressways, freeways, or any combination thereof is permitted a sign for each street. This does not allow an additional sign if allowed by Subsection (F)(9)(e) above.
  - g. Maximum sign area and height is to be in accordance with Subsection (L), Sign Standards, based on the zoning district in which it is located.
  - h. This Section applies to new developments and existing lots containing only one (1) business.
10. *Special provisions for allowing additional detached signs on existing multitenant, non-residential zoning lots.*
- a. The total number of detached signs allowed is based on the number of existing businesses at the time of adoption of this special provision.
  - b. The total number allowed would be reduced by the number of any existing detached advertising, monument, ground, or elevated signs.
  - c. The total area of all detached signs would be subject to the maximum allowable area for a single sign, based on its type, in that zoning district.
  - d. Each allowable sign, as determined by Subsection (F)(10)(a) and (b) above, would share an equal percentage of the total allowable area as determined by Subsection (F)(10)(c) above.
  - e. Existing signs would reduce the total allowable area by the percentage as determined in Subsection (F)(10)(d) above, not by its actual area.
  - f. Any future businesses desiring advertising space on any existing sign structure, as permitted by these special provisions, would be restricted to the allowed percentage of the sign structure on which it is located.
11. All signs shall comply with the appropriate detailed provision of the current City of Clever Building Code relating to the design, structural members, and connection. Signs shall also comply with the applicable provision of the National Electrical Code. In addition:
- a. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

- b. All combustible materials used in the construction of any sign must be reviewed and approved by the Code Enforcement Officer, Building, and/or Electrical Inspector.
  - c. All electric signs shall conform in design and construction to the appropriate sections of the current National Electrical Code adopted by the City, and the Building Inspector may invoke other requirements as necessary.
  - d. Electric discharge tubing (neon, argon, etc.) not terminated in an exterior metal sign raceway shall be terminated in receptacles designed and approved for the purpose.
  - e. A balloon envelope filled with heated air, helium or any other gas capable of the envelope for flight of any height or duration shall be securely anchored with cables or ropes in good condition. Balloons shall maintain a distance of twenty (20) feet from overhead wires or lines.
  - f. Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.
12. No sign shall:
- a. 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 the 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. Advertise any unlawful activity.
  - c. *Obscene or indecent advertisement.* No person shall display upon any sign or other advertising structure any obscene, indecent, or immoral matter.
  - d. *Located on right-of-way.* Any sign located on a public right-of-way, except those signs required by governmental authority or political signs as may be permitted.
  - e. Be painted or attached to any tree, public utility pole or structure, streetlight, fence, fire hydrant, bridge, curb, sidewalk, City-owned park bench, or other location on public property or be painted upon or otherwise directly affixed to any rock, ledge, or other natural feature.
  - f. Occupy a parking space necessary to satisfy minimum off-street parking requirements.
  - g. Consist of any auditory or sound-producing device.
  - h. Emit smoke, vapor, particles, or odors.
  - i. Be on vehicles primarily or consistently parked for display as advertising signs.
  - j. Be relocated, unless permitted by this Chapter.



- k. Be placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exitway required by the International Building Code or Fire Department regulations.
- 13. Any change in lettering, copy or facing of an existing sign shall not require an additional permit or fees as long as the size, height, or location does not change. Normal maintenance and repairs shall not require a sign permit. However, this sign must continue to conform to all other provisions.
- 14. Awning signs shall be permitted for non-residential uses with these additional regulations:
  - a. The sign shall be flat against the surface of the awning.
  - b. The sign shall maintain a clearance of eight (8) feet above a public right-of-way.
  - c. The sign shall not be closer than two (2) feet, measured in horizontal distance, from the curbline of any street.
  - d. The sign shall not extend into the right-of-way.
  - e. Fabric awnings may not extend more than one (1) foot below the rigid mount of the awning.
- 15. Canopy signs are allowed in non-residential zoning districts subject to the following:
  - a. In no case shall signs extend beyond the vertical edge of the canopy to which it is attached.
  - b. Signage for fuel canopies shall be limited to logo signs.

G. *Classification Of Signs.*

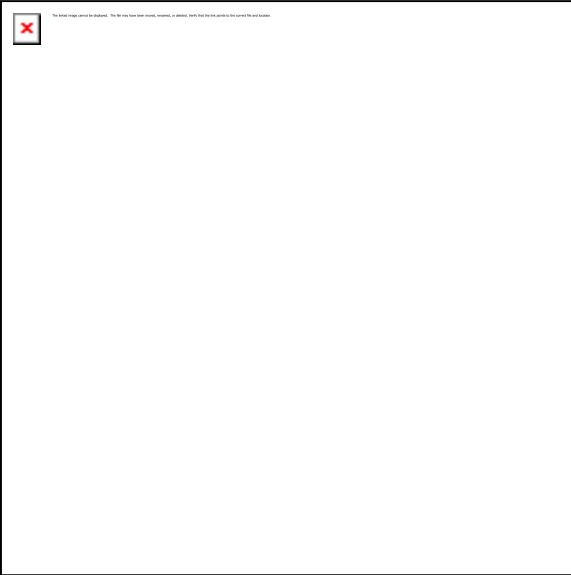
1. *Functional types.*

- a. *Advertising sign (billboard).* 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.
- b. *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.
- c. *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.
- d. *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.

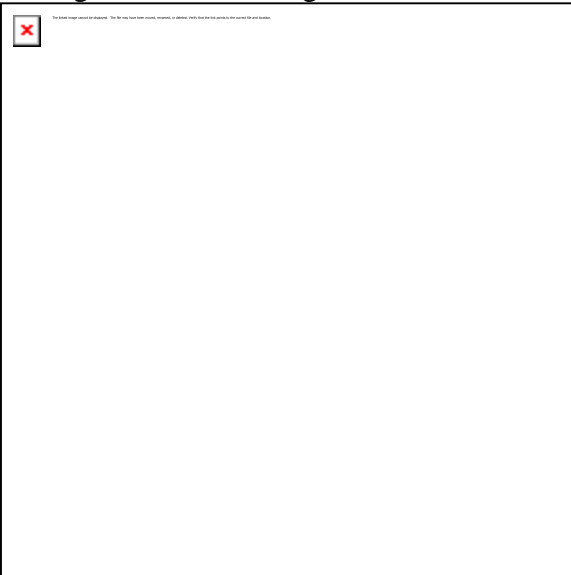
- e. *Memorial sign.* A sign, monument, or statue serving to help people remember some person or event.
  - f. *Nameplate sign.* A sign giving the name and/or address of the owner or occupant of a structure or premises on which it is located and, where applicable, a professional status.
  - g. *Temporary 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.
    - (1) *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 (1) or more structures or a portion thereof on which the sign is located.
    - (2) *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.
    - (3) *Political campaign sign.* Any sign relating to a candidate, political party, ballot issue, or other issue to be voted upon in any public election.
    - (4) *Banner signs and pennants.* Made of flexible, non-permanent type material that is intended for short-term use and not for permanent display. Subject to display limitations as described in banner permit application.
2. Structural types.
- a. *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 1. Canopy Sign



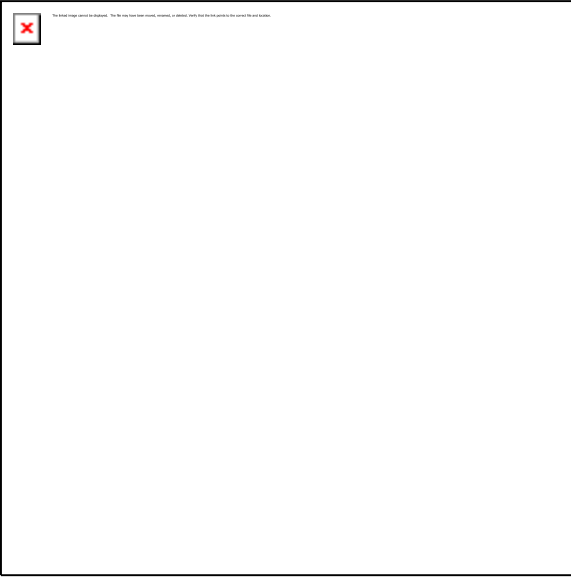
- b. Ground sign placed upon or supported by the ground independent of the principal structure on the property where the bottom edge of the sign is less than six (6) feet above the ground, the height is no greater than ten (10) feet and the base is no less than fifty percent (50%) of the width of the face of the sign presenting a monolithic structure. If the height of the sign base is less than five (5) feet, no planter is required.

Figure 2. Ground Sign



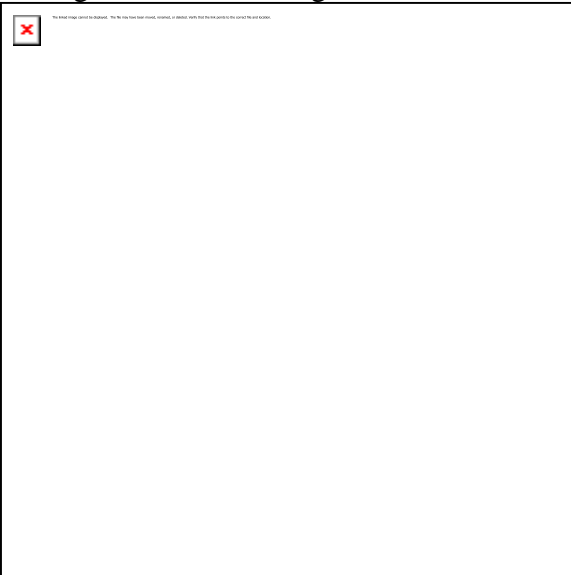
- c. *Monument sign.* Any sign whose base is greater in width than the face of the sign and whose height is no greater than six (6) feet.

Figure 3. Monument Sign



- d. *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 (10) feet or more above the ground level.

Figure 4. Elevated sign



X = the width of the sign face

Y = 1/4 the width of the base

Z = 30 feet above base elevation

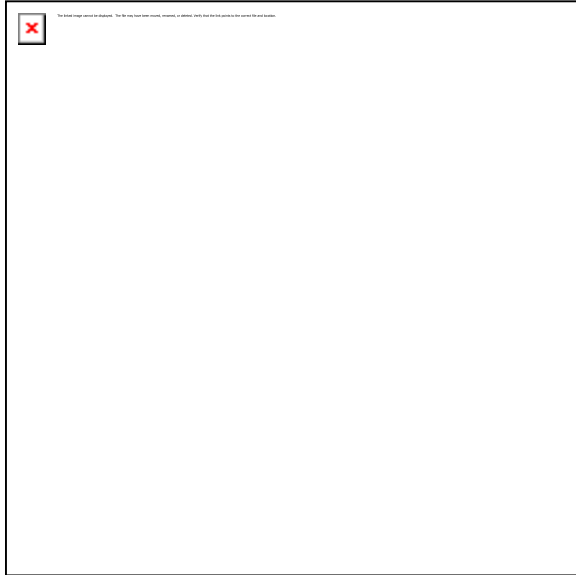
30 feet maximum height

Bottom of sign base to be a minimum of 10 feet from ground elevation

- e. *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

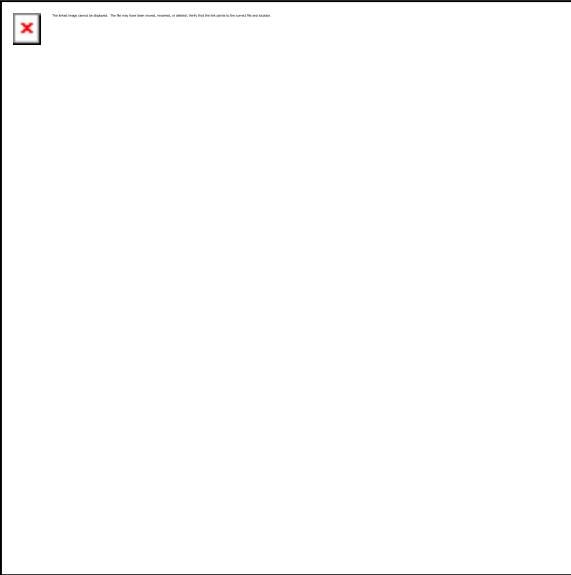
sign may be painted or non-painted and capable of being readily altered. Portable display signs may be with or without electrical illumination and power and with or without wheels.

Figure 5. Portable Display Sign



- f. *Projecting sign.* A sign that is wholly or partly dependent upon a structure for support and which projects more than twelve (12) inches from such structure. Sign area is limited to a maximum of twenty (20) square feet. See Figure 6.
- g. *Wall sign.*
  - (1) *Affixed, fastened to a, or projecting:* a sign fastened to a wall of a structure in such a manner that the wall becomes merely the supporting structure and which does not project more than twelve (12) inches from such structure. See Figure 6.
  - (2) *Painted:* a sign painted on a wall of a structure in such a manner that the wall forms a background surface.
- h. *Roof sign.* A sign totally supported on the roof of a structure. Roof signs shall not project more than twelve (12) inches beyond the face of the structure.

Figure 6. Projecting Sign/Wall Sign/Roof Sign



- i. *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 windowpanes or glass and is visible from the exterior of the window.
- j. *Off-site sign.*
  - (1) All off-site signs must follow the size and height limitations according to land classifications.
  - (2) The erection, construction, or maintenance of off-site signs shall be limited to properties adjacent to either side of the right-of-way of roads designated as part of the Missouri Department of Transportation system or classified as a major thoroughfare by the City of Clever and shall be limited to commercial and industrial zoning districts.
  - (3) Off-site signs shall be erected or placed in conformity with the following:
    - (a) In any zoning district not adjacent to a highway, no off-site sign shall be placed closer than twenty-five (25) feet to any road right-of-way.
    - (b) In any zoning district adjacent to a highway, no off-site sign shall be placed closer than ten (10) feet to any road right-of-way.
    - (c) Off-site signs erected adjacent to highways shall not be located closer to another off-site sign than one thousand (1,000) feet apart.
    - (d) Off-site signs erected adjacent to roads other than highways shall not be located closer than one thousand five hundred (1,500) feet, as measured in any direction, of any other off-site sign.
    - (e) No portion of any off-site sign shall be located within one hundred fifty (150) feet in any direction of a zoning district other than "C,"

"CBD" and "I".

- (f) Off-site signs shall not advertise any tobacco or alcohol products. These off-site signs shall not be located within one thousand (1,000) feet of public or private schools, within five hundred (500) feet of a place of worship, within five hundred (500) feet of a publicly owned recreation center or a publicly owned park.
- H. *Temporary Portable Display Signs With Or Without Wheels Attached.* Portable display signs shall be allowed on premises in a commercial or industrial zoning district for not more than seven (7) consecutive days and no more than twenty-eight (28) days in a twelve-month period.
- I. *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.
  - 1. *Real estate signs.* Real estate signs shall be removed within one (1) week of the date of sale, rental, or lease. Signs shall not exceed thirty-two (32) square feet in area. Signs shall be limited to nine (9) square feet in area when located in a residential zoning district.
  - 2. *Construction signs.* Construction signs shall be thirty-two (32) square feet or less. Signs may be erected at the start of construction and shall be removed upon project completion. Signs shall be limited to nine (9) square feet in area when located in a residential zoning district.
  - 3. *Banners and pennants.* Banners and pennants shall require a permit for display. A maximum of thirty-two (32) square feet is allowed with only one (1) banner per business to be displayed at one time. Banner and pennant permits are ten dollars (\$10.00) per thirty-day period of display with a maximum time of one hundred eighty (180) days per calendar year allowed. Banners must conform to all requirements for display as stated in the permit application.
  - 4. Political campaign signs shall be limited to a maximum of nine (9) square feet in area when located in a residential zoning. For all other zoning districts, they shall be limited to area requirements for permanent detached or wall signs in accordance with the zoning district in which they are located. Such signs shall be subject to placement in accordance with Subsection (F)(5), Traffic safety. Political signs located on private property are allowed, provided the candidate or ballot issue campaign has the permission of the property owner, meets all legal requirements of the State of Missouri, meets size requirements according to land classification, are not erected more than thirty (30) days prior to the election date and are removed within seven (7) days after election.
  - 5. Garage, patio, yard, estate sale or other similar signs. See Chapter 605, Art. IV, Garage Sales. [Ord. No. 511, 7-21-2020]
- J. *Maintenance.*
  - 1. All signs within the City shall be maintained in a safe location and in such a manner

- that they shall not become a visual detriment to the community at large. The Code Enforcement Officer and/or 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.
2. Should the Code Enforcement and/or 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. Any sign that advertises products, goods, or services no longer available at that site or at the described location on the sign for more than one (1) year shall be considered an abandoned sign/non-maintained sign.
  3. Should the owner fail to exhibit evidence of compliance within thirty (30) days after the mailing of the letter of notification, the Code Enforcement and/or Building Inspector shall cause the owner to be cited for violation of this regulation.
  4. *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.

**K. District Regulations.**

1. Prohibited on one (R1b)- and two (R1c)-family residences:
  - a. Bulletin board signs;
  - b. Business signs other than as allowed for home occupations;
  - c. Monument signs other than as allowed per Subsection (L)(1)(b)(4);
  - d. Wall signs.

<b>District Regulations Table</b>							
<b>Zoning District</b>							
	<b>A</b>	<b>R1b</b>	<b>R1c</b>	<b>RM</b>	<b>C</b>	<b>CBD</b>	<b>I</b>
<b>Standards</b>	<b>A</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
	<b>Functional Sign Types</b>						
Advertising sign	P	X	X	C	P	P	P
Bulletin board	P	X	X	C	P	P	P
Business sign	P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P	P
Memorial sign	P	P	P	P	P	P	P



Identification sign	P	P	P	P	P	P	P
Nameplate sign	P	P	P	P	P	P	P
Temporary sign	P	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>
	<b>Structural Sign Types</b>						
Awning, canopy, or marquee sign	P	X	X	X	P	P	P
Elevated sign	P	X	X	X	P	P	P
Ground sign	P	P	P	P	P	P	P
Monument sign	P	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	P	P	P
Portable display sign	P	X	X	X	P	C	P
Projecting sign	P	X	X	X	P	P	P
Wall sign	P	X	X	X	P	C	P
Roof sign	P	X	X	X	P	P	P
Window sign	P	C	C	C	C <sup>4</sup>	C	C <sup>4</sup>

P = Permitted

C = Conditionally permitted

X = Not permitted

<sup>1</sup> Refer to Subsection (L)(2)

<sup>2</sup> Refer to Subsection (I)

<sup>3</sup> Refer to Subsection (L)(1)(b)(4)

<sup>4</sup> Refer to Subsection E(2)(f)

#### L. *Sign Standards.*

1. "R-1b" Single-Family Residential District; "R-1c" Single-Family Residential District; "R-M" Multifamily District.
  - a. *Number of signs permitted.* One (1) sign per zoning lot; and two (2) signs per zoning lot on a corner lot, with one (1) sign facing each street.
  - b. *Maximum gross area.*
    - (1) *Business signs – home occupations.* Twelve (12) square feet, non-illuminated. Sign display to be limited to one (1) detached sign, unless on a corner lot.
    - (2) *Temporary signs.* As regulated by Subsection (I) of this Section.
    - (3) *Nameplate signs.* Four (4) square feet.

- (4) *Monument sign.* Thirty-six (36) square feet. One per subdivision; construction to be limited to common areas within said subdivision or negotiated easement.
  - c. *Required setbacks.* No sign shall be placed closer to the front property line than one-half (1/2) the distance of the front yard; except that real estate signs shall be exempt from the setback requirements.
  - d. *Illumination.* Signs may be indirectly illuminated with incandescent or fluorescent lighting.
  - e. An advertising sign on top of, cantilevered, or otherwise suspended above the roof of any building.
2. *"C" General Commercial District.*
- a. *Number of signs permitted.*
    - (1) Awning, canopy, or marquee signs, and wall signs. No limitations.
    - (2) *Ground, monument, elevated, or projecting signs.* Two (2) per zoning lot on double frontage lots. Double frontages may be either corner lots or through lots. Both frontages must be on an arterial, major arterial, expressway, or freeway, or combination thereof as determined in Title IV, Land Use, Chapter 405, Section 405.050, Definitions. Corner through lots are allowed a sign for each street frontage.
  - b. *Maximum gross surface area for detached signs.*
    - (1) Four (4) square feet for each lineal foot of street frontage.
    - (2) No single sign shall exceed one hundred (100) square feet in area.
    - (3) No elevated sign shall exceed two hundred fifty (250) square feet in area.
  - c. *Maximum gross surface area for wall signs.* Two (2) square feet per lineal foot of building frontage.
  - d. *Maximum heights.* Thirty (30) feet, except as otherwise limited in height by this Section.
  - e. *Required setback.* None.
  - f. *Illumination.* Illuminated signs shall be permitted.
3. *"CBD" Central Business District.*
- a. *Number of signs permitted.* No limit for wall signs. Total areas combined not to exceed total allowable area based on street frontage. Detached signs are not permitted.
  - b. *Maximum gross surface area.* Four (4) square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of one hundred (100) square feet.

- c. *Maximum height.* NA; except wall and projecting signs may extend to the roof eave line.
  - d. *Required setback.* None.
  - e. *Illumination.* Illuminated signs shall be permitted.
4. *"I" Industrial District.*
- a. *Number of signs permitted.* Same as "C" zoning.
  - b. *Maximum gross surface area for detached signs.* Four (4) square feet per lineal foot of street frontage, provided no single sign exceeds a gross surface area of three hundred (300) square feet.
  - c. *Maximum gross surface area for wall signs.* Same as "C" zoning.
  - d. *Maximum height.* Thirty (30) feet above highest point for roof and wall signs and thirty (30) feet for all others, in accordance with Subsection (F)(2).
  - e. *Required setbacks.* None.
  - f. An advertising sign on top of, cantilevered, or otherwise suspended above the roof of any building in this district shall adhere to the following:
    - (1) 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 any adjacent street or highway, the path of oncoming 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.
    - (2) 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.
    - (3) 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.
- M. *Shopping Centers, Planned Districts, And Office Parks.* In the case of a proposed shopping center or other grouping of two (2) or more tenants or establishments (new or remodeled), the developer shall prepare and submit to the (Planning and Zoning Commission/Building Inspector) 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 confirmed compliance with the sign standards listed in Subsection (L) and the District Regulations Table in Subsection (K). For the purposes of this Section, the terms "shopping center, office park, or other groupings" shall mean a project of one (1) or more buildings that has been planned as an integrated unit or cluster of units on property under unified control or ownership. The sale, subdivision, or other partition of the site does not exempt the project or portions thereof from complying with these regulations.

1. In the case of a shopping center or other grouping, which is occupied by more than one (1) tenant, one (1) elevated sign or ground sign may be permitted in addition to the wall-mounted signs. Advertising space shall be reserved for any and all future tenants unless the owner/developer chooses not to offer such space. This determination must be made at the time a final development plan is submitted for approval.
  2. Owners of existing occupied office centers, shopping centers, or other commercial groupings with two (2) or more tenants must provide for advertising space for any and all current or future tenants on any monument, ground, or elevated sign that is permitted to be constructed for that center or grouping, should no such sign be existing at time of application. Should the owner desire not to provide advertising space for any tenant, then only a single sign identifying the center or group will be permitted.
- N. *Non-Conforming Signs.* All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal non-conformance. Signs in legal non-conformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated.
- O. *Removal Of Non-Conforming Signs.* Should any non-conforming sign be damaged by a means to an extent of more than fifty percent (50%) of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of these regulations.
1. *Removal of on-site non-conforming signs.* All on-site non-conforming 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.
  2. *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 ninety (90) days, unless a building permit has been issued to replace the structure within said time period.
- P. *Conditional Use Permits.*

1. *Delegation of power.* The Board of Aldermen shall decide whether conditional use permits shall be granted only after having received a recommendation from the Planning and Zoning Commission.
  2. 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 Section are not found to exist.
  3. *Condition and guarantees.* Prior to the granting of any conditional use permit, the Planning and Zoning Commission or Board of Aldermen may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use permit as issued.
- Q. *Variances.* The Board of Adjustment may grant variances to the sign code to endure conformity to the intent of this Section. A variance may only be granted upon a finding by the Board of Adjustment that:
1. There are special circumstances or conditions applying to the land, building, or use referred to in the application;
  2. That such special circumstances or conditions are pre-existing and not created by the property owner or appellant;
  3. The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights;
  4. The authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity of the property, to the neighborhood, or the public welfare in general; and
  5. The variance will not give the sign owner an unfair advantage in the marketplace when comparing the business's competition.

**Section 405.400. through Section 405.450. (Reserved)**

**ARTICLE IV  
Off-Street Parking**

**Section 405.460. General Requirements.** [Ord. No. 162 §410, 7-16-1990]

- A. In all districts except a "C-4" Central Business District in connection with every use, sufficient off-street parking spaces shall be provided to accomplish the principles set forth in the ordinance and to meet the parking demands generated by residents, employees, company officials, company vehicles and customers. Required parking spaces shall be located on the lot on which the principal use is located except as provided in this Section.
1. Each application for a building permit, zoning permit or variance shall include plans for at least the minimum number of parking spaces as herein required. Plans shall include information as to location and dimensions of off-street parking spaces and the means of access to the spaces. The administrative official shall not approve any application until he/she determines that the requirements of this Section are met in the

plans.

2. Each parking space shall contain not less than two hundred (200) square feet in area exclusive of access and circulation aisles. Areas normally used for drive-in customer service such as drive-in windows and gas pump service areas shall not be counted as required parking spaces.
3. If the off-street parking space required by this Article cannot reasonable be provided on the lot on which the principle use is located, such space may be provided on any land within four hundred (400) feet of the principal building or use. The principal use shall be permitted to continue only as long as its parking requirements are met.

**Section 405.470. Additional Parking Spaces Regulations.** [Ord. No. 162 §420, 7-16-1990]

- A. Where fractional spaces result, the parking spaces required shall be construed to the nearest whole number.
- B. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Planning and Zoning Commission.
- C. Whenever a building or use constructed or established after the effective date of the ordinance is changed or enlarged in floor area, number or employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Chapter is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- D. In the case of mixed or joint uses, the parking spaces required shall be equal to the sum of the requirements of the various uses computed separately.

**Section 405.480. Use of Additional Lot for Parking.** [Ord. No. 162 §430, 7-16-1990; Ord. No. 162, Table 400, 7-16-1990]

- A. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other non-residential building served.
  1. Up to fifty percent (50%) of the parking spaces required for:
    - a. Theaters, public buildings, bowling alleys, dance halls, nightclubs or cafes, and up to one hundred percent (100%) of the parking spaces required for churches or school auditorium may be provided and used jointly by
    - b. Banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed

in (a); provided, however, that written agreement thereto is properly executed and filed as specified below.

2. In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the City Attorney and shall be filed with the application for a building permit.
3. Off-street parking space may be located within the required front yard or any "C" or "I" zoning district, but no off-street parking shall be permitted in the required front yard in any "R" zoning district, except upon a driveway provided access to a garage, carport or parking area for a dwelling.

<b>TABLE 405.480 PARKING REQUIREMENTS</b>	
<b>Use</b>	<b>Off-Street Spaces Required</b>
Dwelling	Two (2) per family
Mixed residential	Two (2) per dwelling unit
Home occupation	Three (3) in addition to residential requirements
Churches	One (1) for every four (4) seats in the principal place of assembly
Elementary school	One (1) for each staff member and employee
High schools, vocational school and colleges	One (1) for each staff member and employee plus one (1) additional space for each eight (8) students
Community centers, libraries, galleries and museums	Ten (10) plus one (1) for each three hundred (300) square feet of floor area
Stadiums	One (1) for each three (3) spectator seats
Hospitals and clinics	One (1) for each employee; plus one (1) for each four (4) patient beds
Golf courses	Forty (40)
Rooming houses and boarding houses	Two (2) and one (1) for each roomer or boarder
Public utilities and service facilities	One (1) for each five hundred (500) square feet of gross floor area or two (2) for each three (3) employees, whichever is greater
Dormitories and clubs	One (1) for every two (2) guest rooms
Fraternities and sororities	One (1) for every two (2) members
Undertaking establishments	One (1) for each fifty (50) square feet of gross floor area

Private nurseries, day schools, kindergarten and children's homes	One (1) for each employee
Convalescent home and home for aged	One (1) for each four (4) beds
Professional offices	One (1) for each two hundred (200) square feet of gross floor area
Retail business and service establishments	One (1) for each company vehicle and one (1) for each two hundred (200) square feet of gross floor area
Motels and hotels	One (1) for each employee and one (1) for each rental unit
Bowling alleys, pool halls and similar recreational facilities	One (1) for each two hundred (200) square feet of gross floor area
Industrial uses:	
Permitted uses	One (1) for each employee on the largest shift and one (1) for each company vehicle
Conditional uses	To be determined by the City Planning and Zoning Commission according to use
Service stations	Two (2) for each gas pump and three (3) for each grease race
Restaurant, cafe, nightclub or similar establishment	One (1) for each two (2) employees and one (1) for each one hundred (100) square feet of gross floor area
Auto sales and garages	One (1) for each employee and four (4) for each maintenance stall
Theatres	One (1) for every two (2) seats
Wholesale, retail and commercial storage	One (1) for each employee and one (1) for each company vehicle stored at the site

**Section 405.490. through Section 405.530. (Reserved)**

## ARTICLE V Non-Conforming Provisions

**Section 405.540. General Provisions Affecting Non-Conformities.** [Ord. No. 162 §510, 7-16-1990]

- A. Within the districts established by this Chapter or by amendments that may later be adopted, there exist lots, premises, structure and uses of land which were lawful before this Chapter was effective or amended, but which would be prohibited, regulated or restricted under the provisions of this Chapter or future amendment.



- B. It is the intent of this Article to permit these non-conformities to continue until they are removed (except as otherwise herein provided), but not to encourage their survival. Such non-conformities are declared by this Article to be incompatible with the permitted structures and uses of land and structures in the districts involved. It is further the intent of this Article that such non-conformities shall not be enlarged upon, expanded or extended except as provided for herein, not to be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- C. A non-conforming use of land, premises or structure shall not be enlarged upon, expanded or extended after the effective date of this Article.
- D. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- E. A non-conforming use or a non-conforming building or structure which is non-conforming only because of failure to provide required off-street parking spaces or loading berths shall have all the rights of a conforming use or structure.

**Section 405.550. Non-Conforming Uses of Land.** [Ord. No. 162 §520, 7-16-1990]

- A. Where, on the effective date of adoption or amendment of this Chapter, a lawful use of land exists that is no longer permissible under the regulations and standards of this Article as adopted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:
  - 1. No such non-conforming use of land shall be enlarged, increased or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Article.
  - 2. No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this Article.
  - 3. If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) consecutive days, any subsequent use of such land shall conform to the resolutions and standards set by this Article for the district in which such land is located.
  - 4. A non-conforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.

**Section 405.560. Non-Conforming Structures.** [Ord. No. 162 §530, 7-16-1990]

- A. Where, on the effective date of adoption or amendment of this Chapter, a lawful structure exists that could not be built under the regulations and standard of this Article as adopted or amended by reasons of restrictions on lot area, lot coverage, floor area ratio, heights, yards, spacing between buildings or other characteristics of the structure or its location on the lot,

such structure may be continued so long as it remains lawful subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its non-conformity. On a non-conforming structure work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not to exceed ten percent (10%) of the then current replacement value of the structure, provided that the volume of such building or the size of structure as it existed at the effective date of adoption or amendment of this Article shall not be increased.
2. Should such structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.
3. Should any such structure be moved for any reasons for any distance whatever, it shall thereafter conform to the regulations and standard for the district in which it is located after it is moved.

**Section 405.570. Non-Conforming Uses of Structures.** [Ord. No. 162 §540, 7-16-1990]

- A. Where, on the effective date of adoption or amendment of this Chapter, a lawful use of a structure or a premises exists that is no longer permissible under the regulations and standards of this Article as adopted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:
1. No existing building or structure devoted to a use not permitted by this Article in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or altered except in changing the use of such building or structure to a use permitted in the district in which it is located. On a structure devoted to a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed ten percent (10%) of the then current replacement value of the structure, provided that the volume of such building or the size of such structure as it existed at the effective date of adoption or amendment of this Article shall not be increased.
  2. Any non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this Article, but no such use shall be extended to occupy land outside of such building or structure.
  3. If no structural alterations are made, any non-conforming use of a building or structure or of any premises may be changed to another non-conforming use provided that the Planning and Zoning Commission, 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 non-conforming use. In permitting such changes the Planning and Zoning Commission may require appropriate conditions and safeguards in accord with the provisions of this Article.

4. Any building or structure or any premises in or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the regulations and standards of the district in which such building, structure or premises is located and the non-conforming use shall not be resumed.
5. When a non-conforming use of a building or structure or of a premises is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the building or structure or the premises all not thereafter be used except in conformance with the regulations and standards of the district in which it is located.
6. Where non-conforming use status applies to the use of a building, removal or destruction of the building or structure shall eliminate the non-conforming use status and any use of a new building or structure must be a use permitted in the district in which it is located. "*Destruction*" for this purpose is defined as damage to an extent of more than sixty percent (60%) of the replacement cost at time of destruction.

**Section 405.580. through Section 405.600. (Reserved)**

ARTICLE VI  
**Administration**

**Section 405.610. Administrative Officer.** [Ord. No. 162 §610, 7-16-1990; Ord. No. 195, 4-24-1995]

The Administrative Officer/Building Inspector shall administer and enforce the provisions of this Chapter. The Administrative Officer shall be any person designated as such by the Board of Aldermen – Authorizing Administrative Officer/Building Inspector as one and the same person.

**Section 405.620. Administrative Officer/Building Inspector – Powers and Duties.** [Ord. No. 162 §611, 7-16-1990; Ord. No. 195, 4-24-1995]

- A. The powers and duties of the Administrative Officer/Building Inspector shall be as follows:
1. Issue all zoning permits and make and maintain records thereof.
  2. Issue all certificates of occupancy and make and maintain records thereof.
  3. Conduct inspections of buildings, structures and the use of land to determine compliance with the terms of this Chapter.
  4. Require that all construction or work of any type be stopped when such work is not in compliance with this Chapter.
  5. Revoke any permit which was unlawfully issued or any permit wherein defective work has been performed and when such work has not been corrected within ninety (90) days of notification.
  6. Maintain permanent and current records of this Chapter including, but not limited to, all maps, amendments, variances, appeals and applications.
  7. Provide and maintain a public information bureau relative to all matters arising out of this Chapter.

8. Forward to the Planning and Zoning Commission all applications for amendments to this Chapter.
9. Forward to the Board of Adjustment applications for adjustment, appeals, variances or other matters on which the Board of Adjustment is required to pass under this Chapter.
10. Issue permits regulating the erection and use of tents for periods not to exceed ten (10) days for specific purposes such as: temporary carnivals, churches, charities or charitable uses and revival meetings, such uses not being detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided however, that said tents or operations are in conformance with all other ordinances of the City of Clever.
11. Initiate, direct and review, from time to time, a study of the provisions of this Chapter and to make such reports available to the Planning and Zoning Commission not less than once a year.
12. The Administrative Officer/Building Inspector shall review all zoning permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has flood hazard, any proposed new construction or substantial improvement must be in compliance with Chapter 415:
  - a. Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;
  - b. Use construction materials and utility equipment that are resistant to flood damage; and
  - c. Use construction methods and practices that will minimize flood damage.

**Section 405.630. Zoning Permit Required.** [Ord. No. 162 §620, 7-16-1990; Ord. No. 195, 4-24-1995; Ord. No. 201, 10-9-1995]

- A. No building or other structure shall be erected, moved and/or substantially renovated or structurally altered ("*substantially*" defined as renovation or alteration which caused the structure to become uninhabitable) without a permit therefor. No such building or structure will be occupied and/or reoccupied without first having been issued a certificate of occupancy by the Administrative Official/Building Inspector. In addition, City-owned utilities shall not be provided ("*provided*" defined to mean placed in an occupant's name) to the structure until said certificate of occupancy is validated.
- B. No zoning permit for alteration, repair or construction of any building or structure shall be issued unless the plans and specifications show that the building or structure and its proposed use will be in compliance with provisions of the zoning ordinance.
- C. A temporary zoning permit may be issued by the Administrative Official/Building Inspector for a period not exceeding six (6) months during alteration or construction for partial occupancy of a building pending its completion or for bazaars, carnivals and revivals, provided that such temporary permit shall require such conditions and safeguards

as will protect the safety of the occupants and the public.

- D. The failure to obtain the necessary zoning permit shall be punishable under Section 405.650 of this Chapter.
- E. Zoning permits issued on the basis of plans and applications approved by the Administrative Official/Building Inspector authorize only the use, arrangement and construction set forth in such approved plans and specifications. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Chapter and shall be punishable as provided by Section 405.650 of this Chapter.

**Section 405.640. Zoning Permit Application.** [Ord. No. 162 §630, 7-16-1990]

- A. Applications for zoning permits shall be accompanied by a duplicate set of plans drawn to scale with the following information indicated in order to determine compliance with this Chapter:
  - 1. The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
  - 2. The location of the said lot with respect to adjacent rights-of-way;
  - 3. The shape, dimensions and location of all buildings, existing and proposed, on the said lot;
  - 4. The nature of the proposed use of the building or land including the extent and location of the use on the said lot;
  - 5. The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space; and
  - 6. Any other information which the Administrative Official may deem necessary for consideration in enforcing the provisions of this Chapter.
- B. If the zoning permit is denied on the basis of this Chapter, the applicant may appeal the action of this Administrative Official to the Board of Adjustment.
- C. No building permit for alteration, repair or construction of any building or structure shall be issued unless the plans and specifications show that the building or structure and its proposed use will be in compliance with provisions of the zoning ordinance and a zoning permit has been issued.

**Section 405.650. Penalties for Violation of This Chapter.** [Ord. No. 162 §640, 7-16-1990; Ord. No. 201, 10-9-1995]

- A. Any person, firm or corporation who violates any provisions of this Chapter or any lawful order of the Board of Aldermen, Planning Board, Board of Adjustment or Administrative Official pursuant thereto shall be guilty of a misdemeanor and upon conviction thereto shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisoned for not more than twenty (20) days, or both. Each day during which such violation shall be permitted to exist shall be deemed a separate offense.

- B. The owner or tenant of any building, structure, premises or part thereof, any architect, builder, contractor, agent or other person who commits, participates in , assists in or maintains such violation may be found guilty of a separate offense and be subject to the penalties herein provided.
- C. Nothing herein contained shall prevent the town from taking such other lawful action as it deems necessary to prevent or remedy any violation.

**Section 405.660. through Section 405.700. (Reserved)**

**ARTICLE VII  
Amendments**

**Section 405.710. Amendments Authorized.** [Ord. No. 162 §650, 7-16-1990]

The Board of Aldermen may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Chapter, amend district boundary lines, provided that in all amendatory orders adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community and the uses to which property is devoted at the time of the adoption of such amendatory order.

**Section 405.720. Amendment Procedure.** [Ord. No. 162 §651, 7-16-1990]

- A. This Chapter shall be amended in the following manner:
  - 1. Amendments may be proposed by any citizen, organization or government body.
  - 2. An application for an amendment to this Chapter shall be filed with the Administrative Officer in such form and accompanied by such information as required by the Administrative Officer. The Administrative Officer, upon requiring an application for amendment, shall transmit one (1) copy of such application, along with all pertinent data filed therewith, to the following agencies and/or legal entities for their review and written recommendations, protests or comments:
    - a. Planning and Zoning Commission.
    - b. Board of Aldermen.
  - 3. A fee of ten dollars (\$10.00) shall be paid to the City of Clever, Missouri, for each application for an amendment to cover the costs of advertising and other expenses involved. The Board of Aldermen, Planning Board and Board of Adjustment shall be exempt from this fee.
  - 4. The Board of Aldermen shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Board of Aldermen. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Board of Aldermen shall, by rule, prescribe from time to time.
  - 5. Notice of time and place of such hearing shall be published at least once in a newspaper of local distribution not less than fifteen (15) days before such hearing.

Supplemental or additional notices may be published or distributed as the Board of Aldermen may, by rule, prescribe from time to time.

6. The Planning and Zoning Commission shall make written findings of fact and shall submit same together with its recommendations to the Board of Aldermen prior to the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
  - a. Relatedness of the proposed amendment to goals and outlines of the long range physical plan of the City of Clever, Missouri.
  - b. Existing uses of property within the general area of the property in question.
  - c. The zoning classification of property within the general area of the property in question.
  - d. The suitability of the property in question to the uses permitted under the existing zoning classification.
  - e. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
7. The Board of Aldermen shall not act upon a proposed amendment to the Chapter until it shall have received a written report and recommendation from the Planning and Zoning Commission on the proposed amendment.
8. The Board of Aldermen shall approve or deny the proposal amendment. If an application for such an amendment is not acted upon by the Board of Aldermen within a ninety (90) day period following its initial submission, it shall be deemed to have been approved

**Section 405.730. through Section 405.750. (Reserved)**

**ARTICLE VIII  
Board of Adjustment**

**Section 405.760. Creation, Organization and Fees.** [Ord. No. 162 §661, 7-16-1990; Ord. No. 197, 5-26-1995]

- A. A Board of Adjustment is hereby created, the membership of which shall consist of five (5) members appointed by the Board of Aldermen of the City of Clever. They shall be residents of the municipality. They shall hold office for a term of five (5) years. The membership of the first (1st) Board appointed shall serve respectively one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years each. All members shall be removable for cause by the Board of Aldermen upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant. Thereafter, members shall be appointed for terms of five (5) years each. The Board shall elect from its members a

Chairman who shall serve for one (1) year and is eligible for re-election. The Administrative Officer/Building Inspector shall be an ex officio member without power of vote and as ex officio member of such Board may act as Secretary to the Board but is not required to do so. Otherwise, the membership will elect a Secretary who shall set up and maintain a separate file for each application for appeal, special exception and variance received and shall record therein the names and addresses of all persons and, further, keep a record of all notices published as required herein.

- B. Meetings of the Board of Adjustment shall be held at the call of the Chairman or his/her designee, and such meetings shall at all times be held separate from the legislative session of the Board of Aldermen and at such other times as the Board of Adjustment may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each questions, or if absent or failing to vote indicate such facts of each case, and shall keep records of its examinations and other official actions. Every decision of the Board shall be in writing and shall contain a full record of the findings of the Board in each case, all of which be immediately filled in the office of the Board of Adjustment and shall be public record. The Secretary of the Board of Adjustment shall notify in writing the Board of Aldermen and the Planning and Zoning Commission of each decision, interpretation, appeal and variance considered under the provisions of this Article.
- C. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Article, or to effect any variation in such Article.

**Section 405.770. Method of Appeal.** [Ord. No. 162 §662, 7-16-1990; Ord. No. 197, 5-26-1995]

- A. Appeal from action taken by the Administrative Officer/Building Inspector shall be taken in the following manner:
  - 1. All appeals shall be taken within sixty (60) days of the date of the action which is appealed.
  - 2. Appeals from the enforcement and interpretation of this Chapter, signed by the appellant, shall be addressed to the Board of Adjustment and presented to the Administrative Officer/Building Inspector. A fee equal to the actual cost to the City shall be paid to the City of Clever for each appeal to cover costs of advertising and administrative costs. The appeal shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the decisions or interpretations being appealed and the reasons for such appeal.
  - 3. The Administrative Officer/Building Inspector shall transmit to the Board of Adjustment the appeal and all papers constituting the record upon which the action appealed was taken. The Chairman of the Board of Adjustment shall schedule a hearing to be held within sixty (60) days from the filing of the appeal. Public notice of the hearing shall be published in a newspaper of general circulation in the City at least once each week for two (2) successive weeks, not less than fifteen (15) days prior to the hearing. The Administrative Officer/Building Inspector shall post notice



on the property involved for a period of one (1) week prior to the hearing.

4. An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Officer/Building Inspector certifies to the Board of Adjustment that by reason of facts in the record a stay would, in his/her opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a court order.

**Section 405.780. Variances.** [Ord. No. 162 §663, 7-16-1990; Ord. No. 197, 5-26-1995]

A. Applications for variances to this Chapter shall be processed in the following manner:

1. An application for a variance from the terms of this Chapter signed by the applicant shall be addressed to the Board of Adjustment and presented to the Administrative Officer/Building Inspector.
2. A fee equal to the actual cost to the City shall be paid to the City of Clever for each application to cover the costs of advertising and administrative costs. The application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.
3. The Administrative Officer/Building Inspector shall review the application and determine that sufficient data is contained to adequately describe the situation to the Board of Adjustment. If the data is not adequate, the Administrative Officer/Building Inspector shall return the application to the applicant for additional information. Completed applications shall be forwarded to the Board of Adjustment.

**Section 405.790. Hearing Procedure.** [Ord. No. 162 §664, 7-16-1990; Ord. No. 197, 5-26-1995]

A. The Board of Adjustment shall approve or deny appeals and variances in the following manner:

1. The Chairman of the Board of Adjustment shall schedule a public hearing to be held within sixty (60) days after an application is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the City at least once each week for two (2) successive weeks, not less than fifteen (15) days prior to the hearing. The Administrative Officer/Building Inspector shall post notice on the property involved for a period of one (1) week prior to the hearing.
2. The Board of Adjustment shall approve or deny the application for a variance following the public hearing. Before any variance is granted, the Board of Adjustment must find that all of the following criteria are met:
  - a. Special circumstances exist which are peculiar to the applicant's land, structure or building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity.
  - b. Strict application of the provisions of this Chapter would deprive the applicant of reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by the other owners of their neighboring lands, structures or buildings in the same district.

- c. The special circumstances are not the result of an act of the applicant taken subsequent to the adoption of this Chapter.
  - d. Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Chapter.
- 3. The following rules will be considered by the Board of Adjustment when approving or denying a variance:
  - a. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning.
  - b. The Board does not possess the power to grant a variance permitting a zoned use of land or building that is not permitted as a principal use or structure, accessory use or structure in the district involved.
  - c. In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Chapter. Violation of any of these conditions or safeguards shall be deemed a violation of this Chapter.
  - d. Unless otherwise specified at the time the variance is granted, the variance applies to the subject property and not to the individual who applied. Consequently, the variance is transferable to any future owner of the subject property, but cannot be transferred by the applicant to a different site.
  - e. A variance shall continue for an indefinite period of time unless otherwise specified at the time the variance is granted, except that when a variance has not been used within one (1) year after the date it was granted, the variance shall be cancelled by the Building Inspector and written notice shall be given the property owner.

**Section 405.800. Appeals From Board Action.**

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons or any officer, department, board or bureau of the City of Clever, may present to the Circuit Court of the County or City in which the property affected is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the Office of the Board.

**Section 405.810. through Section 405.850. (Reserved)**

**ARTICLE IX  
Miscellaneous Provisions**

**Section 405.860. Non-Discrimination.** [Ord. No. 162 §710, 7-16-1990]

Nothing contained herein shall be construed as authorizing the legislative body to discriminate against any person by reason of race or color.

**Section 405.870. Reasonableness of Chapter.** [Ord. No. 162 §720, 7-16-1990]

Any taxpayer or any other person having an interest in property affected by this Chapter may have the reasonableness of this Chapter or regulation determined by bringing an action in the Circuit Court of the County in which such City is situated against the Board of Aldermen of said City.

**Section 405.880. Validity.** [Ord. No. 162 §730, 7-16-1990]

Should any Section, Subsection, sentence, clause or provision of this Chapter be determined to be unconstitutional or invalid by a court of competent jurisdiction, the unconstitutional or invalid part shall not affect the validity of the Chapter as a whole or any part thereof other than the part so determined to be unconstitutional or invalid. The legislative body of the City hereby declares that it would have passed this Chapter and each Section, Subsection, sentence, clause or provision thereof irrespective of the fact any one (1) or more Sections, Subsections, sentences, clauses or provisions be declared invalid.

# ZONING REGULATIONS

## 405 Attachment 1

### City of Clever

**Table 405.260: Table of Dimensional Regulations**

[Ord. No. 162 §250, 7-16-1990; Ord. No. 229, 1-13-1997; Ord. No. 297, 2-11-2002; Ord. No. 355, 12-12-2005]

TABLE 405.260: TABLE OF DIMENSIONAL REGULATIONS							
Density Requirements	"A-1" Agricultural	"R-1b" Single-Family	"R-1c" Single-Family	"R-M" Mixed Residential	"C" Commercial	"CBD" Central Business District	"I" Industrial
<b>MINIMUM LOT AREA (square feet)</b>							
Single-family dwelling or mobile home Two-family or more in one structure or dwelling group	3 acres	10,000	6,000	5,000 per unit	None	None	None
Churches, hospitals, schools All other permitted uses		20,000 10,000	20,000 10,000	20,000 10,000			
<b>MINIMUM LOT WIDTH (feet)</b>							
Dwelling—internal lot Dwelling—external lot	150 160	80 90	60 70	60 feet, however, the width shall increase by 10 feet for each additional dwelling exceeding 3.	None	None	None
<b>MINIMUM FRONT YARD (feet)</b>							
Principal buildings Other restrictions	35	25	25	25	25	None	25
<b>MINIMUM SIDE YARD (feet)</b>							
Dwellings Single-family and two-family to 20 foot height In excess of 20 foot height Multiple-family	20	10	10	10			

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TABLE 405.260: TABLE OF DIMENSIONAL REGULATIONS							
Density Requirements	"A-1" Agricultural	"R-1b" Single-Family	"R-1c" Single-Family	"R-M" Mixed Residential	"C" Commercial	"CBD" Central Business District	"I" Industrial
<b>MINIMUM SIDE YARD (feet) (cont)</b>							
Other permitted uses				20 feet for one- and two-story buildings plus an additional 3 feet for each additional story.			
External lots (street side yard)		15		20 feet for one- and two-story buildings plus an additional 3 feet for each additional story.			
<b>MINIMUM REAR YARD (feet)</b>							
Principal building	35	25	20	25	30	None	35
Accessory building and other permitted uses		10 feet, however, the maximum size of any such building shall not exceed 10 feet by 16 feet	10 feet, however, the maximum size of any such building shall not exceed 10 feet by 16 feet	10 feet, however, the maximum size of any such building shall not exceed 10 feet by 16 feet			
A garage for personal use, whether attached or detached, is considered part of the principal building and not an accessory building and therefore not limited to the maximum square footage except, however, 35% of the lot size can be covered by non-permeable surfaces.	The maximum size of an accessory building shall not exceed 1,500 square feet						
<b>MAXIMUM COVERAGE (percent)</b>							
Principal and accessory buildings	10	30	40; accessory building (maximum 1,500 feet)	40	30	75	75
*NOTE: Residential uses located in all business districts shall have the same front, side and rear yard requirements as those in "R-M" Mixed Residential District.							

## **Chapter 410**

### **SUBDIVISIONS**

#### **ARTICLE I General Provisions**

**Section 410.010. Short Title.** [Ord. No. 468, 7-19-2016<sup>1</sup>]

The rules and regulations governing plats of subdivisions of land and lot splits contained herein shall apply within the corporate limits of the City of Clever in accordance with the provisions of Section 89.400, RSMo.

**Section 410.020. Purpose And Application.** [Ord. No. 468, 7-19-2016]

- A. Purpose. The purpose of this regulation is to control the division of land within the incorporated areas of Clever, Missouri, in order to promote public health, safety and general welfare of the City by regulating the division of land in order to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; and, in general, to facilitate the orderly development of the incorporated area of Clever, Missouri.
- B. Application Of Regulation. The Christian County Recorder of Deeds shall not record a subdivision of land located in the incorporated area of Clever until a plat of the subdivision of land has been approved according to the requirements and provisions of these regulations.

**Section 410.030. Definitions.** [Ord. No. 468, 7-19-2016]

As used in this Chapter, the following terms shall have these prescribed meanings:

**AREA, BUILDING** — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed porches, terraces and steps.

**AREA, NET SITE** — The total area within the property lines excluding internal streets.

**EASEMENT** — A grant by the property owner of the use, for a specific purpose or purposes, of a strip of land by the general public, utility companies or private individuals.

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<sup>1</sup>. Editor's Note: Former Article I, General Provisions, containing Sections 410.010 through 410.040, was repealed 7-19-2016 by Ord. No. 468.

**IMPROVEMENTS** — Grading, street surfacing, curbs and gutters, sidewalks, crosswalks, culverts, bridges, water, sanitary and storm sewers, lines, and other utilities, and other required features.

**MAJOR STREET PLAN** — The official plan of highways, primary and secondary thoroughfares, parkways and other major streets, including collector streets, adopted by the Planning and Zoning Commission, approved by the Board of Aldermen and duly filed in the office of the City Clerk and recorded in the office of the County Recorder of Deeds.

**NATURAL FEATURES** — Such features as trees, brooks, hilltops and views.

**OFFICIAL MAP** — The map showing streets, highways and parks and drainage, both existing and proposed. It shall be formally adopted by the City as the official map.

**PEDESTRIAN WAY** — A right-of-way dedicated to public use which cuts across a block to facilitate safe pedestrian access to adjacent street and properties.

**STREET, CUL-DE-SAC** — A short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround. (Refer to Section 410.110)

**SUBDIVIDER** — A person, firm or corporation undertaking the subdividing or resubdividing of a lot, tract or parcel of land into two (2) or more lots, or other subdivisions of land for the purpose of transfer of ownership or Zoning, whether immediate or future, including all changes in street or lot lines.

**SUBDIVISION (GENERAL)** — The division or redivision of land into two (2) or more lots, tracts, sites, parcels or other divisions of land for the purpose, whether immediate or future, of the transfer of ownership or development or dedication or vacation of a public or private right-of-way or easement. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

**SUBDIVISION (MAJOR)** — Notwithstanding other definitions of this Chapter, a major subdivision is defined as any division of land into five (5) or more lots, shall include the construction and dedication of public infrastructure, shall follow the Preliminary/Final Plat procedure and shall be regulated by the provisions of this Chapter.

**SUBDIVISION (MINOR)** — Notwithstanding other definitions of this Chapter, a minor subdivision is defined as any division of land which creates not more than four (4) tracts.

**Section 410.040. General Provisions.** [Ord. No. 468, 7-19-2016]

- A. **Compliance.** Any owner or proprietor of any tract of land who subdivides the tract of land and who violates any of the provisions of this regulation shall may be guilty of a misdemeanor.
- B. **Undevelopable Land.** Land subject to flooding, land with excessive slope and land deemed by the Planning and Zoning Commission to be undesirable for development shall not be platted for residential occupancy, nor for such other uses as may involve danger to health, life or property, or to aggravated erosion or flood hazard. Such land shall be set aside for uses compatible with existing conditions.

- C. Prepared By Registered Land Surveyor. Every plat shall be prepared by a registered land surveyor duly licensed by the State, who shall endorse upon each plat a certificate signed by him/her setting forth the source of the title of the owner of the land subdivided and the place of record of the last instrument in the chain of the title and shall cause his/her seal to be affixed on the face of the plat.
- D. Required Statement. Every plat on the deed of dedication to which such plat is attached shall contain in addition to the registered land surveyor's certificate, a statement to the effect that the above and foregoing subdivision of (here insert correct description of land subdivided) as appears in the plat in question is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any, and duly acknowledged before some officer authorized to take acknowledgments of deeds, and when thus executed shall be recorded in the office of the Recorder of Deeds of the County and indexed under the names of the owners of the lands signing such statement and under the names of the subdivision. Evidence of this transaction is to be submitted and filed with the Board of Aldermen.
- E. Submission Of The Final Plat. Upon completion of all required improvements as stipulated by the Planning and Zoning Commission and the regulations, the developer shall prepare and submit to the Planning and Zoning Commission a Final Plat of the proposed subdivision which shall conform with the requirements set forth in Article II at least two (2) weeks prior to the meeting of the Planning and Zoning Commission at which action is desired.
- F. Approval. No plat of a subdivision shall be recorded unless and until it has been submitted and approved by the Commission and the Board of Aldermen in accordance with the regulations set forth in this regulation and so certified by the City Clerk.
- G. Recording. Any owner or any proprietor of any tract of land situated within the corporate limits of the City who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Recorder of Deeds.

## ARTICLE II

### Land Subdivision Improvements, Installed Or Guaranteed And Final Plat Requirements

#### **Section 410.050. Minor Subdivisions.** [Ord. No. 468, 7-19-2016<sup>2</sup>]

- A. All subdivision of land not otherwise classified as a major subdivision shall be classified as a minor subdivision and shall be subject to the procedures described in this Article. Applications for minor subdivision will be reviewed, considered, and forwarded to the Planning and Zoning Commission based on the following qualifications:
  - 1. The proposed subdivision will not create more than four (4) tracts of land, including the remainder to be retained by the owner.
  - 2. The proposed subdivision does not include the dedication of a new street or other

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2. Editor's Note: Former Article II, Land Subdivision Improvements, Installed Or Guaranteed And Final Plat Requirements, containing Sections 410.050 through 410.100, was repealed 7-19-2016 by Ord. No. 468.



public way or change in existing streets, easements, water, sewer, or other public improvements. It is the intent of this provision to limit approval of minor subdivisions to those cases where the improvements required by these regulations have been provided, with exception to the extension of service to individual lots. It is not the intention of this provision to permit all requests, but solely requests that meet the minimum standards.

3. The subdivision is in compliance with the Zoning Ordinance and other ordinances and regulations of the City of Clever and no substandard tract, parcel or lot will be created.
  4. The subdivision will not result in substantial increases in service requirements (e.g., utilities, traffic control, parks, schools, streets, etc.), nor interfere with the maintenance of existing service levels (e.g., additional curb cuts, repaving, etc.).
  5. The parent tract was lawful under these regulations at the time the existing property description was recorded.
  6. The configuration of the property was created by a court decree or order resulting from testamentary or interstate provisions.
  7. The configuration of the property was created by the assembly or combination of existing tracts of record.
- B. Minor subdivisions shall be limited so that no more than four (4) new tracts or parcels of land are created by minor subdivision from the original parent tract or parcel as that tract or parcel was at the time of annexation or else as the parcel was platted within a major subdivision in the interest of preventing the circumvention of the major subdivision process. Upon a request for a second minor subdivision of a tract or parcel previously subdivided into fewer than four (4) new tracts or parcels, Board may authorize staff by resolution to execute a subsequent minor subdivision that otherwise meets the minor subdivision requirements.
- C. Minor Subdivisions Procedures.
1. Filing Procedures. The applicant shall submit a minimum of five (5) copies of the proposed minor subdivision or more, as required by the Planning and Zoning Department, a completed application to the Clever Planning and Zoning Department. A completed minor subdivision checklist shall accompany all applications for subdivision.
  2. Review Criteria And Procedures. An application for minor subdivision shall be reviewed for conformance with the City's zoning and subdivision regulations. The Planning and Zoning Department staff, public works staff and the City Engineer shall use the following criteria to review the minor subdivision for its conformance and shall ensure the development in the proposed location:
    - a. Will be in conformity with the Comprehensive Plan, thoroughfare plan, zoning regulations or other plans officially adopted by the Planning and Zoning Commission and the Board of Aldermen.

3. **Effect Of Minor Subdivision Approval.** Minor subdivision approval shall confer upon the developer the right that the City will not change the general terms and conditions under which the approval was granted. Within sixty (60) days after approval of the plat by the Planning and Zoning Commission and the Board of Aldermen, the subdivider shall file said plat with the County Recorder. The subdivider shall pay the cost of recording the plat, easements, right-of-way deeds and any other related accompanying documents. If the plat is disapproved, the Planning and Zoning Commission shall notify the applicant in writing of the actions and reasons therefore. If the applicant shall fail to record the plat within sixty (60) days, then the plat shall be held for naught.
4. **Information Required.** The following information is required on all minor subdivision plats submitted for approval. The required information may be combined for presentation on one (1) or more drawings or maps. In the interests of clarity, speed and efficiency in the review process, Planning and Zoning Commission may require that the information be presented on separate or additional drawings or maps. In all cases the minor subdivision plat submission shall be designed in conformity with the Clever Zoning Code, Chapter 405, and shall include the following information:
  - a. The proposed subdivision name, the general location, as it is commonly known, or by some other name by which the project may be identified, the name and address of the present owner and subdivider and the surveyor.
  - b. Title, scale, north arrow, date of preparation and each date, which a revision was made.
  - c. Location by section, township, range, City, County, State or if a re-subdivision of an existing or approved subdivision, then by lot or block numbers and name of original subdivision.
  - d. The names, location, and dimensions of adjacent streets within any adjoining subdivision.
  - e. The plat boundaries shall show the external bearings, distances and internal angles with dimensions in hundredths of feet. A minimum closure of one-tenth of a foot (0.10) or 1:20,000 for distances greater than two thousand (2,000) feet (minimum standards for urban class property survey) to close the traverse within a maximum of one (1) foot in ten thousand (10,000) feet. All bearings shall be obtained by determination of true north by solar or celestial observation.
  - f. The boundary lines, location and dimensions of existing and newly created tracts, parcels or lots that are part of the minor subdivision shall be shown on the plat. The dimensions and location of all arcs, radii, internal angles, points of curvature and tangent boundaries and other pertinent survey information necessary to provide an accurate description and location. Survey data shall meet the standards promulgated by the State of Missouri, "Missouri Minimum Standards for Property Boundary Surveys," Division of Geology and Land Survey, Missouri Department of Natural Resources. All survey datum shall be

vertically and horizontally tied to the Missouri Geographical Reference Stations (GRS).

- g. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
- h. The exact location and distances of all structures and other physical improvements in relation to proposed lot lines.
- i. The extent and location of floodplains, floodways, or other waterways of record; elevations of which, shall be based on applicable Flood Insurance Studies, Flood Insurance Rate Maps, Flood Boundary and Floodway Maps.
- j. Location of sanitary sewer, storm sewers, water mains, gas lines, fire hydrants, electric and telephone poles and street lights.
- k. Topography, contours at vertical intervals shall be shown as follows:
  - (1) Average slope less than six percent (6%): two-foot interval contour map.
  - (2) Average slope over six percent (6%): five-foot interval contour map.
  - (3) Average slope over twenty percent (20%): five-foot interval contour map.
- l. Existing zoning classification of the minor subdivision and adjacent area.
- m. Setback lines on all lots and other sites.
- n. Certification by Missouri registered land surveyor as to accuracy of survey as such:

That I, \_\_\_\_\_, do hereby certify that this plat was prepared under my supervision from an actual survey of the land herein described prepared by \_\_\_\_\_ dated \_\_\_\_\_ and signed by \_\_\_\_\_ L.S. No. \_\_\_\_\_ and that the corner monuments and lot corner pins shown herein were placed under the personal supervision of \_\_\_\_\_ L.S. No. \_\_\_\_\_ in accordance with the Division of Geology and Land Survey, Missouri, Department of Natural Resource's "Minimum Standards for Property Boundary Surveys."

Date Prepared: \_\_\_\_\_

Signature: \_\_\_\_\_

Missouri L.S. No. \_\_\_\_\_

- o. Certificate of Approval by the Planning and Development staff (to be placed on plat) which shall be provided as follows:

In accordance with the provisions as set forth in the Subdivision Regulations of Clever, Missouri, I \_\_\_\_\_, do hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, the Planning and Zoning

Department approved the request for a minor subdivision for

\_\_\_\_\_.

Any further subdivision of the above described land or modifications of the land description(s) will require to be reapproved in accordance with the Subdivision Regulations of the City of Clever, Missouri.

\_\_\_\_\_  
Planning and Zoning Department

\_\_\_\_\_  
Date

- p. Statement of owner certifying that he/she had title to the land being subdivided:

As owner I have caused the land described on this plat to be surveyed, divided, mapped, and all access rights reserved and dedicated as represented on the plat.

\_\_\_\_\_  
Owner and/or Subdivider

\_\_\_\_\_  
Date

5. Final Submittal. Final submittal of the Minor Subdivision Plat shall be prepared on a reproducible original (Mylar) twenty-four (24) inches by thirty-six (36) inches or those dimensions required by the Christian County Recorder of Deeds. In addition to the original the City may require additional elements to incorporate the Minor Subdivision into the City map. The following items shall be submitted:
  - a. Twenty-four (24) inches by thirty-six (36) inches scaled reproducible Mylar for the City's plat book.
  - b. Four (4) blue line copies (twenty-four (24) inches by thirty-six (36) inches).
  - c. All applicable off-site easements and right-of-way deeds.
  - d. Copy of private and restrictive covenants to be recorded.
  - e. Digital copy of subdivision plat, cad file, etc., for City map upgrades.
6. Sidewalks. The Zoning Administrator or designated staff may approve a builder, owner, or subdivider of a minor subdivision to pay the City twelve dollars (\$12.00) per linear foot of sidewalk instead of building the sidewalk. This shall not apply to major subdivisions or to lots, which are already developed (existing structures, houses, etc.) that are part of the minor subdivision.

**Section 410.055. Major Subdivisions.** [Ord. No. 468, 7-19-2016]

- A. All subdivision of land classified as a major subdivision shall be subject to the procedures described in this Article. Approval of a Final or Record Plat shall be subject to approval of a Preliminary Plat in accordance with regulations contained herein.

1. Application For Preliminary Plat. The developer shall submit a minimum of five (5) copies of the proposed Preliminary Plat or more, as required by the City, and a completed application form at least fourteen (14) working days prior to the meeting at which approval is requested. A completed Preliminary Plat checklist shall accompany all applications for major subdivisions.
2. Review Criteria And Procedures For Preliminary Plat.
  - a. Application and Preliminary Plat shall be reviewed for conformance with all applicable City adopted codes and regulations by the City Engineer. If the City Engineer reviews the application and plat and finds that it is incomplete or that the requirements of this Chapter, the comprehensive plan or other adopted plans have not been met, than the City Engineer shall so notify the applicant in writing of any deficiencies. Once all deficiencies have been addressed and the City Engineer has approved the plat, than a recommendation for approval or denial shall be transmitted to the Planning and Zoning Commission. After receiving comments and recommendations from the City Engineer, the Planning and Zoning Commission shall review the Preliminary Plat for its conformance to the following review criteria and shall ensure the development, in the proposed location:
    - (1) Will not endanger the public health or safety;
    - (2) Will not injure the value of adjoining property or abutting property;
    - (3) Will be in conformity with the Comprehensive Plan, Zoning Code, Storm Water and Technical Specification Code, or other plans officially adopted by the Board of Aldermen; and
    - (4) Will be in harmony with the area in which it is located.
  - b. The Planning and Zoning Commission may request modifications to the Preliminary Plat. The Commission shall then confer approval, conditional approval, or disapproval of the Preliminary Plat within forty-five (45) days of filing and transmit all copies of the Preliminary Plat together with written reasons for its action to the Board of Aldermen. The approval or the refusal to approve the Preliminary Plat by the Board of Aldermen shall take place within thirty (30) days from and after the date in which the Planning and Zoning Commission has made a recommendation to approve or refuse to approve the Preliminary Plat. Once the Board of Aldermen have approved or refused to approve the Preliminary Plat, the City Engineer shall notify the owner or applicant of the decision in writing.

**Section 410.060. Preliminary Plat Procedures.** [Ord. No. 468, 7-19-2016]

**A. Proposed And Existing Features To Be On Preliminary Plat.**

1. The following information is required on all Preliminary Plats submitted for approval. The required information may be combined for presentation on one (1) or more drawings or maps. In the interests of clarity, speed and efficiency in the review

process, the City Engineer or Commission may require that the information be presented on separate or additional drawings or maps. In all cases the Preliminary Plat submission should include the following and shall be designed in conformity with the Storm Water and Technical Specification Code.

- a. Name And Code. The proposed name of the subdivision, which shall not duplicate or closely resemble the name of another, previously recorded subdivision in the City of Clever.
- b. Owners Of Record. The names and addresses of the owner(s) of record, developer(s), engineer, or surveyor responsible for the subdivision design.
- c. Vicinity Map. A vicinity map at a scale of four hundred (400) feet or more to the inch shall be drawn on the Preliminary Plat. The map shall indicate:
  - (1) Section, Township, Range.
  - (2) Adjacent City limits, other corporation or ad hoc district lines, such as school or sewer districts, etc.
  - (3) The nearest existing highways or thoroughfares, streets and alleys in neighboring subdivisions or property.
- d. Abutting Owners. The name of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.
- e. Boundary Lines. The boundary lines, accurate in scale, of the tract to be subdivided.
- f. Streets — Other Features. The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings; large trees and watercourses; railroad lines; corporation and township lines, utility lines, etc.
- g. Existing Utilities. Existing sewer, gas, telephone, water mains, culverts and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.
- h. Topography. Topography, contours at vertical intervals shall be based on USGS datum or City monuments and shall be shown as follows:
  - (1) Average slope less than six percent (6%): two-foot interval contour map.
  - (2) Average slope over six percent (6%): five-foot interval contour map.
  - (3) Average slope over twenty percent (20%): five-foot interval contour map.
- i. Proposed Design — Street, Drainage, Etc. The layout, names and widths of proposed streets, alleys and easements; the location and approximate sizes of catch basins, culverts and other drainage structures; the location of proposed sewer lines, water lines, fire hydrants and other related infrastructure planned to serve the development.

- j. Proposed Layout And Legal Description. The legal description of the entire site to be subdivided, including acreage in tract, boundary lines, location and dimensions of newly created tracts, parcels or lots that are part of the subdivision shall be shown on the plat. The dimensions and location of all arcs, radii, internal angles, points of curvature and tangent boundaries and other pertinent survey information necessary to provide an accurate description and location. Survey data shall meet the standards promulgated by the State of Missouri, "Missouri Minimum Standards for Property Boundary Surveys," 10CSR30-2, Missouri Department of Natural Resources. All survey datum shall be vertically and horizontally tied to the City of Clever Geographical Reference Stations (GRS).
- k. Lot Information. The plat shall indicate the area, lot size, proposed setbacks and exact location and distance of all structures and other physical improvements in relation to proposed lot lines.
- l. Zoning. Zoning boundary lines and proposed use of property shall be shown on plat.
- m. North Point, Etc. Title, scale, north arrow, date of preparation and date of each successive revision shall be shown on the plat.
- n. Floodplains, Etc. The extent and location of floodplains, floodways or other waterways of record; elevations of which, shall be based on applicable Flood Insurance Studies, Flood Insurance Rate Maps, Flood Boundary and Floodway Maps.
- o. Location Of Model Home. The location of proposed model home or spec. house and required parking shall be indicated on the plat, when applicable.
- p. Commercial And Industrial Subdivisions. Preliminary Plats for industrial or commercial subdivisions shall delineate who will be responsible for addressing open space, landscaping and buffer yard requirements.
- q. Any other pertinent information deemed necessary by the Commission.

**B. Effects Of Preliminary Plat Approval.**

- 1. Preliminary Plat approval shall confer upon the developer, for a period of two (2) years from date of approval, the conditional right that the Board of Aldermen will not change the general terms and conditions under which the approval was granted. After approval of the Preliminary Plat, the developer may proceed with the detailed construction plans for all required infrastructure of the area planned for inclusion on the Final Plat. The Board of Aldermen, upon recommendation by the Planning and Zoning Commission, may extend this two-year period if the developer has applied in writing for such an extension and the Planning and Zoning Commission and Board of Aldermen determine a longer period should be granted due to unusual circumstances. If an extension is not granted, the Preliminary Plat approval is null and void. If no Final Plat of a subdivision for which preliminary approval has been given is approved within said two-year period, or such longer period as the Board of Aldermen may

allow, a resubmission and review by the Planning and Zoning Commission and Board of Aldermen shall be required. It shall not be the responsibility of the City to notify the applicant of an expired Preliminary Plat.

C. Phased Construction And Platting.

1. If phased construction is planned, the construction and final platting of the first phase shall be completed within two (2) years of the date of approval of the Preliminary Plat. Subsequent phases of the Final Plat may be submitted covering portions of the approved Preliminary Plat; provided, however, that all phases of the Preliminary Plat must be completed within four (4) years of the date of approval of the Preliminary Plat. If all phases of the Preliminary Plat have not been completed within four (4) years of the date of approval of the Preliminary Plat, then the Preliminary Plat shall be resubmitted to the City for extension and approval in accordance with the provisions of Subsection (B) above. If an extension and approval is not granted, the original Preliminary Plat approval shall be null and void.

**Section 410.065. Procedure For Submission Of Subdivision Improvement Plans.** [Ord. No. 468, 7-19-2016]

- A. Preparation Of Plans. It shall be the responsibility of the developer to have construction plans for streets, utilities and other required improvements prepared and submitted to the City for review. The Construction Plans for all aspects of the site development shall be prepared by a qualified professional engineer, registered in the State of Missouri. All improvements shall be designed and constructed in accordance with requirements of Article III. Design Standards and in accordance with the "Construction Specifications for Public Improvements, City of Clever," as amended from time to time, on file with at the offices of the City of Clever Planning and Zoning Department and incorporated herein by reference. Five (5) copies shall be submitted for review to the City Clerk. The Construction Plan shall be any scale from (one (1) inch equals ten (10) feet) through (one (1) inch equals fifty (50) feet), so long as the scale is an increment of ten (10) feet and is sufficiently clear in reflecting details of the proposed construction. Construction Plans shall be prepared on exhibits twenty-four (24) inches by thirty-six (36) inches and shall be bound by staple on one (1) side. All plan sheets shall be prepared to a degree to allow for adequate review and construction. Each page shall contain an approval block for approval from the City of Clever Planning and Zoning Department. The City may require additional details to be developed to establish clarity for review and construction.
- B. Approval Of Construction Plans. The City Clerk shall coordinate review and subsequent approval, with all related City departments, the Public Works Director and City Engineer, of the Construction Plans. If the City Engineer determines that the plans do not meet the minimum standards and require modification, correction and are not approvable, then the City Engineer shall forward a letter to the developer and his/her engineer stating the deficiencies. After all related deficiencies have been addressed and approval is given by all related departments and the City Engineer, the City Engineer shall issue an appropriate letter certifying approval and notice to proceed with an application for water and sewer main extension and other related permits from outside agencies.
- C. Review By Outside Agencies. Engineering drawings of all required improvements shall be



reviewed and approved by the City, except for improvements to be made under the jurisdiction of other Municipal, County or State agencies, in which case the drawings shall be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by such agency, the City Engineer shall be given written confirmation that the necessary reviews have been completed and approvals have been granted.

- D. **Review By Consultants.** Expenses incurred by the City for required reviews, inspections, and/or related testing shall be reimbursed to the City, by the developer, for all costs incurred by it in performing such review, inspection and/or testing, including all professional fees incurred as a result thereof. To insure payment or reimbursement of such costs, fees and expenses, all developers, and such other persons or entities associated with developers, as the City Clerk deems appropriate, shall execute a promissory note, payable to the order of the City on demand, in such amount as is anticipated to cover such costs, fees and expenses. The maker or makers of such promissory note may satisfy the same by the timely payment of all costs, fees and expenses incurred by the City as identified hereinabove. Such promissory note shall provide for the payment of interest at no less than twelve percent (12%) per annum from and after the date of demand and shall further provide for the payment of attorney fees by the maker or makers in the event of default.
- E. **Pre-Construction Meeting And Final Plan Submittal.** The City Clerk shall coordinate a pre-construction meeting with the developer, Project Engineer, Construction Inspector, and Public Works Director, general contractor, all appropriate subcontractors and department heads. All related construction practices, policies and requirements will be discussed and established at the pre-construction meeting. It is the responsibility of the applicant, engineer and contractor to check and review all City requirements relating to the construction of public improvements. A minimum of four (4) sets of approved plans prepared on twenty-four (24) inches by thirty-six (36) inches bound plan sheets and five (5) sets prepared on twelve (12) inches by eighteen (18) inches bound plan sheets shall be submitted at or before the pre-construction meeting.
- F. **Construction Permit.** No person, firm or corporation shall develop, install, alter, grade, remove vegetation, fill or modify any tract of land, roadway or any City-owned utility within the City of Clever or cause the same to be undertaken without first securing the approval of the construction plans as required by this Chapter or other City ordinances. The City shall charge a fee as part of the construction permit, in the amount of two hundred dollars (\$200.00) per acre of developed property for field inspection of all related public infrastructure including water, sewer, streets, stormwater and related infrastructure to be dedicated to the City as part of the development; thirty-five dollars (\$35.00) per fire hydrant for flow classification and painting; sign fees are to be accrued per Section 405.390; thirty dollars (\$30.00) for a construction specifications book or ten cents (\$0.10) per copy of specific pages. Furthermore, no construction permit shall be issued until the following has been received:
  - 1. Receipt of paid construction permit fees on file relating to inspection, signage and water and sewer testing.
  - 2. The minimum number of approved construction plans to the City Clerk, sealed by the Project Engineer and signed under the hand of the Public Works Director or his/her

designee.

3. Approvals and permits from other affected County, State or Federal agencies.
  4. All off-site utility easements drainage easements and right-of-way deeds shall be recorded by the County Recorder of Deeds and provided to the City at or before the pre-construction meeting.
- G. Staging. Where a subdivision is to be developed in stages, the provisions of this Article shall apply to each stage. However, improvements and financial guarantees may be required to extend beyond the boundaries of a subdivision stage if such extension is necessary to ensure the relative self-sufficiency of the stage pending completion of the entire subdivision. Such extensions, schedules, and similar arrangements shall be set forth in an agreement between the developer and the Board prior to approval of the Final Plat.
- H. Modification During Construction. All installation and construction shall conform to the approved engineering drawings. However, if the developer chooses to make minor modifications in design and/or specifications during construction, he/she shall make such changes at his/her own risk, without any assurance that the City will approve the completed installation or construction. It shall be the responsibility of the developer to notify the City of any changes from the approved drawings. The developer may be required to correct the installed improvement so as to conform to the approved engineering drawings.
- I. As-Built Drawings. The developer shall submit to the City Clerk at least five (5) sets of "as-built" engineering drawings of the required improvements that have been completed. The Project Engineer shall certify each set of drawings in accordance with the requirements of Section 410.070, Construction Plans.

**Section 410.070. Construction Plans.** [Ord. No. 468, 7-19-2016]

- A. The construction plan for all aspects of the site development shall be prepared by a qualified professional engineer, registered in the State of Missouri. Five (5) copies shall be submitted for review to the Planning and Zoning Department. The construction plan shall be any scale from one (1) inch equals ten (10) feet through one (1) inch equals fifty (50) feet, so long as the scale is an increment of ten (10) feet and is sufficiently clear in reflecting details of the proposed construction. Construction plans shall be prepared on exhibits twenty-four (24) inches by thirty-six (36) inches and shall be bound by staple on one (1) side. All plan sheets shall be prepared to a degree to allow for adequate review and construction. Each page shall contain an approval block for approval from the City of Clever Planning and Zoning Department. The City may require additional details to be developed to establish clarity for review and construction. The plans shall generally consist of the following:
1. Title (cover) page, containing, but not limited to, the following: owner's and developer's name, engineer of record, name of project, table of contents, general rules of construction, phone numbers of utility suppliers and a record of submittals and approval blocks.
  2. Street plans, sidewalk plans and profile sheets, containing, but not limited to, the following:

- a. Pavement installation, widening or resurfacing improvements dimensioned and developed in accordance with the standard typical section applicable to the project;
  - b. Top of pavement mathematical profile grade elevations at twenty-five (25) feet intervals on vertical curves and fifty (50) feet intervals on tangent sections for all roadway construction. Top back of curb elevations at twenty-five (25) foot intervals for all horizontal curves, at thirty degree (30°) intervals for street intersections and cul-de-sacs. Existing vertical curve elevations shall be shown at points of extension at intervals of twenty-five (25) feet. Existing vertical curve elevations shall be shown at points of extension at intervals of twenty-five (25) feet. PC and PT elevations shall be indicated at all curves and intersections;
  - c. Resurfacing profile grade elevations on existing centerline and edges of pavement at twenty-five (25) feet intervals and breaks in grade (i.e. irregularities in pavement) and establish new centerline and edge of pavement profiles; and
  - d. Existing and proposed grades at the centerline and left and right back of curb.
3. Pavement striping, marking and signage plan, containing, but not limited to, the following:
  - a. Location, type of markings and signage prescribed;
  - b. The type of materials used; and
  - c. The method for installation. The plan shall be based and designed on the Manual on Uniform Traffic Control Devices and supplemented by the current edition of the Missouri Standard Specifications for Highway Construction, the Missouri Standard Plans for Highway Construction and Engineering Policy Guide as produced and published by the Missouri Department of Transportation.
4. Grading, erosion and sediment control plan, containing, but not limited to, the following:
  - a. Finished contours shall be shown to the limits of the project, establishing the desired (planned) flow of all on-site stormwater in connection with planned streets, sidewalks, stormwater ditches, pipes and structures; and
  - b. Location and composition of silt fences, construction entrances, catch basins and related temporary structures and devices to prevent erosion, siltation and nuisances to adjacent properties, storm sewers and streets.
  - c. Sanitary sewer plans and profile sheets, containing, but not limited to, the following:
    - (1) Profiles establishing the class and size of pipe, invert elevations, grade, distance between manholes and minimum distance from other proposed or existing utilities. Profile sheets shall accurately depict the elevation, size and material type of intersecting proposed or existing utilities;

- (2) Plans establishing the exact location, class and size of service lines; and
  - (3) Plan and profiles establishing lift stations and related components of the system. Site development details and requirements shall be provided and referenced in accordance with the Construction Specifications for Public Improvements.
- 5. Water plans, containing, but not limited to, the following:
  - a. Plan view of the proposed system, including class of pipe and size in relation to the back of curb, including fire hydrants, gate valves, blow-off assemblies, service lines and meter pits, etc.; and
  - b. Profile drawings, submitted at the discretion of the City, shall accurately depict the elevation, size and material type of intersecting proposed or existing utilities.
- 6. Additional submittals, containing, but not limited to, the following forms, documents and exhibits intending to parallel the provisions of the Missouri Department of Natural Resources including specific information for determining the most efficient and cost effective manner in which to extend public utilities:
  - a. A copy of the application for the Missouri Department of Natural Resources Request for Extension of Sanitary Sewer and Public Drinking Water. The completed and executed document shall be retained by the City;
  - b. Sanitary sewer engineering report containing a letter of transmittal from the design engineer summarizing the facilities, a discussion on the design criteria and assumptions used, hydraulic and BOD loading calculations, an opinion as to the conformity of the proposed sewer extension with the City of Clever Master Plan and discussion on facility sizing in regards to future development. If a lift station is proposed, the engineering report shall include a feasibility study for alternative facilities (gravity sewer) and the potential for retirement of the proposed lift station;
  - c. Water engineering report containing a letter of transmittal from the design engineer summarizing the facilities, a discussion on the design criteria and assumptions used, a hydraulic analysis demonstrating domestic and fire flow conditions, an opinion as to the conformity of the proposed extension with the City of Clever Water Master Plan and discussion on facility sizing in regards to future development;
  - d. Easements for all proposed sewer and water extensions located outside easements, to be dedicated via a Final Plat, must be accompanied by draft instruments for the formal dedication of temporary construction and permanent easements. Depending upon the number of land owners and the complexity of the proposed sewer extension, the City may require a property owner's exhibit accompanied by an opinion of title as issued by a recognized title company; and
  - e. Cost estimate indicating an engineer's statement of probable cost for the construction of the proposed main extension. If a sewer lift station or water

pressure control facilities are proposed, estimated operating costs for ten (10) years shall be included.

7. Storm drainage, storm sewer plan and profile sheet, containing, but not limited to, the following:
  - a. Drainage plans indicating all existing and proposed storm sewer lines, inlet boxes, manholes, basins, swales, watercourses, culverts and other underground or at-grade structures in the vicinity of construction and immediately adjacent thereto. Pipe classes, sizes, grades, inverts, box openings and related structure details shall also be established and indicated on the plan sheets; and
  - b. Grading details pertaining to site development shall be shown in plan or on cross-section sheets. Details shall be shown with respect to existing and proposed contours, normally at two (2) foot intervals.
8. Detention plan, containing, but not limited to, the following: detention plans, elevations, dimensions, weir elevations and cross-sections, low-flow channels, pipe sizes, discharge and dissipation structures.
9. Record Drawings. One (1) record copy of all drawings, specifications and addenda addressing public improvements shall be maintained by the developer's contractor and by the City's Construction Inspector in good order and annotated to show all changes made during construction. Upon completion of the work, these record documents will be delivered to the engineer of record who shall provide copies of these documents, to include reproducible copies and electronic copies or digital CAD files of the revised drawings, to the City at no cost.

**Section 410.075. Inspection And Acceptance Of Subdivision Improvements.** [Ord. No. 468, 7-19-2016]

- A. Certification By Project Engineer. In accordance with the "Construction Specifications for Public Improvements" all improvements required by this Chapter shall be inspected by the developer's engineer, or his/her agent, and certified in writing to the City as having been completed, except for improvements made under jurisdiction of other public agencies, in which case engineers or inspectors of each agency will make the necessary inspections. Where inspections are made by other agencies, the Engineer shall be given written reports of each final inspection.
- B. Inspection By The City. In addition to inspection and certification by the Project Engineer, the City shall provide inspection of all phases of construction to field verify that the location of all infrastructure installed are in coordination with submitted as-built plans.
- C. Compliance With Standards. The developer shall bear the final responsibility for the plans, construction drawings and the installation, construction and inspection of all required improvements according to provisions of this Chapter and to standards and specifications of various public agencies.
- D. Acceptance. Approval of installation and construction of improvements by the Project Engineer shall not constitute acceptance by the City of the improvements for dedication

purposes. Acceptance shall be established by approval of all related City departments and the approval by all outside public agencies, including, but not limited to, County, State or Federal Governments.

- E. Site Cleanup. The developer shall be responsible for removal of all equipment, material and general construction debris from the subdivision and from any lot, street or public way or therein or adjacent thereto. Dumping such debris into sewers, adjacent property or other land in the City is also prohibited. Burning of debris is prohibited unless a permit is obtained from the MoDNR.
- F. As-Built Drawing Of Subdivision Improvements. After the subdivision utilities have been constructed and installed, but before the inspecting agencies recommend final approval or acceptance, the subdivider shall submit the necessary as-built drawings of subdivision improvements as required by the Commission.
- G. Acceptance And Final Approval. Before a subdivision file can be completed and the developer's obligation to Clever is terminated, all required improvements shall be constructed under the supervision of the inspecting agency and accepted for maintenance or give final approval by Clever.

**Section 410.080. Final Plat Procedures.**

- A. Application For Final Plat. The developer shall submit a completed application, a completed Final Plat checklist, and a minimum of five (5) copies of the proposed Final Plat or more, as required by the Planning and Zoning Department at least fourteen (14) working days prior to the meeting of the Planning and Zoning Commission at which the plat is to be considered for approval. A Final Plat and application shall not be accepted for review after the two (2) year anniversary date of the Board of Aldermen's Preliminary Plat approval. The City Engineer shall determine if the submittal is complete, and if so, transmit the same to the City Clerk in adequate time for inclusion on the agenda for the Board's next meeting. If the City Engineer reviews the application and plat and finds that it is incomplete or that the Minimum Required Improvements are not completed, the City Engineer shall so notify the applicant in writing and shall note any deficiencies. Once all deficiencies have been addressed and the Final Plat is signed by the owner, sealed by the surveyor of record and all others required herein, the plat will be forwarded to the Board of Aldermen for approval by general ordinance, prepared by the City Attorney.
- B. Minimum Required Improvements. The owner or developer is required to have all subdivision improvements, including sidewalks, completed prior to the filing of the Final Plat. In lieu of the final completion of said improvements before the plat is recorded, the owner or developer or other person who agrees with the City to make the public improvements on behalf of the owner or developer may post a surety bond with one (1) or more corporate sureties engaged in the business of signing surety bonds in the State of Missouri, an escrow agreement, letter of credit or other appropriate security agreement for certain improvements with the approval of the Planning and Zoning Commission and the Board of Aldermen of the City of Clever, which surety, escrow agreement or other appropriate security agreement will insure to the City that the improvements will be completed by the owner or developer.

1. Improvements related to ensuring public safety within the development must be completed and accepted prior to the filing of the Final Plat. All other improvements must be completed within one (1) year after the recording of the Final Plat. The Director of Public Works may require that certain improvements such as storm sewers, off-site improvements and basic improvements necessary for the provision of public health and safety be made and refuse to accept security for such improvements when he/she determines the improvements are necessary for the protection of adjacent property or of the general public. The City may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one (1) additional year; provided a request for said extension is made prior to the end of the one (1) year following recordation and provided the amount of said security is revised pursuant to a revised estimate by the Department of Public Works. The City Attorney and Board of Aldermen, acting in conjunction, may at any time during the period of such bond accept a substitution of principal or sureties on the bond or a substitution of a letter of credit, escrow or other approved security agreement. The amount of the corporate surety bond, escrow agreement or other appropriate security agreement shall not be less than the estimated cost of the improvements, said estimate of cost to be made by the Department of Public Works. The City may defer at the time of final approval, subject to appropriate conditions, the provision of any and all such improvements as, in its judgment, are not appropriate because of incompatible grades, future planning, inadequate or lack of connecting facilities or other reasons. As a condition of deferral, the owner or developer shall pay his/her share of the costs of the future improvements to the City prior to the signing of the Final Plat or the owner or developer may post an appropriate security approved in the same manner as stated above which shall insure completion of said deferred improvements upon demand by the City. If the improvements are not completed within the specified time, the Board of Aldermen may use the funds from said security, or any necessary portion thereof, to complete the same.
2. The release or reduction of said corporate surety bond, escrow agreement or other appropriate security agreement shall be in accordance with the following:
  - a. When a petition for improvements by the tax bill method is filed for the improvements of this Section and when said petition has passed the required remonstrance petition assuring the City that all improvements will be installed, said bond or agreements posted by the owner or developer to insure the City the improvements of this Section may be released and returned to the owner or developer.
  - b. The Director of Public Works with the approval of the Board of Aldermen or Mayor may release or reduce said bond or agreements posted by the owner or developer to insure to the City the improvements of this Section when he/she has determined that all required improvements have been satisfactorily completed and the owner or developer's engineer or surveyor has certified to said Director, through submission of a detailed "as-built" survey plat of the subdivision indicating location, dimensions, materials and other information required by said Director, that the layout of the line and grade of all public improvements are in accordance with construction plans for the subdivision and

that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances.

- c. The Director of Public Works with the approval of the Board of Aldermen or Mayor may reduce, upon request, said bond or agreements when he/she has made the findings and received the information required in the above Subsection (b), but such reduction shall not exceed the ratio that the cost of completed improvements bears to the total estimated cost of total public improvements for the plat.
- d. The City, its boards, commission and agents shall withhold all City improvements or services of whatsoever nature, including the furnishing of sewer, water, electricity and gas, from all additions which have not been approved as provided by these regulations; and further, no permits shall be issued by the Planning and Zoning Department of the City of Clever on any property which has not been approved as provided by these regulations.
- e. Provided, however, the improvements and permits withheld above shall not be withheld by reason of the conditions therein stated when the City finds the improvements are necessary to comply with other ordinances of the City of Clever which carry a penalty for failure to comply.

C. Effect Of Final Plat Approval.

- 1. Final Plat approval shall confer upon the developer the conditional right that the Board of Aldermen will not change the general terms and conditions under which the approval was granted. Approval of the Final Plat, by general ordinance, and the subsequent recording of the Final Plat shall constitute the subdivision of the property into lots and the creation and dedication of right-of-way and utility easements.

D. Existing Or Proposed Features To Be Shown On The Final Plat.

- 1. Prior to approval of the Final Plat, the City Engineer shall review the Final Plat for conformance to the Preliminary Plat and to determine that the plat shows or establishes the following information, which shall be in substantial conformity to the Preliminary Plat.
  - a. Name And Code. The name of the subdivision, phase or addition as provided on the Preliminary Plat.
  - b. Date Of Preliminary Plat Approval. The date and name in which the Preliminary Plat was approved as shall be indicated on the Final Plat. In addition, any ordinance, resolution or other bill passed by the Board of Aldermen or Planning and Zoning Commission that relates to the subdivision or particular phase, shall be included on the plat.
  - c. Owners Of Record. The names and addresses of the owner(s) of record, developer(s), engineer, or surveyor responsible for the subdivision design.
  - d. Vicinity Map. A vicinity map at a scale of four hundred (400) feet or more to the inch shall be drawn on the Preliminary Plat. The map shall indicate:



- (1) Section, Township, Range.
  - (2) Adjacent City limits, other corporation or ad hoc district lines, such as school or sewer districts, etc.
  - (3) The nearest existing highways or thoroughfares, streets and alleys in neighboring subdivisions or unplatted property.
- e. Abutting Owners. The name of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.
  - f. Boundary Lines. The boundary lines, accurate in scale, of the tract to be subdivided.
  - g. Streets — Other Features. The location, widths and names of all existing or platted streets, right-of-way or other public ways within or adjacent to the tract, and other important features such as watercourses; railroad lines; corporation and township lines, utility lines, etc.
  - h. Proposed Design — Street, Drainage, Etc. The layout, names and widths of right-of-way, streets, alleys and easements serving stormwater, sewer, water or other utilities within the property being subdivided.
  - i. Proposed Layout And Legal Description. The legal description of the entire site to be subdivided, including approximate acreage in tract, boundary lines, location and dimensions of newly created tracts, parcels or lots that are part of the subdivision shall be shown on the plat. The dimensions and location of all arcs, radii, internal angles, points of curvature and tangent boundaries and other pertinent survey information necessary to an accurate description and location. Survey data shall meet the standards promulgated by the State of Missouri, "Missouri Minimum Standards for Property Boundary Surveys," Division of Geology and Land Survey, Missouri Department of Natural Resources. All survey datum shall be vertically and horizontally tied to the City of Clever Geographical Reference Stations (GRS).
  - j. Curvature And Radius. When a street is on a circular curve, the main chord of the centerline shall be drawn as a dotted line in its proper place; and either in it or in an adjoining table, the bearing and length shall be noted; the radius of the circle of which the curve is a part; the central angle subtended; the bearing of the radius at the point of curve; and the chord length and deflection angles used in staking out the survey. The lot lines on the street sides may be shown in the same manner or by bearings and distances. When a curve of two hundred (200) feet radius or less is used, it is sufficient to show the length and bearing of the main chords, the radius at one (1) end of the curve, and the central subtended.
  - k. Lot Information. The plat shall indicate the area, proposed setbacks and exact location and distance of all structures and other physical improvements in relation to proposed lot lines.
  - l. Zoning. Zoning boundary lines and proposed use of property.

- m. North Point, Etc. Title, scale, north arrow, date of preparation and date of each successive revision.
- n. Floodplains, Etc. The extent and location of floodplains, floodways or other waterways of record; elevations of which, shall be based on applicable Flood Insurance Studies, Flood Insurance Rate Maps, Flood Boundary and Floodway Maps.
- o. Location Of Model Home. The location of the model home or spec. house, if applicable, as it occupies a platted lot in the subdivision.
- p. Commercial And Industrial Subdivisions. Final Plats for industrial or commercial subdivisions shall delineate who will be responsible for addressing open space, landscaping and buffer yard requirements.
- q. Notes And Related Information. Notes pertaining to particular items such as:
  - (1) Access limitations;
  - (2) Total area;
  - (3) Total number of lots;
  - (4) Smallest/largest lot;
  - (5) Replat information;
  - (6) Source of title;
  - (7) Recording information for covenants and restrictions.

## 2. Registered Land Surveyor's Certificate.

A certification shall be included on the plat by a registered land surveyor to the effect that the plat represents a survey made by him/her, and that the locations of all required survey monuments, installed or to be installed, are correctly shown thereon. The months and year during which the survey was made shall be shown. The certification block shall substantially conform to the following.

That I, \_\_\_\_\_ do hereby declare that this plat was prepared under my supervision from an actual survey of the land herein described prepared by \_\_\_\_\_ dated \_\_\_\_\_ and signed by \_\_\_\_\_ P.L.S. No. \_\_\_\_\_ and that the corner monuments and lot corner pins shown herein were placed under the personal supervision of \_\_\_\_\_ P.L.S. No. \_\_\_\_\_ in accordance with the Division of Geology and Land Survey, Missouri Department of Natural Resource's "Current Missouri Minimum Standards for Property Boundary Surveys as Promulgated by the Missouri Department of Natural Resources."

\_\_\_\_\_  
Date Prepared

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Missouri Professional Land Surveyor No.

\_\_\_\_\_  
Date:

3. Owner's Certificate. A signed statement, substantially conforming to the following shall be included on the plat, which certifies that he/she had title to the land being subdivided and all access rights as represented on the plat are hereby dedicated. This certification block shall include a notary blank.

#### OWNER(S) DEDICATION

As owner(s) I/We, Owner(s) Name have caused the land described on this plat to be surveyed, divided, mapped, and all access rights reserved and dedicated as represented on the plat. I/We hereby dedicate, grant, and convey right-of-way and easements shown hereon to the City of Clever. Furthermore, I/We, certify that there are no suits, actions, liens, or trusts on the property conveyed herein, and warrant generally and specially the property conveyed for public use and will execute such further assurances as may be required.

\_\_\_\_\_  
Name of Owner(s) and/or Subdivider

\_\_\_\_\_  
Date:

4. Certificate Of Taxes Paid. The plat shall contain a certification block for the City and County Official to the effect that there are no unpaid taxes and unpaid special assessments due and payable at the time of plat approval. The certification block shall substantially conform to the following:

#### CERTIFICATE OF TAXES PAID

There are no unpaid taxes due and payable at the time of plat approval and no unpaid special assessments, whether or not due and payable at the time of plat approval on any of the lands included in this plat, and all outstanding taxes and special assessments have been paid on all property dedicated to public use.

\_\_\_\_\_  
Parcel Number

\_\_\_\_\_  
County Collection Official

\_\_\_\_\_  
Date

5. Board of Aldermen Certificate. A statement of approval by the Board of Aldermen indicating the date and ordinance number in which Final Plat was accepted and approved. The certification block shall substantially conform to the following.

APPROVAL BY THE BOARD OF ALDERMEN

I, \_\_\_\_\_, City Clerk of the City of Clever, Christian County, Missouri, Do hereby certify that the Plat of \_\_\_\_\_ was presented to, accepted and approved by the Board of Aldermen of said City of Clever, and approved by General Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

6. Planning And Zoning Certificate.

Compliance with Land Use Regulations Certification. Certificate of Compliance with Zoning and Subdivision Regulations

The Plat shall include a signature block establishing conformance to the Land Use Regulations adopted by the City of Clever.

CERTIFICATE OF COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS

I, \_\_\_\_\_, Planning and Zoning Commission President of the City of Clever, Missouri, do hereby certify on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Final Plat of \_\_\_\_\_ conforms to the City of Clever Land Use Regulations, in accordance with Clever Code of Ordinances.

\_\_\_\_\_  
Planning & Zoning Commission

\_\_\_\_\_  
Date

7. Recorder's Office.

A title block shall be included on the plat for the Office of the Recorder of Deeds, Greene County, Missouri, substantially conforming to the following.

IN THE RECORDER'S OFFICE

I, \_\_\_\_\_, Recorder of Deeds, Christian County, Missouri, do hereby certify that the within instrument of writing was on the day of \_\_\_\_\_, 20\_\_\_\_, duly filed for record and is recorded in the records in this office in book \_\_\_\_\_ page \_\_\_\_\_ in testimony whereof, I have hereunto set my hand and affixed my official seal at my office in \_\_\_\_\_, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

Recorder of Deeds

---

Date

E. Final Submittal.

1. Final submittal of the Final Plat shall be prepared on two (2) reproducible original (mylars) twenty-four (24) inches by thirty six (36) inches or those dimensions required by the County Recorder of Deeds. The following shall be submitted in addition to the original.
  - a. Sixteen (16) inches by twenty-four (24) inches scaled reproducible mylar for the City's plat book.
  - b. Six (6) blue line copies (twenty-four (24) inches by thirty six (36) inches). The developer may submit more than the required minimum of blue line copies.
  - c. All off-site easements and right-of-way deeds.
  - d. As-built drawings of the phase being approved.
  - e. Permits, on file, from MoDNR for authorization to connect and place the water and sewer lines in service.
  - f. Copy of private and restrictive covenants to be recorded.
  - g. Electronic copies of the subdivision plat, infrastructure or as-built plans, etc.
  - h. The Planning and Zoning Commission may require additional elements to incorporate the Final Plat to the City map or to supply related government agencies with plats and reproducible prints, as needed.

F. Maintenance After Approval.

1. The developer shall maintain and keep in repair all public infrastructure and detention areas for a period of one (1) year from the date the constructed improvements are approved by the City. To guarantee this maintenance, an acceptable maintenance bond, letter of credit or other acceptable security shall be provided in the amount of ten percent (10%) of the contract price of the improvements against defects in workmanship and materials for the above-mentioned one-year period. The bond, letter of credit or security shall be filed with the City and be from a surety company licensed to do business in the State of Missouri and in a form to be approved by the City Attorney.

**Section 410.090. Lot Splits.** [Ord. No. 468, 7-19-2016]

- A. No lot split shall be recorded in the office of the Christian County Recorder of Deeds unless and until approved by the planning commission in compliance with this Section.

- B. Whenever there is a tract or parcel under single ownership which is to be subdivided into two (2) lots, and which exists a legal lot of record, such a division shall be exempt from provisions of Article IV of these regulations, and shall be designated as a "lot split" if the following criteria are met:
1. No additional improvements are required that would necessitate the posting of escrow or bond, including concrete sidewalks, sewer mains, water mains, and landscaping within a street right-of-way dedication. Establishment of a right-of-way only shall not be construed as an improvement in this Section.
  2. No provisions for common land or recreational facilities are included in the proposal.
  3. The use of the lot split procedure does not adversely affect the subject parcel or any adjoining properties.
  4. The proposed lot split is not in conflict with any provisions of the Zoning Code, of any special procedure permit, or of these regulations.
  5. No variances are required from these regulations.
  6. Multiple lot splits by a property owner shall not be used to create a subdivision or to evade the subdivision ordinance.
- C. The procedure for approval of a lot split shall be as follows:
1. Four (4) drawings of a certified survey, prepared by a land surveyor registered in the State on paper not less than eight and one-half (8 1/2) inches by eleven (11) inches in size showing the following shall be submitted:
    - a. A legal description of both the original lot and each of the proposed lots. This must be surveyed and performed by a registered surveyor.
    - b. North arrow and graphic scale.
    - c. Location of proposed and existing streets and adjoining property.
    - d. Location of all existing buildings.
    - e. Within their jurisdiction, approval of any utility companies, other than the City, serving the lot.
    - f. Name, address, and telephone number of the owner of record and a copy of the deed of record.
  2. The following items shall accompany the required survey:
    - a. Filing fee of eighty-five dollars (\$85.00) or as otherwise established by the City Board of Aldermen.
    - b. Certification from the office of the Christian County Collector showing that there are no delinquent taxes outstanding.
    - c. Verification of fire hydrants and adequacy of water supply from the applicable fire protection district.

3. The Planning and Zoning Commission shall review the proposed lot split to ensure compliance with all design and improvement requirements of these regulations and the Zoning Code. Lot splits found to be in compliance with the above requirements shall be approved by the Planning and Zoning Commission.

**Section 410.100. Modification And Exceptions.** [Ord. No. 468, 7-19-2016]

- A. Undue Hardship. In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, literal compliance with any requirement of these regulations would cause practical difficulty or exceptional and undue hardship, the Planning and Zoning Commission may modify such requirement to an extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable general development or welfare of the neighborhood and the community in accordance with the Comprehensive Plan and the zoning ordinance. Any modification thus granted shall be indicated within the minutes of the Planning and Zoning Commission setting forth the reasons which, in the opinion of the Planning and Zoning Commission, justified any modification.

ARTICLE III  
**Design Standards**

**Section 410.110. Residential Lot Design Standards.** [Ord. No. 192 §1, 3-13-1995; Ord. No. 202, 10-9-1995]

- A. The size, shape and orientation of lots may be designed to provide desirable building sites logically related to topography, natural features, streets and adjacent land uses. Due regard shall be given to natural features such as large trees; unusual rock formations; watercourses; and sites which have historical significance, scenic views, and similar assets, the preservation of which would add attractiveness and value to the subdivision. The following minimum standards are set forth as guides to these goals.
  1. Each proposed lot containing an area of less than five (5) acres shall front upon a street improved to the standards and specifications of Clever.
  2. Lots with double frontage shall be avoided, except where necessary to provide separation of development from traffic arteries or as otherwise required by topography or similar conditions.
  3. Where additional widening strips are dedicated on existing street, calculations of the area of a lot should not include widening strips in determining the gross area of the lot.
  4. The lot area shall meet the requirements of the zoning ordinance.
  5. The minimum frontage required for a lot fronting on a circular turnaround may be measured along a line parallel to the street right-of-way line, at a distance from the street right-of-way line equal to the depth of the required front yard plus ten (10) feet.

6. The minimum frontage at the right-of-way line for lots fronting on the circular turnaround shall not be less than fifty (50) feet.
7. Side lot lines shall be at right angles to straight streets and radial to curved streets, except when said radial lot lines detract from the desirability of the lot, in which event some deviation may be allowed.
8. Where there is a question as to the suitability of a lot or lots from their intended use due to factors such as rock formations, soil conditions, steepness of terrain, flood conditions, or other adverse natural physical conditions, the Commission may, after adequate investigation, withhold approval of such lots until engineering studies are presented to the Commission which establish that the method proposed to meet any such conditions is adequate to avoid any danger to health, life or property.
9. Building lines shall show on plats on all lots intended for residential use and of commercial lots adjacent to residential areas and shall not be less than the setback required by the zoning ordinance.
10. Corner lots for residential use shall have adequate additional width to permit an appropriate building setback from both streets.

**Section 410.120. Non-Residential Subdivision.** [Ord. No. 192 §1, 3-13-1995]

- A. *Principles And Standards.* In addition to the standards of this regulation which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated. The following standards shall therefore be observed.
1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
  2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
  3. The Commission may impose specific requirements with respect to streets, curbs, gutters, street lights, street trees, sidewalks and the installation of public utilities, including water, sewer and stormwater drainage and other improvements, to meet special needs.
  4. Every effort shall be made to protect adjacent residential area from proposed non-residential subdivision, including the provision of extra depth in parcels adjacent to an existing or potential residential development and provision for a permanently landscaped buffer strip where indicated by the Planning and Zoning Commission.
  5. Streets carrying non-residential traffic, especially truck traffic, may not be extended to the boundaries of adjacent residential areas and not be connected to streets intended for predominantly residential traffic.

**Section 410.130. Blocks.** [Ord. No. 192 §1, 3-13-1995]



- A. *Length.* Block lengths shall not be less than six hundred (600) feet, except as the Commission deems necessary to secure the efficient use of land or desired features of street layout.
- B. *Width.* Blocks shall be wide enough to allow two (2) tiers of lots sufficient depth to provide an adequate building site on each lot, except as consistent with street design standards set forth.
- C. *Pedestrian Ways.* The Commission may require pedestrian ways to insure the public safety. In the event that a pedestrian way is required, it shall be four (4) feet wide of an appropriate surface with a grade longitudinally not exceeding five per cent (5%). The developer of the proposed subdivision shall record a maintenance agreement of said pedestrian ways as required by the Commission.

**Section 410.140. Street Right-of-Way Requirements and Utility Easements.** [Ord. No. 192 §1, 3-13-1995]

- A. *Highways And Major Thoroughfares.* Highways and major thoroughfares shall have widths as specified in the official major street plan of the Comprehensive Plan. However, these shall not be less than the easement width specified for a secondary thoroughfare.
- B. *Collector Streets.* Sixty (60) feet.
- C. *Major Streets, Dead-End Streets And Cul-De-Sac Streets.* All major streets shall have a street easement width of fifty (50) feet. All dead-end streets shall terminate in a circular turnaround having a minimum right-of-way diameter of one hundred (100) feet, unless the Planning and Zoning Commission approves a "T" or "Y" shaped paved space in place of the required turning circle. Turnarounds may not be required on dead-end streets which are less than two hundred fifty (250) feet in length and are planned to be extended in the future.
- D. *Alleys.* Alleys, where platted, shall have a minimum width of twenty (20) feet.
- E. *Utility Easements.* Utility easements, where required, shall be at least ten (10) feet wide (five (5) feet on each side of the lot line) along rear, front and side lot lines. Easements of adequate width shall be provided for open drainage channels, where required. Easement five (5) feet in width may be allowed for underground cable installations.

**Section 410.150. Minimum Pavement and Sidewalk Widths.** [Ord. No. 192 §1, 3-13-1995]

- A. Minimum pavement widths, back to back of curb, required to be installed at subdivider's expense, shall be as follows:
  - 1. *Major thoroughfares and collector streets.* Thirty-six (36) feet. In the case of major thoroughfare or collector street requiring pavements wider than thirty-six (36) feet, the matter of financial and other arrangements for installing such wider pavements at the time the developer will make the improvements shall be taken up by the developer with the officials having jurisdiction.
  - 2. *Minor, dead-end and cul-de-sac streets.* Twenty-six (26) feet. The pavement of a turning circle at the end of a dead-end street shall have a minimum outside diameter of eighty (80) feet. A "T" or "Y" shaped paved space, when approved by the Planning

and Zoning Commission in place of a turning circle, shall extend entirely across the width of the street right-of-way, except for sidewalk space, and shall be at least ten (10) feet wide with the flared portion rounded by minimum radii of twenty (20) feet.

3. *Alleys and service drives.* Minimum width of twenty (20) feet.
4. *Sidewalks.* Delete all reference to sidewalks.

**Section 410.160. Street Grades and Curves.** [Ord. No. 192 §1, 3-13-1995]

A. The grades of streets shall not exceed the following, except that where unusual or exceptional conditions exist, the Planning and Zoning Commission may modify these requirements:

1. Highways and major thoroughfares. Four percent (4%)
2. Collector streets. Seven percent (7%)
3. Minor streets, service drives and alleys. Twelve percent (12%)
4. Pedestrian ways or crosswalks. Five percent (5%), unless steps of an acceptable design are to be constructed.
5. Minimum grade. In no event shall the minimum grade of any street or alley be less than five-tenths of one percent (.5%).
6. Radii of curvature. The radii of curvature on the centerline shall not be less than four hundred (400) feet for major thoroughfares, two hundred fifty (250) feet for collector streets and one hundred fifty (150) feet for minor streets.
7. Corner radii. Curbs at intersections shall have a minimum radius of thirty-two (32) feet at the back of the curb.

**Section 410.170. Lot Dimensions, Shapes and Position.** [Ord. No. 192 §1, 3-13-1995]

A. The size, shape and orientation of lots shall be appropriate for the location and physical character of the proposed subdivision and for the type of development contemplated in compliance with applicable zoning ordinance or regulations.

1. *Depth.* Excessive depth in relation to width shall be avoided. A proportion of one (1) to one (1) or two (2) to one (1) will normally be considered appropriate, except in the case of narrow lots.
2. *Street access.* Every lot shall abut on a street.
3. *Width.* Lots for residential purposes shall have sufficient width at the building setback lines to permit compliance with wide yard or distance requirements of the applicable zoning ordinance or regulations and still be adequate for a building of practicable

width.

4. *Double frontage.* Except as otherwise provided herein, double frontage lots and reversed frontage lots shall be avoided.
5. *Side lot lines.* Where practicable, side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.
6. *Corner lots.* Corner lots for residential use shall be platted wider than interior lots to permit compliance with the yard and setback requirements for the applicable zoning ordinance.
7. *Minimum lot size.* Where not otherwise determined by applicable zoning ordinance or regulations, the minimum lot size for residential purposes shall be ten thousand (10,000) square feet with minimum frontage of eighty (80) feet, a minimum wide yard of ten (10) feet on each side, a rear yard of twenty-five (25) feet — except for accessory structures — and a front yard of twenty-five (25) feet. (See also zoning chart for external lots and/or side minimum for external lots.)

**Section 410.180. Street Construction.** [Ord. No. 192 §1, 3-13-1995; Ord. No. 212, 2-12-1996]

- A. Streets shall be graded to full width of the right-of-way and fully constructed with a hot mix surface, two (2) inches thick minimum after compaction over four (4) inches of crushed limestone base compacted to ninety-five percent (95%), i.e., remove top soil fourteen (14) feet from centerline of street in both direction (twenty-eight (28) feet total).
- B. *Street Crown.* Streets shall have sufficient crown for drainage. (One percent (1%) crown.)
- C. *Concrete Curbs.* Shall be constructed as per specification drawing X (1) and/or X (3) for standard curb or driveway as shown.
- D. *Improvements Of Existing Streets.* For any development fronting on an existing road or street, it shall be the responsibility of the developer to bring the road or street up to City specifications to the centerline of the road or street.
- E. Prior to the beginning of building/construction, all utilities — electric, sewer, water, gas, etc. — and at least a four (4) inch base rock street must be in place.

**Section 410.190. Utilities Construction.** [Ord. No. 212, 2-12-1996]

- A. *Water Mains And Piping.* All water mains shall be six (6) inch IPS or greater dependent upon what is deemed necessary by the City of Clever. Additionally, all water lines shall be installed with a #12 copper locator/tracer wire. (See Appendix A to Ch. 410).
- B. *Sewer Mains And Piping.* All sewer lines shall be eight (8) inch IPS or greater dependent upon what is deemed necessary by the City of Clever.
- C. A fire hydrant and cut-out valve shall be installed every five hundred (500) linear feet of water line as a minimum. (See Appendix A to Ch. 410).

**Section 410.195. Stop Work Orders.** [Ord. No. 468, 7-19-2016]

- A. Authority. Whenever the City Engineer, Building Inspector or his/her designee finds any work regulated by this Code or the associated regulations being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.
- B. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
- C. Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

**ARTICLE IV  
Variances**

**Section 410.200. Authority of Commission.** [Ord. No. 192 §1, 3-13-1995]

- A. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or contains such topographic conditions or characteristics that the strict application of the requirements contained in this subdivision regulation would impose practical difficulties or particular hardship, the Commission and Board may vary or modify any of the requirements of this regulation so that substantial justice may be done and the public interest secured and the general intent of this regulation preserved.
- B. In granting variances, the Commission and Board shall require such conditions as will, in their judgment, secure the objectives of these regulations.

**Section 410.210. Appeals.** [Ord. No. 192 §1, 3-13-1995]

- A. Upon the denial of petition for a sidewalk exception by the Commission, the petitioner may file an appeal with the Board requesting a determination from that body. A notice of appeal shall be filed within ten (10) days after the mailing of notice of the denial of the petition by the Commission. Notice of appeal to the Board shall be in writing and filed in duplicate with the City Clerk. The notice of appeal shall be accompanied by a fee equal to the actual cost to the City. The applicant shall have an additional thirty (30) days to file this appeal. The appeal shall set forth specifically the reasons for the requested variances.
- B. Upon receipt of an appeal, the Board shall refer it to the Commission. The Commission shall report thereon to the Board disclosing in what respect petitioner's application for an exception, and facts offered in support thereof, met or failed to meet the aforementioned requirements. The Board may affirm, reverse or modify, in whole or in part, any determination of the Commission. A majority vote of all members of the Board shall be required to reverse, modify or amend any determination of the Commission. A majority vote of the whole board shall be sufficient to affirm any determination of the Commission.

ARTICLE V  
**Miscellaneous Provisions**

**Section 410.220. Other Requirements.** [Ord. No. 192 §1, 3-13-1995]

- A. A four (4) inch plastic conduit pipe will be buried and capped two (2) feet deep and left for future cable crossings at each intersection of an alley with a side street and at the intersection of each side street with a collector street.
- B. Developers will keep streets and rights-of-way leading directly into and out of the proposed subdivision clean of trash, building materials, dirt and debris.
- C. Where this document conflicts with other City-published subdivision and/or planning and zoning regulations, this subdivision regulation will take precedent. Exceptions to this regulation are to be processed through the appeal process. (Board of Aldermen)
- D. From time to time amendments and additional requirements may be added to these subdivision regulations.

ARTICLE VI  
**Administration**

**Section 410.230. General Provisions.** [Ord. No. 192 §1, 3-13-1995]

The Commission may adopt, amend and publish rules and instructions for the administration of the subdivision regulations to the end that the public be informed and that approval of plats be expedited.

**Section 410.240. Violations and Penalties.** [Ord. No. 192 §1, 3-13-1995]

- A. Any person, persons, firm, association or corporation violating any provisions of the subdivision regulation or any employee, assistant, agent or any other person participating or taking any part in, joining or aiding in a violation of any provision of the subdivision regulations may be prosecuted as provided by law for the violation of ordinances of Clever and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500.00) for any one (1) offense or imprisonment in the County Jail for not more than six (6) months, or both such fine and imprisonment. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense.
- B. In addition to the penalties hereinabove authorized and established, the City Attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove or otherwise eliminate any violations of this Chapter.

**Section 410.250. Enforcement.** [Ord. No. 192 §1, 3-13-1995]

- A. No plat of any subdivision shall be entitled to record in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
- B. The Board shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the adoption of these regulations unless such

subdivision or street has been approved in accordance with the provisions of this Chapter.

SUBDIVISIONS

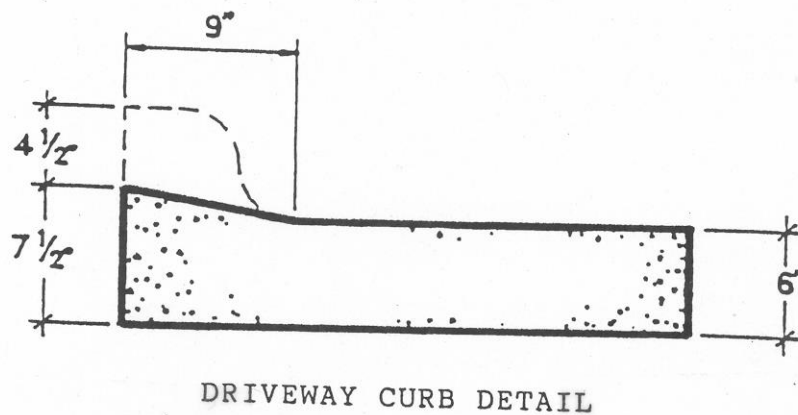
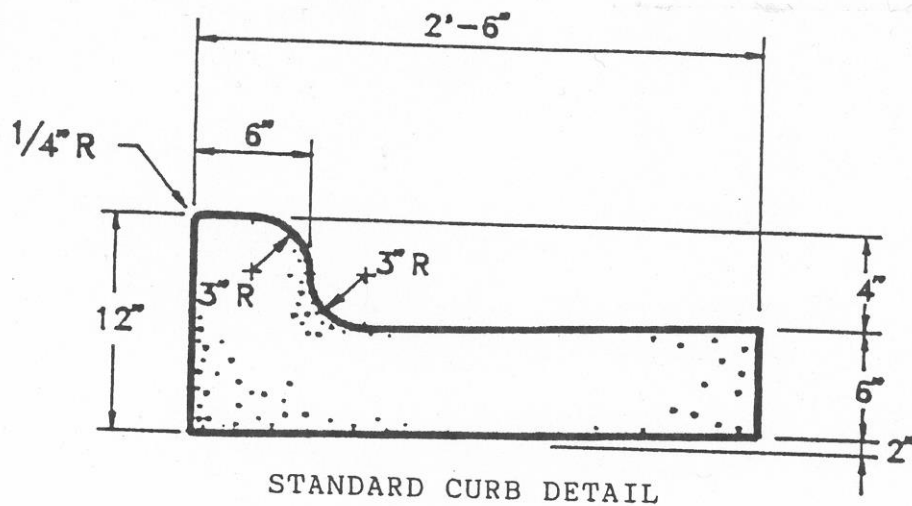
410 Attachment 1

City of Clever

Appendix A to Chapter 410

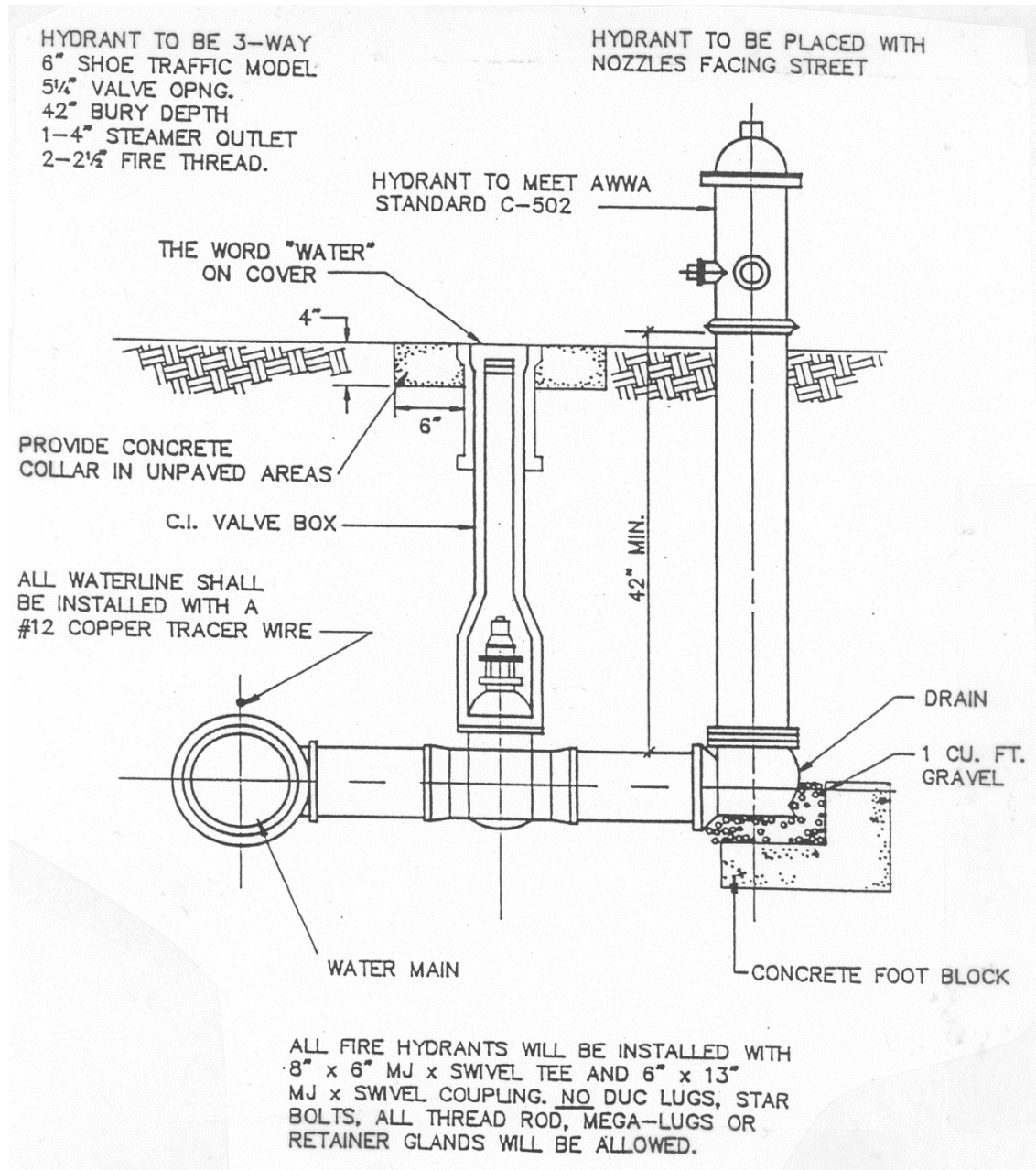
[Ord. No. 212, 2-12-1996]

FIGURE 1. TYPICAL CURB DETAILS



# CLEVER CITY CODE

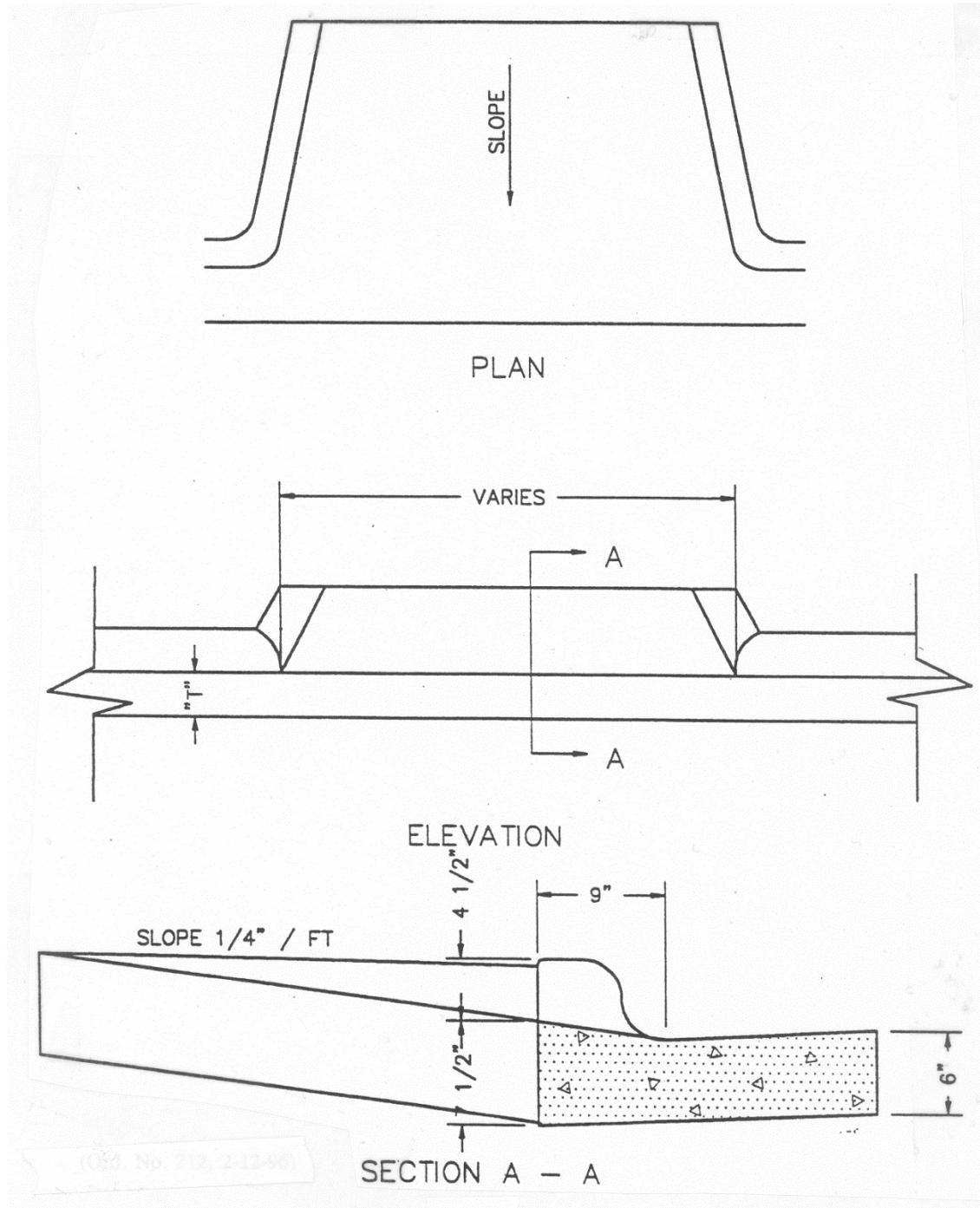
## FIGURE 2. HYDRANT DETAIL





## SUBDIVISIONS

**FIGURE 3. STANDARD CURB TAPER AND DRIVEWAYS OPENING**



## Chapter 415

### FLOODPLAIN MANAGEMENT

#### ARTICLE I

#### Statutory Authorization, Findings of Fact and Purposes

##### Section 415.010. Statutory Authorization.

The Legislature of the State of Missouri has in Chapter 89, RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety and general welfare. Therefore, the Board of Aldermen of the City of Clever, Missouri, ordains as follows.

##### Section 415.020. Findings of Fact.

- A. *Flood Losses Resulting From Periodic Inundation.* The special flood hazard areas of the City of Clever, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
- B. *General Causes Of The Flood Losses.* These flood losses are caused by:
  - 1. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
  - 2. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated or otherwise unprotected from flood damages.
- C. *Methods Used To Analyze Flood Hazards.* The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
  - 1. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated and the depth of inundation. The base flood selected for this Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS and illustrative materials dated August 12, 2008, as amended, and any future revisions thereto.
  - 2. Calculation of water surface profiles are based on a standard hydraulic engineering

- analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
  4. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
  5. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

**Section 415.030. Statement of Purpose.**

- A. It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in Article I, Section 415.020(A); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:
1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
  2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
  3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

**ARTICLE II  
General Provisions**

**Section 415.040. Lands to Which Chapter Applies.**

This Chapter shall apply to all lands within the jurisdiction of the City of Clever identified as numbered and unnumbered A Zones, AE, AO and AH Zones on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) dated August 12, 2008, as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and as specifically noted in Article IV of this Chapter.

**Section 415.050. Floodplain Administrator.**

The Code Enforcement Officer is hereby designated as the Floodplain Administrator under this Chapter.

**Section 415.060. Compliance.**

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

**Section 415.070. Abrogation and Greater Restrictions.**

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

**Section 415.080. Interpretation.**

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

**Section 415.090. Warning and Disclaimer of Liability.**

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

**ARTICLE III  
Administration**

**Section 415.100. Floodplain Development Permit (Required).**

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article II, Section 415.040. No person, firm, corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

**Section 415.110. Designation of Floodplain Administrator.**

The Code Enforcement Officer is hereby appointed to administer and implement the provisions of this Chapter.

**Section 415.120. Duties and Responsibilities of Floodplain Administrator.**

A. Duties of the Code Enforcement Officer shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit

- requirements of this Chapter have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
  3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
  4. Issue floodplain development permits for all approved applications;
  5. Notify adjacent communities and the State Emergency Management Agency (SEMA) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
  6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
  7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
  8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
  9. When floodproofing techniques are utilized for a particular non-residential structure, the Code Enforcement Officer shall require certification from a registered professional engineer or architect.

**Section 415.130. Application for Floodplain Development Permit.**

- A. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:
  1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address or similar description that will readily identify and specifically locate the proposed structure or work;
  2. Identify and describe the work to be covered by the floodplain development permit;
  3. Indicate the use or occupancy for which the proposed work is intended;
  4. Indicate the assessed value of the structure and the fair market value of the improvement;
  5. Specify whether development is located in designated flood fringe or floodway;
  6. Identify the existing base flood elevation and the elevation of the proposed development;

7. Give such other information as reasonably may be required by the Code Enforcement Officer;
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

ARTICLE IV  
**Provisions for Flood Hazard Reduction**

**Section 415.140. General Standards.**

- A. No permit for floodplain development shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A Zones, AE, AO and AH Zones, unless the conditions of this Section are satisfied.
- B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- C. Until a floodway is designated, no new construction, substantial improvements or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- D. All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes and other developments shall require:
  1. Design or adequate anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  2. Construction with materials, resistant to flood damage;
  3. Utilization of methods and practices that minimize flood damages;
  4. All electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  5. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and on-site waste disposal systems be located so as to avoid impairment or contamination; and
  6. Subdivision proposals and other proposed new development, including manufactured

home parks or subdivisions, located within special flood hazard areas are required to assure that:

- a. All such proposals are consistent with the need to minimize flood damage;
- b. All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
- c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
- d. All proposals for development, including proposals for manufactured home parks and subdivisions of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

E. *Storage, Material And Equipment.*

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

**Section 415.150. Specific Standards.**

A. In all areas identified as numbered and unnumbered A zones, AE and AH Zones, where base flood elevation data have been provided, as set forth in Article IV, Section 415.140(B), the following provisions are required:

1. *Residential construction.* New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or one (1) foot above base flood elevation.
2. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article III, Section 415.120(9).
3. Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement

must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings, having a total net area of not less than one (1) square inch or every square foot of enclosed area subject to flooding shall be provided; and
- b. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**Section 415.160. Manufactured Homes.**

- A. All manufactured homes to be placed within all unnumbered and numbered A Zones, AE and AH Zones on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- B. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A Zones, AE and AH Zones on the community's FIRM on sites:
  1. Outside of manufactured home park or subdivision;
  2. In a new manufactured home park or subdivision;
  3. In an expansion to an existing manufactured home park or subdivision; or
  4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood,

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones, AE and AH Zones on the community's FIRM, that are not subject to the provisions of Article IV, Section 415.160(B) of this Chapter, be elevated so that either:
  1. The lowest floor of the manufactured home is at or one (1) foot above the base flood level; or
  2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

**Section 415.170. Areas of Shallow Flooding (AO and AH Zones).**



- A. Located within the areas of special flood hazard as described in Article II, Section 415.040 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

1. *AO Zones.*

- a. All new construction and substantial improvements of residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
- b. All new construction and substantial improvements of any commercial, industrial or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community FIRM (at least two (2) feet if no depth number is specified) or, together with attendant utilities and sanitary facilities, be completely floodproofed to that so that the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths shall be required around structures on slopes in order to guide floodwaters around and away from proposed structures.

2. *AH Zones.*

- a. The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in Article IV, Section 415.150.
- b. Adequate drainage paths shall be required around structures on slopes in order to guide floodwaters around and away from proposed structures.

**Section 415.180. Floodway.**

- A. Located within areas of special flood hazard established in Article II, Section 415.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements and other development, within the adopted regulatory

floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3. If Subsection (2) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
4. In unnumbered A Zones, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources as set forth in Article IV, Section 415.140(B).

**Section 415.190. Recreational Vehicles.**

- A. Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones, AO, AE and AH Zones on the community's FIRM either:
  1. Be on the site for fewer than one hundred eighty (180) consecutive days;
  2. Be fully licensed and ready for highway use\*; or
  3. Meet the permitting, elevating and the anchoring requirements for manufactured homes of this Chapter.

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

**ARTICLE V**

**Floodplain Management Variance Procedures**

**Section 415.200. Establishment of Appeal Board.**

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

**Section 415.210. Responsibility of Appeal Board.**

- A. Where an application for a floodplain development permit is denied by the Code Enforcement Officer, the applicant may apply for such floodplain development permit directly to the Board of Adjustment as defined in Section 415.200 of this Article.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Code Enforcement Officer in the enforcement or administration of this Chapter.

**Section 415.220. Further Appeals.**

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

**Section 415.230. Floodplain Management Variance Criteria.**

- A. In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter and the following criteria:
1. The danger to life and property due to flood damage;
  2. The danger that materials may be swept onto other lands to the injury of others;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. The importance of the services provided by the proposed facility to the community;
  5. The necessity to the facility of a waterfront location, where applicable;
  6. The availability of alternative locations, not subject to flood damage, for the proposed use;
  7. The compatibility of the proposed use with existing and anticipated development;
  8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
  9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
  11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems; streets; and bridges.

**Section 415.240. Conditions for Approving Floodplain Management Variances.**

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsection (B) through (F) below have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- E. Variances shall only be issued upon:
1. A showing of good and sufficient cause,
  2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- F. A community shall notify the applicant in writing over the signature of a community official that:
1. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
  2. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

## ARTICLE VI Penalties for Violation

### **Section 415.250. Penalties for Violation.**

Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute an ordinance violation. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Clever or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

## ARTICLE VII Amendments

### **Section 415.260. Amendments.**

The regulations, restrictions and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Clever. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP)

regulations.

## ARTICLE VIII

### Definitions

#### **Section 415.270. Definitions.**

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

100-YEAR FLOOD — See "*BASE FLOOD*".

ACCESSORY STRUCTURE — The same as "*APPURTENANT STRUCTURE*".

ACTUARIAL RATES — See "*RISK PREMIUM RATES*".

ADMINISTRATOR — The Federal Insurance Administrator.

AGENCY — The Federal Emergency Management Agency (FEMA).

APPEAL — A request for review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

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

AREA OF SHALLOW FLOODING — A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD — The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the structure having its floor subgrade (below ground level) on all sides.

BUILDING — See "*STRUCTURE*".

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

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

DEVELOPMENT — Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling,

grading, paving, excavation or drilling operations or storage of equipment or materials.

**ELEVATED BUILDING** — For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

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

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

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

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

**FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)** — An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

**FLOOD ELEVATION DETERMINATION** — A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

**FLOOD ELEVATION STUDY** — An examination, evaluation and determination of flood hazards.

**FLOOD FRINGE** — The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

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

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

**FLOOD INSURANCE STUDY (FIS)** — An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**FLOOD OR FLOODING** — A general and temporary condition of partial or complete

inundation of normally dry land areas from the overflow of inland and/or the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

**FLOODPLAIN OR FLOODPRONE AREA** — Any land area susceptible to being inundated by water from any source (see "*FLOODING*").

**FLOODPROOFING** — Any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities or structures and their contents.

**FLOODWAY ENCROACHMENT LINES** — The lines marking the limits of floodways on Federal, State and local floodplain maps.

**FLOODWAY OR REGULATORY FLOODWAY** — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**FREEBOARD** — A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

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

**HIGHEST ADJACENT GRADE** — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** — Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State Inventory of Historic Places in States with historic

preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved State program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in States without approved programs.

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

**MANUFACTURED HOME** — A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "*manufactured home*" does not include a "*recreational vehicle*".

**MANUFACTURED HOME PARK OR SUBDIVISION** — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**MAP** — The Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM) or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

**MARKET VALUE OR FAIR MARKET VALUE** — An estimate of what is fair, economic, just and equitable value under normal local market conditions.

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

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

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

**NFIP** — The National Flood Insurance Program (NFIP).

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



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

PRINCIPALLY ABOVE GROUND — At least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE — A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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

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

SPECIAL FLOOD HAZARD AREA — See *"AREA OF SPECIAL FLOOD HAZARD"*.

SPECIAL HAZARD AREA — An area having special flood hazards and shown on a FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A, AO, AE or AH.

START OF CONSTRUCTION — Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvements were within one hundred eighty (180) days of the permit date. The *"actual start"* means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the *"actual start of construction"* means the first (1st) alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE COORDINATING AGENCY — That agency of the State Government or other office designated by the Governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.

STRUCTURE — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

**SUBSTANTIAL DAMAGE** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** — Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

**VIOLATION** — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** — The height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.