

outline is defined and used in this document

TITLE IV. LAND USE

CHAPTER 400: CITY PLAN AND PLANNING

COMMISSION

SECTION 400.010: CITY PLAN—AUTHORIZED

The City of New Franklin, Missouri, is hereby authorized to make, adopt, amend and carry out a City plan for the physical development of this municipality. (CC 1996 §415.010)

SECTION 400.020: PLANNING COMMISSION—CREATION—COMPOSITION

- A. 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.
- B. The said citizen members of such Commission shall be appointed by the Mayor with the approval of the Board of Aldermen and shall serve without compensation. (CC 1996 §415.020)

SECTION 400.030: PLANNING COMMISSION MEMBERS—TERM, VACANCIES AND REMOVAL

The term of each citizen member of the City Planning Commission shall be four (4) years, except that one (1) member of the first (1st) Commission shall be appointed to serve for the term of one (1) year, one (1) to serve for the term of two (2) years, two (2) to serve for the term of three (3) years and two (2) to serve for the term of four (4) years. All members shall hold office until their successors are appointed. Vacancies on the Commission occurring other than through the expiration of term shall be filled for the unexpired term by appointment of the Mayor and approval of the Board of Aldermen. Any citizen member of the Commission may be removed from such office by the Board of Aldermen for cause stated in writing and after public hearing. (CC 1996 §415.030)

SECTION 400.040: PLANNING COMMISSION—MEETINGS AND RULES

The City Planning Commission shall elect a Chairman and a Secretary from among its citizen

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members. The term of each shall be for one (1) year with eligibility for re-election. The Commission shall hold regular meetings and such special meetings as it provides by rule and shall adopt rules for the transaction of business and shall keep a record of its proceedings which shall be a public record. (CC 1996 §415.040)

SECTION 400.050:**REQUIRED FUNDS TO BE SUPPLIED BY BOARD**

The Board may provide the funds, equipment and accommodations necessary for the work of the commission, but the expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Board and no expenditures nor agreements for expenditures shall be valid or legal in excess of such amount. Provided however, that such Commission shall have the authority and the power to accept and receive donations of cash or property, gifts, bequests and grants and, with the approval of the Board, may use such non-appropriated assets as the Commission shall deem beneficial and advantageous to the said City of New Franklin. (CC 1996 §415.050)

SECTION 400.060:**COMMISSION TO ADOPT A CITY PLAN**

- A. The Commission shall make and adopt a City plan for the physical development of the municipality. The City plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and uses of land may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing; the general character, extent and layout of the replanning of blighted districts and slum areas.
- B. In the preparation of the City plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the municipality. The plan shall be made with the general purpose of guiding and accomplishing a coordinated development of the municipality which will, in accordance with existing and future needs, best promote the general welfare as well as efficiency and economy in the process of development. (CC 1996 §415.060)

SECTION 400.070:**FUNCTIONS OF COMMISSION**

The Commission shall have and perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and may also prepare a zoning plan for the regulation of the height, area, bulk, location and use of private non-profit and public structures and premises and of population density, but the adoption, enforcement and administration of the zoning plan shall conform to the provisions of Chapter 89, RSMo. (CC 1996 §415.070)

SECTION 400.080:**PROCEDURE TO ADOPT PLAN**

- A. The Commission may adopt the plan as a whole by a single resolution or, as the work of making the whole City plan progresses, may from time to time adopt a part or parts thereof, any part to correspond generally with one (1) or more of the functional subdivisions of the subject matter of the plan.
- B. Before the adoption, amendment or extension of the plan or portion thereof, the Commission shall hold at least one (1) public hearing thereon. Fifteen (15) days' notice of the time and place of such hearing shall be published in at least one (1) newspaper having general circulation within the

municipality. The hearing may be adjourned from time to time. The adoption of the plan requires a majority vote of the full membership of the Planning Commission.

- C. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Secretary of the Commission and filed in the office of the Commission, identified properly by file number and a copy of the plan or part thereof shall be certified to the Board of Aldermen and the City Clerk and a copy shall be available in the office of the County Recorder of Deeds and shall be available at the Municipal Clerk's office for public inspection during normal office hours. (CC 1996 §415.080)

SECTION 400.090: REPORTS AND RECOMMENDATIONS OF THE COMMISSION

- A. The Commission may make reports and recommendations relating to the plan and development of the municipality to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens.
- B. It may recommend to the executive or legislative officials of the municipality programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, all available information it requires for the work. The Commission, its members and employees in the performance of its functions may enter upon any land to make examinations and surveys. In general, the Commission shall have the power necessary to enable it to perform its functions and promote its functions and promote municipal planning. (CC 1996 §415.090)

SECTION 400.100: APPROVAL OF PLAN REQUIRED—PROCEDURE

- A. Whenever the Commission adopts the plan for the City of New Franklin or any part thereof, no street, public way or other public facilities or public utility, whether publicly or privately owned and the location extent and character thereof having been included in the recommendations and proposals of the plan or portions thereof, shall be constructed or authorized in the said City until the location, extent and character thereof has been submitted to and approved by the Planning Commission.
- B. In case of disapproval, the Commission shall communicate its reasons to the Board of Aldermen and such Board, by vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership, may overrule the disapproval and, upon the overruling, the Board may proceed, except that if the public facility or utility is one the authorization of financing of which does not fall within the province of the Board, then the submission to the Planning Commission shall be by the Municipal Board having jurisdiction and the Planning Commission's disapproval may be overruled by the Board by a vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership.
- C. The acceptance, widening, removal, extension, relocation, vacation, abandonment, change of use, acquisition of land for sale or lease of any street or other public facility is subject to similar submission and approval and the failure to approve may be similarly overruled. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval. (CC 1996 §415.100)

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SECTION 400.110:

STREETS TO RECEIVE LEGAL STATUS

- A. Upon adoption of a major street plan and subdivision regulations, the said City of New Franklin shall not accept, lay out, open, improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers, connections or other utilities in any street within such City unless the street has received the legal status of a public street prior to the adoption of a City plan; or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board of Aldermen or on a street plan made by and adopted by the Commission.
- B. The Board of Aldermen may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the Commission for its approval and is approved by the Commission or, if disapproved by the Commission, is passed by the affirmative vote of not less than two-thirds ($\frac{2}{3}$) of the entire membership of the Board of Aldermen. (CC 1996 §415.160)

SECTION 400.120:

STREET TO MEET REQUIREMENTS BEFORE BUILDING

After the adoption of a major street plan, no building permit shall be issued for and no building shall be erected on any lot within the territorial jurisdiction of the Commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements of Section 400.110 hereof. (CC 1996 §415.170)

CHAPTER 405: ZONING CODE

ARTICLE I. GENERAL PROVISIONS

SECTION 405.010: TITLE

This Title shall be known and may be cited and referred to as the "Zoning Code of the City of New Franklin, Missouri". (CC 1996 §400.010)

SECTION 405.020: PURPOSE

This Zoning Code is adopted for the following purposes:

1. To regulate and restrict the use of land and the location of buildings designed for specific uses; to regulate and limit the height of buildings hereafter erected or altered; to regulate and determine the size and area of yards, courts and other open spaces; to regulate and limit the density of population; to divide the municipality into districts and establish, by reference to a map, the boundaries of said districts for said purposes; to provide for off-street parking and loading; to provide for definitions; to provide for its interpretation and amendments hereto; to provide for its enforcement and providing penalties for violation of its provisions; to provide for a Board of Zoning Adjustment and defining its powers and duties to provide for permits.
2. For the purpose of promoting health, safety, morals or the general welfare of the City of New Franklin, the Board of Aldermen of New Franklin deems it necessary to adopt these regulations designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. (CC 1996 §400.020)

SECTION 405.030: DEFINITIONS

For the purpose of this Title, the following words and terms, as used herein, except when otherwise provided, are defined to mean the following:

1. *Rules of construction.* Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" or the word "must" is always mandatory; the term "used for" includes the meaning "designed for" or "intended for".
2. *Definitions.*

ACCESSORY BUILDING OR USE: A subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property.

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

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

APARTMENT HOUSE: A building arranged, intended or designed for more than two (2) family units.

BOARD: The Board of Adjustment as established in Article IV.

BUILD: To erect, convert, enlarge, reconstruct or structurally alter a building or structure.

BUILDING: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided.

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

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

COMMISSION: The City Planning Commission of the City of New Franklin, Missouri.

COURT: An open, unoccupied space, other than yard, bounded on three (3) or more sides or exterior walls of a building or by exterior walls of a building and lot lines on which walls are allowable.

DISTRICT: A part of the City wherein regulations of this Chapter are uniform.

DRIVE-IN ESTABLISHMENTS: Any restaurant, financial institution or product vending enterprise where the patron does not enter a building during the transaction of his/her business.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, including single-family, two-family and multiple-dwellings, boarding and lodging houses, apartment houses and town houses, but not hotels.

FAMILY: One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities or a group of not more than five (5) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a non-profit cost-sharing basis.

FOUNDATION: A solid masonry wall which is setting on a footing and which is used to support a structure. Openings in the wall for windows and vents shall be permitted.

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GOVERNING BODY: The Board of Aldermen of the City of New Franklin, Missouri.

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 houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

HOME OCCUPATION: Customary home occupations including the professional office or studio of an architect, artist, doctor, engineer, lawyer, planner, scientist, teacher, beautician, barber or occupations such as handicraft, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupant, that not more than one-quarter (¼) of the area of one (1) floor of said residence shall be used for such purposes, and that no structural alterations or constructions involving features not customarily found in dwellings are required. An unlighted sign of not more than one (1) square foot in area and attached flat against the building shall be permitted. No equipment shall be used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. A home occupation shall not include the operation of a restaurant or auto body shop.

LOT: A parcel of land occupied or to be occupied by one (1) main building or unit group of buildings and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this Title, and having frontage upon a public street. A lot, as used herein, may consist of one (1) or more platted lots or tract or tracts as conveyed or parts thereof.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Zoning Inspector.

LOT DEPTH: The mean horizontal distance from the front street line to the rear line.

LOT LINE, FRONT: The boundary between a lot and the street on which it fronts.

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

LOT LINE, SIDE: Any lot boundary line not a front or rear line thereof, a side line may be a part lot line, a line bordering on an alley or place or a side street line.

LOT LINES: The lines bounding a lot as defined herein.

LOT WIDTH: The horizontal distance between side lines measured at the front building line.

MOBILE HOME: A transportable dwelling unit built on a chassis and which has the following characteristics:

1. Designed for occupancy containing sleeping accommodations, flush toilet, tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
2. Designed to be transported after fabrication on its own wheels.

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

MOBILE HOME COURT: A tract of land where three (3) or more mobile home spaces are offered for rent.

MOBILE HOME SPACE: An area with utility connections which is occupied or designed to be occupied by an inhabited mobile home.

MODULAR HOME: To qualify as a modular home a dwelling unit must meet all the following criteria. The dwelling unit:

1. Arrives at its permanent erection site after fabrication on a wheeled dolly or flatbed.
2. Arrives at the site in two (2) or more component parts which are permanently joined together at the site.
3. Is to be permanently attached to a permanent foundation.

A modular home shall be deemed to be a standard single-family dwelling and shall be subject to all requirements of a single-family dwelling.

MOTEL: A building or buildings containing in the aggregate on one (1) undivided tract or parcel of land, a group of individual private units, each provided with separate sleeping room or rooms, having both lavatory and toilet facilities, designed and to be used primarily for transient guests traveling by automobile.

NON-CONFORMING USE: Any building or land lawfully occupied by a use at the time of passage of this Chapter which does not conform with the use or area regulations of the district within which it is located.

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

RESTAURANT: A building wherein food is prepared and served to the public.

ROOMING HOUSE: A dwelling occupied by a resident family or resident occupant and three (3) or more rent-paying persons.

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

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

STREET LINE: The dividing line between the street and the abutting property.

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

STRUCTURE: Anything constructed or erected which requires location on the ground, including signs but excepting customary utility poles, retaining walls and boundary fences.

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

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

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

YARD, REAR: A yard between the rear lot line and the rear line of the main building and the side lot lines.

YARD, SIDE: A yard between the main building and the adjacent side line of the lot and extending entirely from a front yard to the rear yard. (CC 1996 §400.030)

SECTION 405.040:

COMPLIANCE WITH REGULATIONS

Except as hereinafter provided:

1. No building or land shall be used except for purposes permitted in the district in which the building or land is located.
2. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the height, off-street parking, loading and area regulations of the district in which the building is located.
3. The density and yard regulations of this Chapter are minimum regulations for each and every building existing at the effective date of this Chapter and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one (1) building.
4. 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 a residential lot except as otherwise provided in this Title.
5. All inhabited mobile homes located in the City of New Franklin after the effective date of this Chapter shall be placed in the Mobile Home Residential District as described in Section 405.100 or in a non-conforming mobile home space as described in Section 405.160,

Non-Conforming Uses.

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- 6. All residential, commercial and industrial buildings shall be connected to the municipal sewer and water systems.
- 7. Structures which are located in designated flood-prone areas shall comply with both the provisions of these Chapters and with City regulations governing construction in flood-prone areas. (CC 1996 §405.010)

ARTICLE II. DISTRICTS AND DISTRICT REGULATIONS

SECTION 405.050: DESIGNATION OF DISTRICTS—DISTRICT MAP—VACATION OF PUBLIC WAY—ANNEXED TERRITORY—BOUNDARY LINES

A. *Designation Of Districts.* For the purposes of this Title, the City of New Franklin is hereby divided into eight (8) zoning districts to be known as follows:

District "RC"	Rural Conservation District
District "RS-1"	Single-Family Residential District
District "RS-2"	Single-Family Residential District
District "RA"	Multiple-Family Residential District
District "RM"	Mobile Home Residential District
District "C-1"	Central Commercial District
District "C-2"	Highway Commercial District
District "I"	Light Industrial District

The Rural Conservation District is the most restrictive district. The Light Industrial District is the least restrictive district.

B. *District Map.* The boundaries of the districts as enumerated above are shown upon the map designated as the New Franklin Zoning District Map. The New Franklin Zoning District Map and all notations, references and other information shown thereon are a part of this Chapter and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of said district map is properly attested and is on file with the City Clerk of the City of New Franklin.

C. *Vacation Of Public Way.* Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

D. *Property Not Classified—Annexed Property.* All territory which may hereafter be annexed to the

City of New Franklin shall automatically be placed in the "R-1" Single-Family Residential District until otherwise changed by ordinance.

- E. *Boundary Lines.* Where uncertainty exists as to the boundaries of the districts as shown on the New Franklin District Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerline of streets, highways, alleys or other public rights-of-way shall be construed to be said boundary.
 2. Boundaries indicated as approximately following platted lot lines shall be construed to be said boundary.
 3. Boundaries that divide a lot or parcel of property, location of any such boundary shall be determined by the use of the scale appearing on such map. (CC 1996 §400.040)

SECTION 405.060:**"RC" RURAL CONSERVATION DISTRICT**

The "RC" District is designed to provide open space in the City, to prevent premature development and to prohibit concentrated urban development in flood-prone areas. For these reasons, permitted uses shall be restricted to the following:

1. *Permitted uses.*
 - a. Agricultural uses and farm structures. Commercial feed lots shall not be permitted.
 - b. Single-family detached dwellings located on a site of not less than twenty-three (23) acres.
 - c. Customary accessory buildings including private garages, carports, swimming pools, fireplaces and similar accessory uses.
 - d. Park or forest preserve.
 - e. Privately operated outdoor recreational facilities.
 - f. Public facilities including sewerage treatment works. (CC 1996 §410.010)

SECTION 405.070:**"RS-1" SINGLE-FAMILY RESIDENTIAL DISTRICT**

A. The "RS-1" District is intended and designed to provide for low density residential development. This district is designed to protect residential areas now developed with single-family detached dwellings and adjoining vacant areas likely to be developed for such purposes. The regulations are designed to stabilize such areas and to promote a suitable environment for family life.

B. *Permitted Uses.*

1. Single-family detached dwellings.

2. *Group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in

reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.

3. Customary accessory buildings including private garages, carports, swimming pools, fireplaces and similar accessory uses.
4. Public, private and parochial schools.
5. Homes where child care is provided to no more than four (4) children not related to the day care provider by blood, marriage or adoption, for any part of the twenty-four (24) hour day.
6. Public buildings erected by any public agency except those buildings used primarily for maintenance and storage purposes.
7. Electric substations, public utility pumping stations, water and sewage treatment facilities, water storage facilities and devices for the metering of electrical, gas or water services to dwellings.
8. Public parks, playgrounds, cemeteries, swimming pools, community centers, athletic fields and recreation buildings therein.
9. Churches or other places of worship, including religious education buildings or other associated structures. Church signs shall be a permitted use.
10. Agricultural uses, including nurseries and truck gardening, provided that no offensive odors or dust are created and no livestock is housed within twenty-five (25) feet of a property line and provided further, that gross retail sales in excess of five thousand dollars (\$5,000.00) per year not be permitted on the premises. Commercial feed lots shall not be permitted in this district.
11. Temporary buildings to house offices, equipment storage or other functions incidental to construction and development activities, provided that such buildings shall be removed within twelve (12) months from date of permit for their erection.
12. One (1) sign not exceeding thirty-six (36) square feet in area referring to the construction, lease, hire or sale of a building, premise or subdivision lot, which sign shall refer to the subdivision or property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction is completed.
13. Customary home occupations.
14. Bed and breakfast establishments. (CC 1996 §410.020)

SECTION 405.080:**"RS-2" SINGLE-FAMILY RESIDENTIAL DISTRICT**

- A. The "RS-2" District is designed to allow higher density residential development while retaining the residential character and stability necessary for a suitable environment for family life.
- B. *Permitted Uses.* Any use permitted in the "RS-1" District. (CC 1996 §410.030)

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SECTION 405.090:

"RA" MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- A. The "RA" Multiple-Family Residential District is designed to allow a high density residential development designed specifically for apartments, dwellings in groups and row houses.
- B. *Permitted Uses.*
 - 1. Any use permitted in the "RS-2" District.
 - 2. Apartment houses.
 - 3. Clubs, lodges and meeting places for other organizations.
 - 4. Rooming and boarding houses but not hotels or motels.
 - 5. Nursing homes and homes for the aged.
 - 6. Parking structures and lots.
 - 7. Bed and breakfast establishments. (CC 1996 §410.040)

SECTION 405.100:

"RM" MOBILE HOME RESIDENTIAL DISTRICT

- A. *General.*
 - 1. A Mobile Home District shall be for the purpose of permitting the establishment of attractive and well located mobile home courts in the City of New Franklin. The intent is to promote the development of sound and well planned mobile home courts that will not cause a depreciation of adjacent values, create congestion, over crowding of the land or in any manner be contrary to the basic intent and purposes of this Title.
 - 2. A Mobile Home Residential District shall have a minimum area of five (5) acres and shall abut and have access to a public highway or street. A Mobile Home Residential District may be located in any area or district in the City of New Franklin subject to rezoning and City approval of the final mobile home development plan.
- B. *Procedure For Rezoning Property To A Mobile Home Residential District—Minimum Design Standards.*
 - 1. The procedure for the rezoning of property to a Mobile Home Residential District shall be the same procedure as is required for rezoning of property to an "R-P" Planned Residential District Section 405.140. Prior to the rezoning and approval of the final mobile home development plan, the Commission and Board of Aldermen must find that the plan provides for meeting the following minimum design standards:
 - a. *Lot area and density.* Each lot within the mobile home court shall have a minimum area of three thousand five hundred (3,500) square feet. The maximum density of mobile home units shall not exceed eight (8) units per gross acre.

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- b. *Spacing of mobile homes.* There shall be a minimum distance of twenty-five (25) feet between each mobile home.
 - c. *Front yard.* No mobile home shall be located closer than thirty (30) feet to the public highway or street right-of-way line on which the mobile home park abuts.
 - d. *Parking space.* One (1) off-street parking space shall be located on each mobile home lot.
 - e. *Interior streets.* All interior streets shall have a minimum paved driving surface width of not less than twenty-five (25) feet. Interior streets, as a minimum, shall have a six (6) inch rock base covered with double sealed asphaltic top.
 - f. *Public access easement.* A public access easement extending twenty-five (25) feet on each side of the centerline of all interior streets shall be granted to the City for fire protection, police protection and for the provision of other municipal services. No mobile home nor any other type of building shall be located within the public access easement. Sidewalks and off-street parking spaces may be located within the public access easement.
 - g. *Sewer and water.* All mobile home units shall be connected to the municipal sewer and water systems.
 - h. *Fire hydrants.* In every mobile home park the hydrants shall be located in accordance with the current specifications of the National Board of Fire Underwriters. In no case shall any mobile home be located further than six hundred (600) feet from a fire hydrant.
 - i. At least three hundred fifty (350) square feet of recreation space for each mobile home space shall be reserved within each mobile home court as common recreation space for residents of the mobile home court.
 - j. All mobile homes shall be equipped with skirting.
 - k. All mobile homes shall be equipped with tie-down as required by the laws of Missouri.
2. No mobile home shall be placed in a mobile home court until the final mobile home development plan has been approved by the Board of Aldermen and until the streets and other physical improvements as shown on the final mobile home development plan have been installed.
- C. *Permitted Accessory Uses.* All uses and accessory uses permitted in the "RS-2" Single-Family Residential District shall be permitted accessory uses in the "RM" Mobile Home Residential District. In addition, the following accessory uses shall be permitted in the "RM" District.
1. Central laundry and washroom facilities.
 2. Mobile home court office and maintenance buildings.
- D. *Phase Development.* The owner of the mobile home court may submit a phase development plan for approval to the Board of Aldermen. After securing the approval of the Board of Aldermen, the owner of the mobile home court may complete the construction of one (1) section of the mobile

home court and place mobile homes in this completed section provided that the construction is in accordance with the design standards and the approved phase development plan. (CC 1996 §410.050)

SECTION 405.110:**"C-1" COMMERCIAL DISTRICT**

- A. The "C-1" District is designed to provide centrally located retail, finance, personal services and entertainment areas to meet the needs of the citizens of New Franklin and the New Franklin trade territory with a minimum of adverse effects on surrounding residential land uses.
- B. *Permitted Uses.*
1. Any use permitted in the "RA" District.
 2. Appliance stores.
 3. Automotive parts sales establishments.
 4. Automotive sales and service establishments.
 5. Bakeries whose products are sold at retail on the premises.
 6. Banks and savings and loan companies.
 7. Barber and beauty shops.
 8. Bus terminal facilities.
 9. Clothing or wearing apparel shops.
 10. Clubs, lodges and meeting places for other organizations.
 11. Drug stores.
 12. Farm feed stores.
 13. Frozen food locker.
 14. Funeral homes and mortuaries.
 15. Gasoline service stations including those where repair work is a part of the business.
 16. Gift, florist and music stores.
 17. Grocery store, supermarkets.
 18. Hotels.

19. Laundry and dry cleaning establishments.
20. Paint stores.
21. Medical and dental offices and clinics.
22. Miscellaneous trades and businesses such as plumbing and heating, upholstering, sheet metal shops, sign paint shops; provided that all materials and supplies are stored within an enclosed building.
23. Parking structures and lots.
24. Printing, publishing and related trades.
25. Professional offices and offices of financial, insurance, real estate and philanthropic organizations.
26. Restaurants and taverns.
27. Shoe repair shops.
28. Signs limited to those listing the name of products, activities or services offered on the premises. No flashing beacon signs shall be permitted.
29. Stores or shops for the conducting of a convenience type retail business.
30. Theaters, bowling alleys and other commercial recreation establishments.
31. Storage buildings incidental to retail stores and service establishments.
32. Any other use which is determined by the Commission to be of the same general character as the above permitted uses but not including any use which is first permitted in the "C-2" Highway Commercial District. (CC 1996 §410.060)

SECTION 405.120:

"C-2" HIGHWAY COMMERCIAL DISTRICT

- A. The "C-2" District is designed to provide convenient commercial areas for shopping centers, drive-in and highway oriented businesses and those commercial enterprises requiring relatively large land areas for their operation.
- B. *Permitted Uses.*
 1. Any use permitted in the "C-1" District.
 2. Auto body shop.
 3. Automatic car wash establishments.

4. Boat sales and repair.
5. Drive-in eating establishments.
6. Motels and motor hotels.
7. New and used car sales lots.
8. Sales lots for new and used mobile homes.
9. Veterinarian, animal hospital or kennel. (CC 1996 §410.070)

SECTION 405.130:

"I" LIGHT INDUSTRIAL DISTRICT

- A. The "I" Light Industrial District is intended to provide sites for heavy commercial and light industrial activities requiring some heavy machinery which under control would minimize the effect on nearby residential districts.
- B. *Permitted Uses.*
 1. Any use permitted in the "C-2" District.
 2. Assembly of small component parts for farm implements, aircraft, automobiles and trucks, such as generators and carburetors.
 3. Bottling plants.
 4. Bulk station for propane and butane gas.
 5. Contractors' yards and related establishments, such as building material yards and equipment storage.
 6. Drive-in theaters.
 7. Farm implement sales and repair.
 8. Industrial research laboratories.
 9. Lumberyards including mill work.
 10. Maintenance and repair of large, heavy duty trucks.
 11. Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating ventilating ducts and equipment, cornices, eaves and similar products.
 12. Manufacture, compounding, packaging or treatment of such products as bakery goods, candy, cosmetics, perfumes, pharmaceuticals, toiletries and food products, except the following: fish

products, sauerkraut, vinegar, yeast, dairy products and the rendering or refining of fats and oils.

13. Manufacture or assembly of medical and dental equipment, drafting and optical instruments, watches, clocks, toys, musical instruments, novelties, metal stamps and electrical or electronic apparatus.
14. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
15. Ready mix concrete plants.
16. Sandblasting or cutting.
17. Sawmill, the manufacture of wood products and novelties or sawdust products.
18. Signs of all types shall be permitted.
19. Stone and monument works.
20. Welding and machine shops.
21. Other uses which in the opinion of the Commission are of similar character with respect to the emission of dangerous and offensive elements to the uses listed above.
22. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.
23. The above listed uses are permitted in the "I" Light Industrial District as long as the uses are not obnoxious or offensive due to emission of noise, odor, dust, gas, smoke or vibration. (CC 1996 §410.080)

SECTION 405.140:**"R-P" PLANNED RESIDENTIAL DISTRICTS**

A. *General.* Each of the residential districts hereinbefore set forth shall have a separate and distinct counterpart known and herein referred to as a Planned Residential District for the purpose of permitting and regulating the uses heretofore permitted in the equivalent district and further provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces, etc., subsequent to approval of the plan by local officials. The intent is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations.

1. Planned Residential Districts shall have a minimum area of five (5) acres. In general, the height and bulk of buildings, the amount of open space, light and air, the concentration of population, the parking and loading requirements shall be equal to those in the corresponding Districts "RS-1" to "RM" inclusive. The uses permitted shall be the same as in the equivalent District "RS-1" to "RM" inclusive.
2. Variations and departures from normal practice may, however, be permitted. Each building

need not face on a public street and more than one (1) building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be grouped in clusters or around courts and private drives may be permitted provided such buildings are architecturally suitable for such a relationship to adjoining buildings or property.

3. The Planned Residential Districts shall be as follows:

Planned District	Equivalent District
"RS-1-P"	"RS-1"
"RS-2-P"	"RS-2"
"RA-P"	"RA"
"RM"	"RM"

B. Procedure For Rezoning Property To A Planned Large-Scale Residential District.

1. A tract of land may be zoned "RS-1-P" through "RM-P" only upon application by the owner or his/her agent and only upon approval of a development plan for the tract.
2. The proponents of a planned development shall prepare and submit to the Commission a development plan containing the following elements:
 - a. The boundaries of the tract to be zoned and the area adjacent for a distance of not less than two hundred (200) feet.
 - b. The existing topography of the tract.
 - c. The proposed location and arrangements of buildings, structures, parking areas, existing and proposed streets, drives and other public ways.
 - d. Sufficient approximate dimensions to indicate the relationship between buildings, streets and drives and property lines.
 - e. Preliminary elevation and plan drawings of proposed buildings if deemed by the Commission to be in the public interest.
3. The Commission shall advertise and hold a public hearing on the development plan as provided in Article VI, Zoning Changes and Amendments. At such time as the development plan meets with the approval of the Commission, the same shall be duly approved, properly endorsed and identified and sent on to the Board of Aldermen for action.
4. Upon final approval of the development plan by the Board of Aldermen, a building permit may be issued and construction may proceed in conformance with the plan. Deviation from the development plan shall require a resubmittal to the Commission and Board of Aldermen in the same manner as the original rezoning procedure. In the event that lots are to be sold in the

development, a plat must be approved and recorded in accordance with the Subdivision Code of the City of New Franklin before any lots are sold and before any building permits are issued. (CC 1996 §410.090)

ARTICLE III. SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 405.150: DENSITY, YARD AND HEIGHT REGULATIONS

A. Density Regulations.

1. *Minimum lot area, lot area per family and width.* The following lot area, lot area per family and lot widths must be provided in the districts indicated:

District	Lot Width In Feet	Lot Area	Lot Area Per Family	
			Single-Family Dwelling	Multiple Dwelling
"RC"	160	2.5 acres	2.5 acres	Not permitted
"RS-1"	80	10,000 square feet	10,000 square feet	Not permitted
"RS-2"	50	6,000 square feet	6,000 square feet	Not permitted
"RA"	50	6,000 square feet	6,000 square feet	3,000 square feet

There shall be no minimum lot area and width requirements for commercial and industrial uses, provided however, that lots in the commercial or industrial districts which are used for dwelling purposes shall meet or exceed the minimum lot area, lot area per family and lot width requirements of the "RA" Multiple-Family Residential District.

2. *Exception to lot area and width requirements.*
 - a. Where a lot of record at the time of the effective date of this Chapter has less area or width than herein required in the district in which it is located, said lot may nevertheless be used for a single-family dwelling provided that all front, side and rear yard requirements are met.
 - b. Lot area per family requirements shall not apply to nursing homes or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.

B. Yard Regulations.

1. *Minimum yard requirements.* The following minimum yards, measured in feet, shall be provided within all districts:

(Refer to Section 405.030 Definitions for a definition of "Yard, Front", "Yard, Side" and "Yard, Rear".)

District	Front Yard	Side Yard	Rear Yard
"RC"	40	10	25
"RS-1"	40	10	25
"RS-2"	25	10	20
"RA"	25	10	20
"C-1"	None	None	20
"C-2"	40	10	20
"I"	40	10	20

The ten (10) foot side yard shall be provided on each side of the principal building. On corner lots a side yard equal to the depth of the front yard required in the district shall be provided on the side street.

2. *Exceptions to yard requirements.* The following exceptions may be made to the yard requirements:

- a. Where the length of a block exceeds five hundred (500) feet and where lots comprising forty percent (40%) or more of the five hundred (500) feet of frontage are developed with buildings, the average of the existing front yards on the same side of the street shall be the established minimum front yard depth for the entire five hundred (500) feet of frontage. When the length of a block is less than five hundred (500) feet, the average of the existing front yards shall be the established minimum front yard depth for the entire frontage of the block.
- b. Chimneys, sills, cornices and ornamental features may project into a required yard a distance not to exceed twenty-four (24) inches.
- c. Fire escapes and balconies may project into a required yard a distance not to exceed three and one-half (3½) feet.
- d. Filling station pumps may occupy required yards provided that they are not less than fifteen (15) feet from all lot lines.
- e. Porches and stoops which are not enclosed may project into a required yard a distance not to exceed five (5) feet.
- f. A detached accessory building, all of which is located in a rear yard, may be erected no closer than three (3) feet of a side or rear lot line.

C. *Height Regulations.*

- 1. *Height requirements.* Maximum height limit established for buildings and structures in all districts is thirty-five (35) feet.

2. *Exceptions to the height requirements.*
 - a. Televisions and radio towers, church spires, belfries, monuments, water towers, chimneys, stacks and flagpoles may be erected to such height as may be authorized by the Planning and Zoning Commission.
 - b. Buildings in all districts may be increased in height, provided that each yard is increased by one (1) foot for each foot of height which exceeds the height requirement for the particular district. (CC 1996 §405.020)

SECTION 405.160:**NON-CONFORMING USES**

- A. Nothing contained in this Section shall require any change in the plans, construction or designated use of a building for which the building footings are in place at the time of the passage of this Chapter. Nothing contained in this Article shall require any change in the plans, construction or designated use of mobile home spaces or pads in mobile home courts for which the underground utilities and sewer connections are in place at the time of the passage of this Chapter.
- B. *Continued And Discontinued Use.*
 1. *General.* The lawful use of land or of a building existing at the time of the adoption of this Chapter may be continued although such use does not conform with the provisions of these Chapters and such use may be extended throughout such portions of buildings as are arranged or designed for such use, provided no structural alterations are made therein. The non-conforming use of open land shall not be extended to adjacent land. No new mobile home spaces shall be added adjacent to or within a non-conforming mobile home court unless the adjacent lands are located in a district where rental mobile home courts are a permitted use. A non-conforming use may be changed to another non-conforming use of the same or of a more restricted zoning classification. If changed to a conforming use or more restricted non-conforming use, a non-conforming use may not thereafter be changed back to a less restricted use than that to which it was changed. If by amendment to this Title any property is hereafter transferred to a more restricted district by a change in the district boundaries or the regulations and restrictions in a district are made more restrictive, the provisions of this Title relating to the non-conforming use of buildings, premises or open land existing at the time of the passage of this Chapter shall apply to buildings, premises or open land occupied or used at the time of the passage of such amendment.
 2. *Discontinuance of non-conforming uses of a building.* No building or portion thereof used in whole or in part for a non-conforming use in a residential district, which remains idle or unused for a continuous period of one (1) year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the residential district in which it is located.
 3. *Discontinuance of non-conforming uses of open land.* No open land used in whole or in part for a non-conforming use in a residential district which remains idle or unused for a period of sixty (60) days shall again be used except in conformity with the regulations of the residential district in which it is located.

4. *Discontinuance of non-conforming uses of mobile home spaces and mobile home courts.*
 - a. *Mobile home spaces not located in a mobile home court.* No mobile home space which is located outside of a mobile home court and which has been vacant for a continuous period of sixty (60) days or more shall again be occupied by a mobile home.
 - b. *Non-conforming mobile home courts.* A non-conforming mobile home court shall be considered vacant and unused only when all inhabited mobile homes have been removed from the mobile home court. A non-conforming mobile home court which remains vacant for a continuous period of sixty (60) days or more shall not again be occupied by a mobile home.
- C. *Repairs And Restoration.* Repairs and improvements may be made to a non-conforming building or structure, provided that no alterations shall be made, except those required by law or ordinance, unless the building or structure is changed to a conforming or more restricted use.
- D. *Destruction Of A Non-Conforming Use.* No building which has been damaged by any cause whatsoever to the extent of more than seventy-five percent (75%) of the fair market value of the building immediately prior to damage shall be restored except in conformity with the regulations of this Chapter and all rights as a non-conforming use are terminated. If a building is damaged by less than seventy-five percent (75%) of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage. (CC 1996 §405.030)

SECTION 405.170:**OFF-STREET PARKING REQUIREMENTS**

- A. *Off-Street Parking Requirements—General.* Off-street parking spaces shall be provided as follows:
 1. Two (2) spaces shall be provided for each dwelling unit.
 2. One (1) space shall be provided for each two hundred (200) square feet of floor area devoted to office use or commercial businesses.
 3. Two (2) spaces shall be provided for every three (3) employees on the premises on the maximum work shift for manufacturing plants, commercial bakeries, creameries, bottling plants, warehouses, lumberyards and research and testing laboratories.
- B. *Off-Street Parking Requirements For Specific Uses.*
 1. The indicated number of off-street parking spaces shall be provided for each of the following uses:

Use	Number of Required Spaces
Hotel, motel or dormitory	One (1) space for each sleeping room or suite.
Homes for convalescent or aged	One (1) space for every three (3) sleeping rooms or suites.
Churches, assembly halls, auditoriums, theaters, cafes, restaurants, mortuaries, taverns or nightclubs	One (1) space for each five (5) permanent seats.
Wholesale sales, offices, frozen food lockers, furniture stores, automobile service garages, machinery and automobile sales, public buildings	One (1) space for each eight hundred (800) square feet of floor area.
Bowling alleys	Three (3) spaces for each alley.

2. In all districts, the off-street parking shall be provided on the same lot on which the principal structure is located or on a lot which is not more than one hundred (100) feet from the lot on which the main building is located.

C. *Exceptions To Off-Street Parking Requirements.*

1. No off-street parking spaces shall be required in the two (2) block area fronting on Broadway Avenue and bounded by Mechanic Street, Howard Street, Merchant Street and Missouri Avenue.
2. Existing churches located in any zoning district which are totally or partially destroyed shall be permitted to rebuild on the same site, provided that the number of parking spaces existing at the time of the destruction shall not be reduced in number. In the event the church is reconstructed on a new site, the building must then conform to all of the regulations for the district in which it is located including these off-street parking regulations. (CC 1996 §405.050)

SECTION 405.180:

BED AND BREAKFAST

A bed and breakfast establishment is a dwelling unit where travelers, for compensation, are lodged for sleeping purposes with a morning meal provided. A bed and breakfast establishment shall be carried on entirely within a dwelling by a member of the family residing in the dwelling, shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, shall conform to the following standards and provisions:

1. No other type of occupation or profession shall be conducted within the building where the bed and breakfast establishment is located.
2. One (1) sign shall be permitted which shall be an unanimated, non-illuminated, flat or window sign no higher than four (4) feet having a surface area not exceeding thirty-six by thirty-six (36 x 36).

3. No cooking by guests shall be permitted.
4. Meals may be served only to overnight guests.
5. Each guest room shall contain a functioning smoke detector.
6. The owner must comply with all other City zoning and safety ordinances as well as all County, State and Federal laws, rules or regulations applying to the operation of the lodging establishment.
7. All guest rooms used for guests shall be part of the primary residential structure. No exterior alterations, other than those necessary to ensure the safety of the guests, shall be made to any building.
8. Each facility will be inspected and approved by the City's Building Inspector prior to a business license being issued to the owner. (CC 1996 §410.100)

SECTION 405.190:**NUMBERING BUILDINGS AND DWELLINGS**

- A. The owner or occupant of each dwelling or building in the City shall be required to place in a conspicuous location, visible from the street, numbers which shall conform to the number assigned thereto. Such numbers shall be of sufficient size to be legible from the street with a three (3) inch minimum and shall be located on the building within view of a three (3) foot perimeter of the main entrance. The assigned street numbers shall be in sharp color contrast to the dwelling or building to which they are attached. In areas where the dwelling or building is located more than one hundred (100) feet from the centerline of the street, the assigned number may be displayed in the yard visible when viewing the main entrance.
- B. *Records.* The City Clerk shall keep a well-bound or looseleaf book containing the correct numbers for all the buildings and lots in the City.
- C. *City May Number Upon Owner's Failure—Costs—Collection Of Costs.*
 1. Any building not numbered pursuant to this Section within three (3) days after written notice from the City to do so may be numbered by the City or its agents.
 2. The cost of numbering of buildings or dwellings as provided in Subsection (A) of this Section shall be not less than the actual cost to the City.
 3. The cost of numbering of dwellings or buildings performed by the City, provided in Subsection (C)(1) of this Section, shall be assessed against the property or dwellings so numbered unless the cost thereof shall be paid by the owner, lessee or tenant of such property to the City Collector within thirty (30) days after such numbering work shall be assessed against the property and collected as provided by law. (CC 1996 §405.070)

SECTION 405.200:**FENCE REGULATIONS***A. General Provisions.*

1. All fences erected or altered in the City shall require a permit. No fee is required for said permit. Routine maintenance or replacement of a fence does not require a permit.
2. All requests for fences shall be reviewed and approved or disapproved by the Building Inspector. Applicants shall supply said Building Inspector with a locator map, description and other documentation as the Building Inspector deems necessary. Applications for fence permits may be obtained at City Hall.
3. No fences shall be erected or altered to exceed six (6) feet in height above finished grade except as otherwise indicated in specific district requirements.
4. No person shall erect or cause to be erected, maintain or cause to be maintained, any fence or enclosure any part of which is charged with or designed to be charged with electrical current.
5. No provision of these fence requirements shall be construed as the right of the property owner to erect a fence on a public easement for any purpose. It shall be the responsibility of the property owners to insure that a fence does not block or obstruct the flow of stormwater.
6. All fences erected prior to enactment of this Section shall be considered non-conforming and as such shall be allowed to remain in place.

B. Fence Regulations For "RS-1" And "RS-2" Residential District.

1. The use of barbed wire or single strand wire fences shall not be permitted in residential districts.
2. The owners of residential properties shall be responsible for maintaining fences on their property and to remove any fence if it becomes unsightly or a menace to public safety, health or welfare.
3. On an interior lot, a solid fence shall not extend beyond the front building line. On a corner lot, a fence shall not extend beyond the front building lines.
4. Materials allowed for construction of a privacy fence must be wood, plastic or cinder block, except posts may be made of metal. Maximum board width is twelve (12) inches for solid, staggered or "basket weave" fences. Solid panels such as plywood, wafer board, etc., will not be allowed, except around construction sites for public safety, which must be removed when the construction project is completed.
5. Materials allowed for construction of a decorative fence can be wood, woven wire, chain link, wrought iron, square tubing, metal pipe, cinder block, plastic. A decorative fence must be of open construction, no panels such as plywood, wafer board, etc., will be allowed.
6. All framework of a wood fence, privacy or decorative, must be on the inside portion of the fence and all posts of a wire fence must be inside the fabric.

7. Temporary fences may be erected in conjunction with "display homes" in subdivisions so long as the fences are removed within thirty (30) days following the sale or transfer of ownership of the homes.
8. *Vision clearance.* No hedge, tree, shrub or other growth or object of any kind shall be maintained in such a location within such required front yard so as to obstruct the view of right-of-way, pedestrian or street traffic.
9. Ornamental dividers, plastic chains, posts or like materials erected along driveways or sidewalks shall not be considered a fence.
10. Fences shall be erected around swimming pools according to the adopted Building Codes of the City.

C. *Fence Regulations For All Commercial And Industrial Districts.*

1. Fences shall be limited to six (6) feet. However, fences to a maximum of eight (8) feet in height may be permitted for security purposes by the Building Inspector. A request stating the reason must be made in writing by the property owner. Also, barbed wire shall be permitted only if the lowest strand is at least seven (7) feet above grade and when used for security purposes in addition to a regular fence.
2. Fences are permitted on any lot or paved area so long as they do not extend beyond the front or side building line.

D. *Fence Regulations For All Agricultural Districts.* Any fence built wholly or partly of barbed wire on the line of, or adjacent to, any street, alley, sidewalk or other public place shall constitute a nuisance.

E. *Variance.* To prevent undue hardship, a variance from the terms of this Section, which will result in substantial compliance, may be obtained from the Planning and Zoning Committee in the event of denial by the Building Inspector.

F. *Declared Nuisance.* All fences or other like structures erected or maintained in violation of this Section are hereby deemed and declared to be a nuisance and any owner or occupant of a lot or tract of land upon which nuisance exists shall be deemed guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense. (Ord. No. 671 §§I–V, 12-9-02)

ARTICLE IV. BOARD OF ADJUSTMENT

SECTION 405.210: BOARD OF ADJUSTMENT—APPOINTMENT—TERM—VACANCIES—ORGANIZATION

Such local legislative body shall provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of Sections 89.010 to 89.140, RSMo., may provide that the Board of Adjustment may determine and vary their application in harmony with

their general purpose and intent and in accordance with general or specific rules therein contained. The Board of Adjustment shall consist of five (5) members, who shall be residents of the City except as provided in Section 305.410, RSMo. 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. Thereafter members shall be appointed for terms of five (5) years each. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall elect its own Chairman who shall serve for one (1) year. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to Sections 89.010 to 89.140, RSMo. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his/her absence the acting Chairman, may administer oaths and compel the attendance of witnesses. 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 question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.

SECTION 405.220:**POWERS OF THE BOARD**

The Board shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this Title.
2. To vary the yard regulations where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this Title would prevent a reasonable or sensible arrangement of buildings on the lot.
3. To modify the strict letter of the zoning ordinance to prevent undue hardship where substantial compliance may still be provided for. (CC 1996 §420.030)

SECTION 405.230:**APPEALS TO THE BOARD**

Appeals to the Board of Adjustment may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause

shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal,

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give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. (CC 1996 §420.040)

SECTION 405.240: DECISIONS OF THE BOARD

- A. The Board shall take action only when it has determined that a permit has been incorrectly issued or denied or when it has determined that the ordinance has been incorrectly interpreted or when the appellant proves undue and unnecessary hardship due to a provision or provisions herein contained as applied to a specific lot or tract. In case an unnecessary or undue hardship, due to peculiar characteristics of a specific lot or tract, is proven, the Board may issue a variance signed by the Chairman and setting out any conditions to be met. A copy of the variance shall be sent to the Building Inspector who shall issue a building permit setting out the terms of the variance. In no case shall the Board issue a variance or an order permitting a use to be placed in a district in which it is not permitted in this Chapter. In all cases, the spirit and intent of this Title shall be observed, public safety and welfare secured and substantial justice done.
- B. In exercising the above mentioned powers, the Board may, in conformity with the provisions of this Title, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. (CC 1996 §420.050)

SECTION 405.250: APPEAL FROM DECISIONS OF THE BOARD

Any person or persons jointly or severally aggrieved by any decision of the Board or any officer, department, board or bureau of the City of New Franklin may present to the Circuit Court a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the court within thirty (30) days after the filing of the decision in the office of the Board and thereafter proceedings shall be had thereon as provided by Sections 89.010 to 89.140, RSMo., as amended from time to time. (CC 1996 §420.060)

ARTICLE V. ADMINISTRATION

Cross Reference—As to board of adjustment, art. IV of this chapter.

SECTION 405.260: BUILDING INSPECTOR TO ENFORCE PROVISIONS—AUTHORITY TO ADOPT RULES—KEEP RECORDS OF PERMIT APPLICATIONS, ISSUANCE, INSPECTIONS, ETC.

- A. *Building Inspector.* There is hereby created the position of Building Inspector. The Mayor shall appoint the Building Inspector with consent and approval of a majority of the members of the Board of Aldermen and he/she shall continue in said capacity until removal by a majority vote of the Board of Aldermen.

B. *Duties.* It shall be the duty of the Building Inspector to enforce this Chapter. The Building

Inspector shall receive applications required by this Title and issue permits. He/she shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with. He/she shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for. He/she shall, when the interests of the municipality so require, make investigations in conformity with the regulations of this Chapter and all rights as a non-conforming use are terminated. If a building is damaged by less than seventy-five percent (75%) of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damages.

1. For carrying into effect its provisions, the Building Inspector may adopt rules consistent with this Chapter subject to the prior approval of the Board of Aldermen of the City of New Franklin.
2. The Building Inspector shall keep careful and comprehensive records of applications, of permits issued or inspections made, of reports rendered and of notices or orders issued. (CC 1996 §405.060(A–B))

SECTION 405.270:

PERMITS—IN GENERAL

A. Building Permits.

1. It shall be unlawful to construct or alter or to commence the construction or alteration of a building or structure without first filing with the Building Inspector an application in writing and obtaining a formal building permit. A building permit shall be required for all new construction and for alterations which increase the size of an existing structure. A building permit is not needed for painting; roofing; the making of normal repairs; the adding of storm windows, guttering or new siding; or interior remodeling.
2. A building permit shall be good for six (6) months from the date the application is granted and filed by Building Inspector.
3. Work must commence with sixty (60) days of the granting of the building permit.
4. Extensions of time limits within this Section may be granted by the Building Inspector for cause shown.
5. An extension for an additional sixty (60) days can be obtained with the approval of the Building Inspector and an additional fee of one hundred dollars (\$100.00).

B. Land Use Permits. A land use permit must be obtained from the Building Inspector for any commercial or industrial use of land on which no building or structure is to be erected.

C. Application For A Permit. An application for a permit shall be submitted in such form as the Building Inspector may prescribe. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Building Inspector for an intelligent understanding of the proposed work. Such application shall be accompanied by payment of such fees as the Board of Aldermen may establish or as provided for in this Section. There shall also be

filed

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a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction and of all existing buildings. Where no building or structure is to be erected, the applicant shall state on the application for a permit the nature of the proposed use of the land.

1. *Building permit fee structure.* Thirty-five dollar (\$35.00) minimum.

Structure	Cost	Total Fee
New home construction	\$35.00 plus 4 inspections at \$25.00	\$135.00
Outbuildings, no plumbing and/or electrical	\$35.00	\$35.00
Outbuildings, with plumbing and/or electrical	\$35.00 plus 1 inspection at \$25.00	\$60.00
Room additions, enclosures, no plumbing and/or electrical	\$35.00	\$35.00
Room additions, enclosures with plumbing and/or electrical	\$35.00 plus 1 inspection at \$25.00	\$60.00
Decks, patios, carports, portable sheds, no plumbing and/or electrical	\$15.00	\$15.00
Decks, patios, carports, portable sheds, with plumbing and/or electrical	\$15.00 plus 1 inspection at \$25.00	\$40.00
If additional inspections are required due to non-conformity to codes, each inspection shall cost an additional \$25.00.		

2. *Building Inspector pay scale.*

Each \$35.00 fee		=	\$25.00 Inspector
	\$10.00 City		
Each \$25.00 fee		=	\$20.00 Inspector
			\$ 5.00 City
Each \$15.00 fee		=	\$ 5.00 Inspector
	\$10.00 City		

- D. *Inspection.* The applicant must call the inspector to make an appointment for inspection. Applicant will be given a copy of fee structure at time of application.
- E. *Amendments.* Nothing in this Section shall prohibit the filing of amendments to an application at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
- F. If, after examination of the application for permit, the Building Inspector finds no objection to the

same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he/she shall approve such application and issue a permit for the proposed work as soon as practical. If his/her examination reveals otherwise, he/she will reject such application, noting his/her finding in a report to be attached to the application and delivering a copy to the applicant.

- G. *Amendments To Applications.* Nothing in this Section shall prohibit the filing of amendments to an application at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
- H. *Action On Application.* If, after examination of the application for permit, the Building Inspector finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he/she shall approve such application and issue a permit for the proposed work as soon as practicable. If his/her examination reveals otherwise, he/she will reject such application, noting his/her finding in a report to be attached to the application and delivering a copy to the applicant.
- I. *Condition Of The Permit.* All work performed under a permit issued by the Building Inspector shall conform to the approved application and plans and approved amendments thereof. The location of all new construction as shown on the approved plot diagram or an approved amendment thereof shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement. It shall be unlawful to change the use of land for which a land use permit has been issued until a revised land use permit has been obtained.
- J. *Revocation.* The Building Inspector may revoke a permit or approval issued under the provisions of this Title in case the work performed under the permit is not in conformance with the permit or condition of the permit or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. (CC 1996 §§405.040, 405.060(C); Ord. No. 652 §§2-5, 8-14-00; Ord. No. 672, 1-27-03)

ARTICLE VI. ZONING CHANGES AND AMENDMENTS

SECTION 405.280: APPLICATIONS FOR AMENDMENTS

- A. Applications for amendment, revision or change of the New Franklin Zoning District Map may be made by any person, or his/her agent, who owns the land sought to be rezoned. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner. Such application shall be made upon forms prescribed by the Commission and duly filed with the Commission.
- B. Applications for amendment, revision or change of any of the rules, regulations or provisions of the text of this Title may be made by any interested person on forms prescribed by the commission and duly filed with the Commission. (CC 1996 §430.010)

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SECTION 405.290: APPLICATION FEE

A fee equal to the cost of publication, staff time and other costs incurred by the City including, but not limited to, engineering, legal and/or other professional fees, shall accompany each application for an amendment. This fee shall not be refunded unless the application is withdrawn before the first (1st) hearing notice is published. Immediately, upon receipt of such application, the Commission shall note thereon the date of filing and make a permanent record thereof. A deposit of two hundred dollars (\$200.00) shall be paid to the City upon filing the application. Excess amounts under the deposit shall be returned to the applicant and excess amounts over the deposit shall be paid by the applicant. Failure to pay all fees associated with the application by the applicant shall be deemed an ordinance violation. (CC 1996 §430.020)

SECTION 405.300: HEARINGS BEFORE THE COMMISSION

- A. All such applications shall be set down for hearing before the Commission not later than thirty (30) days from the date of filing the same. Any such hearing may, for good cause, at the request of the applicant or in the discretion of the Commission, be continued. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation within the City of New Franklin.
- B. Upon the final hearing of such application, the Commission shall make a written report with a recommendation for final approval or denial of the application by the Board of Aldermen. (CC 1996 §430.030)

SECTION 405.310: HEARING BEFORE BOARD OF ALDERMEN

Before acting upon any application for amendment, the Board of Aldermen shall set a time and place for a hearing thereon and at least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of New Franklin. (CC 1996 §430.040)

SECTION 405.320: RECOMMENDATIONS FOR REVISIONS MADE BY COMMISSION

Recommendations for revision or amendment of this Title, including the Zoning District Map, may also be made by the Commission upon its own motion for final determination by the Board of Aldermen; likewise, the Board of Aldermen may revise, modify or amend these Chapters, including the Zoning District Map, upon its own motion, provided however, such proposed changes shall first be submitted to the Commission for recommendations and report. In either case, final action thereon shall be taken only upon notice and hearing as provided herein. (CC 1996 §430.050)

SECTION 405.330: CHANGE IN REGULATIONS, RESTRICTIONS AND BOUNDARIES—PROCEDURE

Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land

(exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the legislative body of such municipality. The provisions of Section 89.050, RSMo., relative to public hearing and official notice shall apply equally to all changes or amendments.

ARTICLE VII. VIOLATION AND PENALTY

SECTION 405.340: ENFORCEMENT, VIOLATION AND PENALTY

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of Sections 89.010 to 89.140, RSMo., or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo.
- B. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation punishable by a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00) for each and every day that such violation continues, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of Section 82.300, RSMo., for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.
- C. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

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CHAPTER 410: SUBDIVISION REGULATIONS

SECTION 410.010: DEFINITIONS

The following words, terms and phrases shall have the following meanings:

ADMINISTRATIVE OFFICER: A municipal employee designated by the Board to receive plats of proposed subdivisions and to make necessary inspections to determine compliance with this Title.

ALLEYS: Minor ways which are used primarily for vehicular service access to the back or side of properties abutting on a street.

BOARD: The Governing Body of the City.

BUILDING LINE: A line or lines on a plat designating the area adjacent to the street right-of-way inside of which no building or structure may be erected.

CITY: The City of New Franklin, Missouri, a municipal corporation which territorially shall include all land within the corporate limits of the City as such limits now exist or may, from time to time, be extended or retracted.

COMMISSION: The City Planning Commission of the City.

EASEMENT: A grant by the property owner to the public, a corporation or persons of the use of a strip of land for specific purposes.

FINAL PLAT: The final map of all or a portion of the subdivision, so designated on the plat and meeting the requirements of Section 410.050 of this Chapter and prepared for official recording with the Recorder of Deeds of Howard County, Missouri.

MAY: An action which is permissive.

MONUMENTS:

1. *Lot corners.* An iron pipe not less than one (1) inch outside diameter or a reinforcing bar not less than three-fourth ($\frac{3}{4}$) inches in diameter and not less than thirty (30) inches in length set not less than twenty-four (24) inches in the ground.
2. *Control points.* An iron pipe or reinforcing bar as described in above Section set in concrete four (4) inches in diameter and twelve (12) inches in depth or a four (4) inch by four (4) inch concrete post set not less than twenty-four (24) inches in the ground with the top of the post adequately marked to define the control point. A permanent pavement marker acceptable to the Board may be utilized to define the centerline of right of-way at the control points in lieu of the above described monuments.

OWNER: An individual, firm, association, co-partnership, corporation or syndicate, or agent of any of them, having sufficient proprietary interest in any land sought to be subdivided to commence and maintain proceedings to subdivide land under the provisions of this Chapter.

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PLAT: An accurate drawing or map of the land proposed to be subdivided.

PRELIMINARY PLAT: The preliminary map indicating the proposed layout of the total subdivision, so designated on the plat and meeting the requirements of Section 410.040 of this Chapter.

SHALL: An action which is mandatory.

SKETCH PLAT: A drawing of the proposed subdivision, not necessarily to scale, but indicating general topographic features and the general layout of the proposed subdivision according to the requirements of Section 410.030.

STREETS:

1. *ARTERIAL STREET:* A roadway used primarily for fast or heavy traffic, including all streets designated as major thoroughfares, freeways, etc.
2. *COLLECTOR STREET:* A street used to carry traffic from residential streets to arterial streets and/or highways.
3. *RESIDENTIAL STREET:* A street used primarily for access to abutting property.

SUBDIVISION: The division of land into two (2) or more smaller lots, tracts or parcels for the purpose of building development or transfer of ownership and/or the dedication or establishment of a public street or roadway. Subdivisions shall be further classified as follows:

1. *MAJOR SUBDIVISION:* Any subdivision not classified as a minor subdivision.
2. *MINOR SUBDIVISION:* Any subdivision not containing more than five (5) lots and not involving any new street or roadway.

The term "*subdivision*" shall include resubdivision and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

The term "*subdivision*" shall not include the division of land into two (2) parcels, each of which is not less than five (5) acres. (CC 1996 §425.010)

SECTION 410.015: SUBDIVISION REGULATIONS RECOMMENDED BY COMMISSION

- A. The Planning Commission shall recommend and the Board of Aldermen may by ordinance adopt regulations governing the subdivision of land within its jurisdiction.
- B. The regulation may include requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the Board of Aldermen may provide for the tentative approval of the plat previous to the improvements and utility installations; but any tentative approval shall not be entered on the plat.

The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the Board of Aldermen shall accept, at the option of the developer,

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an escrow secured with cash or an irrevocable letter of credit deposited with the City. The City may accept a surety bond, and such bond shall be in an amount and with surety and other reasonable conditions, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the Board of Aldermen and expressed in the bond. The release of any such escrow, letter of credit, or bond by the City shall be as specified in this Section. The Board of Aldermen may enforce the escrow or bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the Board of Aldermen is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the City plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest. (CC 1996 §415.120)

SECTION 410.020:**MAJOR SUBDIVISION—GENERAL PLAN**

- A. A subdivision may be developed in separate tracts or sections which shall be successively numbered and identified under the name of the subdivision as Section or Tract One, Two, Three, etc. In such instance, the owner shall cause to be prepared by a registered surveyor or a registered engineer a general plan of the entire subdivision showing the approximate location of all arterial streets and/or highways, collector streets and the public sanitary sewer and storm sewer drainage facilities contemplated and reasonably required to serve entire subdivision.
- B. When a general plan of the subdivision is required, the owner shall cause four (4) prints thereof to be filed with the Administrative Officer at the same time the preliminary plat of the first (1st) section or tract is filed. The Administrative Officer shall distribute the copies of the general plan in the manner and at the time provided herein. (CC 1996 §425.020)

SECTION 410.025:**PLAT TO BE APPROVED BY BOARD OF ALDERMEN—WHEN**

When the Planning Commission of any municipality adopts a City plan which includes at least a major street plan or progresses in its city planning to the making and adoption of a major street plan, and files a certified copy of the major street plan in the office of the County Recorder of the County in which the municipality is located, no plat of a subdivision of land lying within the municipality shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the Commission to the Board of Aldermen and the Board has approved the plat as provided by law.

SECTION 410.030:**SKETCH PLAT—CONTENTS AND SUBMISSION PROCEDURE**

- A. *Contents.* Data furnished in a sketch plat for a subdivision shall be as follows:
1. Tract boundaries.

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2. North point.

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3. The name of the proposed subdivision, the owner and all adjoining property owners as disclosed by the most recent tax records.
 4. All existing streets and roads, streams and structures within the proposed subdivision and within two hundred (200) feet therefrom.
 5. Significant topographical or physical features as may be necessary or required by the Commission.
 6. Proposed general street and sewer layout.
 7. Proposed general lot layout.
- B. *Submission Procedure.* Each developer shall submit to the Administrative Officer two (2) copies of a sketch plat as described in Section 410.030(A) for the proposed subdivision. Such sketch plat will be considered as submitted for informal discussion between the Commission and the developer. As far as may be practical on the basis of the sketch plat, the subdivider will be informally advised of the extent to which the proposed subdivision conforms to the requirements of this Chapter. When the sketch plat being submitted is classified as a minor subdivision, the owner may by-pass the preliminary plat procedure and submit a final plat as outlined in Section 410.050. (CC 1996 §425.030)

SECTION 410.040: PRELIMINARY PLAT—CONTENTS AND SUBMISSION PROCEDURE

- A. An owner who intends to subdivide land into lots for the purposes of sale and/or development or to dedicate land for streets, alleys, parks or other public use shall have prepared by a registered surveyor or a registered engineer a preliminary plat of the land within the subdivision or the section or tract thereof to be developed first, prior to developing the land.
- B. As additional sections or tracts of the subdivision are desired to be developed, a preliminary plat of each section or tract shall be filed and all of the provisions of this Chapter shall be observed.
 1. *Contents.* The preliminary plat shall be drawn to a scale of not more than one hundred (100) feet to the inch and shall show or be accompanied by the following information:
 - a. The location of all existing property lines, north points, scale, adjoining streets and alleys, watercourses, storm sewers, sanitary sewers, water mains, gas mains, culverts or other underground structures and all existing or proposed easements and other existing pertinent features within the area to be subdivided and in the adjoining streets or alleys.
 - b. The names of all adjoining subdivisions.
 - c. The proposed lot layout, location and width of all streets and alleys.
 - d. The title under which the subdivision is to be recorded, the name of the owners of same, including the names of the officers of any corporate owner, and the name of the registered surveyor or registered engineer platting the tract of land to be subdivided.

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- e. A scaled map of the City, upon which shall be sketched to the scale appearing thereon the correct location of the proposed subdivision and its boundaries.
- f. The location and direction of drainage of all watercourses and natural drainage channels.
- g. The proposed location of sanitary sewers.
- h. All proposed public areas.
- i. Each street identified by its proposed street name.

2. *Submission procedure.*

- a. The owner shall submit four (4) prints of the preliminary plat to the Board. One (1) print shall be retained by the Board and three (3) prints shall be referred to the Commission for further study, investigation and recommendation.
- b. At their next regular scheduled meeting, the Commission shall review the preliminary plat and notify the owner of the date, time and place of the meeting of the Commission and the owner may appear and be heard.
- c. Within sixty (60) days after the submission of a plat to the Commission, the Commission shall approve or disapprove the plat; otherwise the plat is deemed approved by the Commission, except that the Commission, with the consent of the applicant for the approval, may extend the sixty (60) day period. The ground of disapproval of any plat by the Commission shall be made a matter of record.
- d. If the Commission conditionally approves the plat, it shall state in writing any revisions, modifications, additions or deletions required of the owner by the Statutes of Missouri and/or Sections of this Chapter before a final plat may be approved. Such revisions, modifications, additions or deletions to the preliminary plat may relate:
 - (1) To the width and/or alignment of streets,
 - (2) To the type, capacity and location of sanitary sewer and/or storm sewer facilities,
 - (3) To the location and capacity of all public utility facilities,
 - (4) To the location, width and purpose of easements appearing on the preliminary plat or required by the City for public use,
 - (5) Lot sizes and/or layout, and
 - (6) To such other matters as, in the opinion of the Commission, may be in the public interest.
- e. The Commission shall submit a written report of its action on the plat to the owner and the Board along with a copy of the plat, indicating necessary revisions or modifications. If the owner is aggrieved with the Commission's report, the owner may appeal therefrom to

the Board by filing a notice of appeal with the City Clerk and the Chairman of the Commission within ten (10) days from the date thereof.

- C. The Board shall conduct a public hearing on the issues in controversy. The Clerk shall give the owner and the Chairman of the Commission at least fifteen (15) days' notice of the time and place of the hearing.
- D. At the first (1st) Board meeting following the public hearing, the Board shall declare its findings in writing and enter its order approving, modifying or rejecting the report of the Commission.
- E. Approval of the preliminary plat shall authorize the owner to prepare the final plat and complete engineering designs, subject to the provisions of Section 410.050, but such approval shall not constitute an approval of the plat for purposes of recordation or for the sale and/or development of any tract or parcel of land within the area represented by the preliminary plat. (CC 1996 §§415.130, 425.040)

**SECTION 410.050: FINAL PLAT—CONTENTS AND SUBMISSION
PROCEDURE**

- A. *Contents.* A final plat of the subdivision or section or tract thereof shall be drawn to a scale of not more than one hundred (100) feet to the inch and shall contain or be accompanied by the following information:
 - 1. The title under which the land is to be recorded; if the plat is of a section or tract of a subdivision, the identification by section or tract number.
 - 2. The name of the owner or owners of the land platted and, if the owner is a corporation, the names of the officers thereof.
 - 3. The name and registration number of the surveyor registered in Missouri who prepared the plat.
 - 4. The north point and scale.
 - 5. The exterior boundaries of the land platted.
 - 6. The right-of-way width of all streets and the proposed improved width of all streets, including the type of street and thickness of pavement.
 - 7. Public sidewalks with inclined walkways at the intersections shall be shown in accordance with Section 410.080.
 - 8. The boundaries of all areas to be dedicated to public use and the manner in which the areas are to be used.
 - 9. The width, names and lines of all streets on land adjoining the land shown on the plat.
 - 10. In the event there are branching streets or alleys on the plat, the angle of departure from one street or alley to another except where the angle of departure is either ninety degrees (90°) or

one hundred eighty degrees (180°).

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11. The dimensions of the lots and the numbers (letters in the subdivisions) of all lots on the plat.
12. The location and dimensions of all utility easements, if any, on the plat.
13. All linear and angular dimensions necessary to locate the boundaries on the plat in relation to a section or quarter-section corner or line or an established in lot or out lot line.
14. All linear and angular dimensions of all streets, alleys, lots, utility easements, sanitary sewer and surface water drainage easements or other areas on the plat and such linear dimensions shall be expressed in feet and decimals of a foot.
15. All radii, arcs and chords, points and tangency and central angles for all curves and rounded corners on the plat.
16. The location and description of all monuments and all street, alley lots or other area corners, intersections and all perimeter corner or angle points shall be marked with a suitable, durable monument as defined in Section 410.010.
17. The form for dedication to public use of areas identified as right-of-way for streets, alleys, boulevards, drives, roadways of any kind, parkways, parks, sanitary sewer easements, surface water easements and public utility easements and all other areas intended for public use with appropriate spaces for the signatures of the owner or owners, trustee, mortgagee or mortgagees, if any, of the land platted.
18. A form for the approval of the City Planning Commission and the Mayor of the City of New Franklin, Missouri, and certification by the City Clerk.

B. *Submission Procedure.*

1. Within eighteen (18) months, or within such additional time as the owner in writing may request and the Commission may allow, from the date of approval or conditional approval of the preliminary plat of a subdivision or section or tract thereof, the owner shall cause to be prepared by a registered surveyor or registered professional engineer and submit to the Board five (5) prints of the final plat thereof to be referred to the Commission for their review and recommendation.
2. If the owner fails to file with the Commission the final plat within the time mentioned in Subparagraph (1) above, the Commission shall, by written report, vacate and set aside its previous report approving the preliminary plat and a copy of such report shall be sent to the owner and the Board. The report shall be final and unappealable.
3. The submission of the final plat shall be accompanied by five (5) prints of the proposed design of all streets, sanitary and storm sewers, sidewalks and any other necessary appurtenances, drawn to a scale of fifty (50) feet to the inch horizontal and ten (10) feet to the inch vertical.
4. At their next regular scheduled meeting, the Commission shall review the final plat and design plans and notify the owner of the date, time and place of the meeting of the Commission and the owner may appear and be heard.

5. Within sixty (60) days after the submission of a plat to the Commission, the Commission shall

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approve or disapprove the plat; otherwise the plat is deemed approved by the Commission, except that the Commission, with the consent of the applicant for the approval, may extend the sixty (60) day period. The ground of disapproval of any plat by the Commission shall be made a matter of record.

6. The Commission shall submit a written report of its action on the final plat and design plans to the owner and the Board along with a copy of the plat indicating any necessary revisions or modifications. The owner shall be entitled to appeal the Commission report to the Board in the manner prescribed in Section 410.040.
7. If the Commission approves the final plat, it shall endorse its approval on the five (5) prints thereof, retain one (1) print and transmit one (1) print to the owner and three (3) prints to the Board. If the Board approves the plat, the plat shall be signed by the Mayor and certified by the City Clerk. In addition, the owner shall furnish the City with the original tracing and a reproducible copy of the final plat as approved.
8. Approval of the final plat constitutes approval by the Board of the subdivision's name and location; the size and layout of lots; the arrangement, location and widths of easements and streets; and that the developer has met the land platting requirements as specified in Sections 410.030, 410.040 and 410.050 of this Chapter.
9. No final plat of any subdivision shall be approved unless:
 - a. The subdivider agrees with the Board upon an assessment whereby the City is put in an assured position to install the improvements listed below at the cost of the owners of property within the subdivision, or
 - b. The improvements listed below have been installed prior to such approval, or
 - c. *Performance guarantee.* A performance guarantee shall be required from the subdivider in the amount of the estimate approved by the City Engineer for the cost of the proposed improvements. The performance guarantee shall run to the City of New Franklin and be with good and sufficient surety satisfactory to the Board and as approved by the City Attorney, conditioned upon the installation of the required improvements within two (2) years after the approval of the final plat. Filing of the actual bond or other security shall not be required until after the final plat approval, but sufficient information concerning the form of guarantee to be used shall be submitted with the final plat documents to permit Board approval at that time.
 - d. *Transfer of title of the subdivision.* In the event a developer who has posted an escrow, or letter of credit, or bond with the city, in accordance with Subsection (9)(c) of this Section transfers title of the subdivision property prior to full release of the escrow, letter of credit, or bond, the City shall accept a replacement escrow or letter of credit from the successor developer in the form allowed in Subsection (9)(c) of this Section and in the amount of the escrow or letter of credit held by the City, at the time of the property transfer, and upon receipt of the replacement escrow or letter of credit, the City shall release the original escrow or letter of credit in full and release the prior developer from all further obligations with respect to the subdivision improvements if the successor developer assumes all of the outstanding obligations of the previous developer. The City, may accept a surety bond

from the successor developer in the form allowed in Subsection

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(9)(c) of this Section and in the amount of the bond held by the City, at the time of the property transfer, and upon receipt of the replacement bond, the City, shall release the original bond in full, and release the prior developer from all further obligations with respect to the subdivision improvements.

- e. *Release of bond, letter of credit or escrow.* Any escrow or bond amount held by the City to secure actual construction and installation on each component of the improvements or utilities shall be released within thirty (30) days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent (5%) which shall be released upon completion of all improvements and utility work. The City, shall inspect each category of improvement or utility work within twenty (20) business days after a request for such inspection. Any such category of improvement or utility work shall be deemed to be completed upon certification by the City that the project is complete in accordance with the ordinance of the City including the filing of all documentation and certifications required by the City in complete and acceptable form. The release shall be deemed effective when the escrow funds or bond amount are duly posted with the United States Postal Service or other agreed-upon delivery service or when the escrow funds or bond amount are hand delivered to an authorized person or place as specified by the owner or developer. (CC 1996 §§415.130, 425.050)

**SECTION 410.055: APPROVAL BY COMMISSION NOT TO EFFECT
ACCEPTANCE**

The approval of a plat by the Commission does not constitute or effect an acceptance by the City of New Franklin or public of the dedication to public use of any street or other ground shown upon the plat. (CC 1996 §415.140)

**SECTION 410.057: USE OF UNAPPROVED PLAT IN SALE OF
LAND—PENALTY—
VACATION OR INJUNCTION OF TRANSFER**

No owner, or agent of the owner, of any land located within the platting jurisdiction of any municipality, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board of Aldermen or Planning Commission and recorded in the office of the appropriate County Recorder unless the owner or agent shall disclose in writing that such plat has not been approved by such Board or Planning Commission and the sale is contingent upon the approval of such plat by such Board or Planning Commission. Any person violating the provisions of this Section shall forfeit and pay to the municipality a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. A municipality may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

SECTION 410.060: CONSTRUCTION OF IMPROVEMENTS

- A. All sanitary sewers and appurtenances in this Section being developed shall be constructed according to the standards and specifications of the Missouri Clean Water Commission.

- B. Utility services shall be installed under the proposed streets prior to paving where subsurface conditions prevent pushing of services under the completed pavement. Sewer laterals shall also be stubbed in prior to street paving if the sewer main is located on street right-of-way. All such service connections shall be extended at least two (2) feet beyond the edge of pavement and shall be adequately referenced and marked for future use. All such services shall be installed in accordance with applicable codes and ordinances.
- C. Upon the completion of street paving, the contractor shall request in writing acceptance of the street by the City for maintenance. The City will not accept streets for maintenance until the pavement has been inspected and until all provisions of this Title have been met.
- D. Monuments as described in Section 410.010 shall be installed and adequately referenced to facilitate future replacement. Control point monument locations shall be verified and/or re-established after street paving has been completed and prior to acceptance of the street for maintenance by the City.
- E. The developer shall be held responsible for any and all defective workmanship for a period of one (1) year from the date of the acceptance of the improvements described therein. (CC 1996 §425.060)

SECTION 410.070:**STREETS AND ALLEYS—GENERAL PROVISIONS**

- A. All subdivision streets shall be arranged to provide for the continuation of existing streets in adjoining subdivisions and, to the extent possible, the anticipated projections of streets through adjoining unsubdivided or undeveloped property to allow for convenient movement of vehicular traffic and the orderly development of adjoining property and shall adhere to the major street plan where applicable.
- B. When a new subdivision adjoins undivided lands susceptible to being subdivided, the new streets shall be carried to the boundaries of the tracts proposed to be subdivided at a later date and a temporary graveled turnaround shall be installed at this point.
- C. Permanently designed dead-end or cul-de-sac streets shall not be longer than eight hundred (800) feet and shall be provided with a turnaround at the closed end.
- D. The minimum length of a block shall be three hundred (300) feet; the maximum length of blocks shall be one thousand (1,000) feet. Blocks shall be wide enough to allow two (2) tiers of lots except where prevented by topographical conditions, in which case the Commission may alter the size.
- E. Streets shall intersect one another at as near a right angle as possible and no intersection angle shall depart from a right angle more than twenty (20) inches.
- F. All streets in exact or approximate alignment with existing named streets shall bear the names of such existing named streets. All other streets shall be assigned names which do not conflict with names of existing streets.
- G. Whenever there exists a platted half street or half alley adjacent to land platted for a subdivision, the remaining half of the street or alley shall be provided for on the plat of the subdivision.

- H. The width of utility easements shall be as determined by the Board, but not less than ten (10) feet.
(CC 1996 §425.070)

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SECTION 410.100:

VARIATIONS FROM PROVISIONS

- A. When the Board determines that in a particular instance an owner cannot possibly or practically observe the requirement of any provision or provisions of this Chapter because of the presence of unusual circumstances or conditions and that the strict application of the requirements of such provisions would either prevent or present a serious obstacle to the formulation of a plat for the reasonable use and development of land in subdivision form, the Board may permit a variance from the requirements of such provisions.
- B. The Commission, upon consideration of the facts presented with the recommendation, may permit the owner to vary from the requirements of such provisions if it determines that the intent of this Chapter is not being violated and adjoining property is not materially or adversely affected. (CC 1996 §425.100)

SECTION 410.110:

RECORDATION OF PLATS

- A. A plat of land within the City shall not be filed and recorded until such plat has been accepted and approved by ordinance.
- B. When the approval of the City has been endorsed upon the plat and the plat has been transmitted to the Recorder as outlined in Section 410.050(B)(7), the owner or the agent thereof shall have the plat recorded in the office of the Recorder of Deeds in Howard County, Missouri, within thirty (30) days thereof or the City may enact an ordinance withdrawing its approval and acceptance of such plat. (CC 1996 §425.110)

SECTION 410.120:

MINOR SUBDIVISION

- A. The provision of this Chapter requiring preparation and submission of a subdivision plat shall not apply to the sale of all or a part of a recorded lot of record provided that not more than one (1) additional building lot is being created and not involving any new streets.
- B. The City Administrative Officer shall not issue a building permit for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein. (CC 1996 §425.120)

SECTION 410.130:

REFERENCE

When reference is made in this Chapter to any other ordinance of the City or any Section or Sections thereof or to any Statute of Missouri, the reference shall apply to all amendments and additions to such Chapter, Section or Sections thereof or Statute. (CC 1996 §425.130)

CHAPTER 415: FLOODPLAIN MANAGEMENT

FINDINGS OF FACT

**ARTICLE I. STATUTORY AUTHORIZATION,
AND PURPOSES**

SECTION 415.010: STATUTORY AUTHORIZATION

The legislature of the State of Missouri has in Section 79.110, 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 New Franklin, Missouri, ordains as follows. (Ord. No. 648 Art. 1 §A, 3-27-00; Ord. No. 736 Art. 1 §A, 9-14-09)

SECTION 415.020: FINDINGS OF FACT

- A. *Flood Losses Resulting From Periodic Inundation.* The special flood hazard areas of New Franklin, 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 July 19, 1982, 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.

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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. (Ord. No. 648 Art. 1 §B, 3-27-00; Ord. No. 736 Art. 1 §B, 9-14-09)

SECTION 415.030:

STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in 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. (Ord. No. 648 Art. 1 §C, 3-27-00; Ord. No. 736 Art. 1 §C, 9-14-09)

ARTICLE II. DEFINITIONS

SECTION 415.040:

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).

AGRICULTURAL COMMODITIES: Agricultural products and livestock.

AGRICULTURAL STRUCTURE: Any structure used exclusively in connection with the production, harvesting, storage, drying or raising of agricultural commodities.

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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 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).

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FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland; and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

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.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see "FLOODING").

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.

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

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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

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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.

REPETITIVE LOSS: Flood-related damages sustained by a structure on two (2) separate occasions

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during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

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*" includes 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 and AE.

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 its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. The term includes repetitive loss buildings (see definition).

For the purposes of this definition, "repair" is considered to occur when the first (1st) repair or reconstruction of any wall, ceiling, floor or other structural part of the building commences.

The term does not apply to:

1. Any project for improvement of a building required to comply with existing health, sanitary or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure 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", or
3. Any improvement to a building.

SUBSTANTIAL IMPROVEMENT: Any combination of reconstruction, alteration or improvement to a building, taking place during the life of the building, in which the cumulative percentage of improvement equals or exceeds fifty percent (50%) of the current market value of the building. For the purposes of this definition, an improvement occurs when the first (1st) alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work done.

The term does not apply:

1. Any project for improvement of a building required to comply with existing health, sanitary or safety code specifications which have been identified by the Code Enforcement Official and which are solely 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", or
3. Any building that has been damaged from any source or is categorized as repetitive loss.

** Recommend development of written and adopted policy and procedure.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS: Is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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. (Ord. No. 648 Art. 8, 3-27-00; Ord. No. 736 Art. 8, 9-14-09)

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ARTICLE III. GENERAL PROVISIONS

SECTION 415.050: LANDS TO WHICH CHAPTER APPLIES

This Chapter shall apply to all lands within the jurisdiction of the City of New Franklin, Missouri, identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Map (FIRM) for Howard County, Missouri, on map panels 29089C0269D and 29089C0288D dated October 16, 2009, 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 V. (Ord. No. 648 Art. 2 §A, 3-27-00; Ord. No. 736 Art. 2 §A, 9-14-09)

SECTION 415.060: FLOODPLAIN ADMINISTRATOR

The City Services Director is hereby designated as the Floodplain Administrator under this Chapter. (Ord. No. 648 Art. 2 §B, 3-27-00; Ord. No. 736 Art. 2 §B, 9-14-09)

SECTION 415.070: 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. (Ord. No. 648 Art. 2 §C, 3-27-00; Ord. No. 736 Art. 2 §C, 9-14-09)

SECTION 415.080: 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. (Ord. No. 648 Art. 2 §D, 3-27-00; Ord. No. 736 Art. 2 §D, 9-14-09)

SECTION 415.090: 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. (Ord. No. 648 Art. 2 §E, 3-27-00; Ord. No. 736 Art. 2 §E, 9-14-09)

SECTION 415.100: 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 New Franklin, Missouri, any officer or employee thereof for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. No. 648 Art. 2 §F, 3-27-00; Ord. No. 736 Art. 2 §F, 9-14-09)

SECTION 415.110: SEVERABILITY

If any Section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby. (Ord. No. 648 Art. 2 §G, 3-27-00; Ord. No. 736 Art. 2 §G, 9-14-09)

ARTICLE IV. ADMINISTRATION

SECTION 415.120: 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 III, Section 415.050. 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. (Ord. No. 648 Art. 3 §A, 3-27-00; Ord. No. 736 Art. 3 §A, 9-14-09)

SECTION 415.130: DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The City Building Inspector is hereby appointed to administer and implement the provisions of this Chapter. (Ord. No. 648 Art. 3 §B, 3-27-00; Ord. No. 736 Art. 3 §B, 9-14-09)

SECTION 415.140: DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the City Services Director 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; and
9. When floodproofing techniques are utilized for a particular non-residential structure, the City Services Director shall require certification from a registered professional engineer or architect. (Ord. No. 648 Art. 3 §C, 3-27-00; Ord. No. 736 Art. 3 §C, 9-14-09)

SECTION 415.150:**APPLICATION FOR FLOODPLAIN DEVELOPMENT****PERMIT**

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 City Services Director;
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his/her authorized agent who may be required to submit evidence

to indicate such authority. (Ord. No. 648 Art. 3 §D, 3-27-00; Ord. No. 736 Art. 3 §D, 9-14-09)

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ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 415.160: 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 and AE 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

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- 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.

F. *Agricultural Structures.* Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this Chapter; and a floodplain development permit has been issued.

G. *Accessory Structures.* Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value and not larger than four hundred (400) square feet may be constructed at-grade and wet-floodproofed, provided there is no human habitation or occupancy of the structure, the structure is of single-wall design, a variance has been granted from the standard floodplain management requirements of this Article and a floodplain development permit has been issued. (Ord. No. 648 Art. 4 §A, 3-27-00; Ord. No. 736 Art. 4 §A, 9-14-09)

SECTION 415.170:

SPECIFIC STANDARDS

In all areas identified as numbered and unnumbered A Zones and AE Zones, where base flood elevation data have been provided as set forth in Article V, Section 415.160(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 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 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 IV, Section 415.140(9).

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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 for every square foot of enclosed area subject to flooding shall be provided; and
 - b. The bottom of all opening 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. (Ord. No. 648 Art. 4 §B, 3-27-00; Ord. No. 736 Art. 4 §B, 9-14-09)

SECTION 415.180:**MANUFACTURED HOMES**

- A. All manufactured homes to be placed within all unnumbered and numbered A Zones and AE 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 and AE 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 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 and AE Zones on the community's FIRM that are not subject to the provisions of Article V, Section 415.180(B) 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. (Ord. No. 648 Art. 4 §C, 3-27-00; Ord. No. 736 Art. 4 §C, 9-14-09)

SECTION 415.190:**FLOODWAY**

Located within areas of special flood hazard established in Article III, Section 415.050 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 Article V, Section 415.190(2) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V.
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 V, Section 415.160(B). (Ord. No. 648 Art. 4 §D, 3-27-00; Ord. No. 736 Art. 4 §D, 9-14-09)

SECTION 415.200:**RECREATIONAL VEHICLES**

Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
2. Be fully licensed and ready for highway use*; or
3. Meet the permitting, elevation 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. (Ord. No. 648 Art. 4 §E, 3-27-00; Ord. No. 736 Art. 4 §E, 9-14-09)

ARTICLE VI. FLOODPLAIN MANAGEMENT

VARIANCE PROCEDURES

SECTION 415.210: ESTABLISHMENT OF APPEAL BOARD

The Board of Aldermen as established by the City of New Franklin, Missouri, shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter. (Ord. No. 648 Art. 5 §A, 3-27-00; Ord. No. 736 Art. 5 §A, 9-14-09)

SECTION 415.220: RESPONSIBILITY OF APPEAL BOARD

- A. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the City Services Director, the applicant may apply for such floodplain development permit or variance directly to the Board of Aldermen as defined in Article VI, Section 415.210.
- B. The Board of Aldermen shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the City Services Director in the enforcement or administration of this Chapter. (Ord. No. 648 Art. 5 §B, 3-27-00; Ord. No. 736 Art. 5 §B, 9-14-09)

SECTION 415.230: FURTHER APPEALS

Any person aggrieved by the decision of the Board of Aldermen or any taxpayer may appeal such decision to the Circuit Court of Howard County as provided in Section 89.110, RSMo. (Ord. No. 648 Art. 5 §C, 3-27-00; Ord. No. 736 Art. 5 §C, 9-14-09)

SECTION 415.240: FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Board of Aldermen 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;

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1. The issuance of a variance to construct a structure below base flood level will result in

7. The agricultural structures must comply with the floodplain management floodway

All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy and hydrodynamic and debris impact forces.

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4. Any mechanical, electrical or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a water-tight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article V, Section 415.160(D)(4) of this Chapter.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article V, Section 415.170(3) this Chapter.
6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article V, Section 415.190(2) of this Chapter. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. A community shall notify the applicant in writing over the signature of a community official that:
 - a. 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
 - b. 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.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. (Ord. No. 648 Art. 5 §F, 3-27-00; Ord. No. 736 Art. 5 §F, 9-14-09)

ARTICLE VII. AMENDMENTS

SECTION 415.270:

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 New Franklin, Missouri. 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

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regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations. (Ord. No. 648 Art. 7, 3-27-00; Ord. No. 736 Art. 7, 9-14-09)

ARTICLE VIII. VIOLATION AND PENALTY

SECTION 415.280:

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 a misdemeanor. 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 New Franklin, Missouri, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 648 Art. 6, 3-27-00; Ord. No. 736 Art. 6, 9-14-09)

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