SECTION 5 - ADDITIONAL CONTROLS

5.1 Conditional Use Permits.

A. Purpose and Intent. Conditional uses are those uses which generally are compatible with the permitted land uses in a given zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

B. Status of Conditional Permitted Uses.

1. The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved.

2. Approval of Conditional Use Permit shall be deemed to authorize only the particular use for which the permit is issued.

3. No use authorized by a conditional use permit shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new conditional use permit in accordance with the procedures set forth in these regulations.

4. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these regulations, other appropriate provisions of the ordinances of the City of Lone Jack, or any permits required by regional, state or federal agencies.

C. Application for Conditional Use Permit.

1. An application for a conditional use permit may be submitted by the property owner or by the property owner's authorized representative.

D. Public Hearing.

1. The Planning and Zoning Commission shall hold a public hearing on the application and make a recommendation to the Board of Aldermen.

2. The Board of Aldermen shall hold a public hearing on the application. At the completion of the hearing, the Board of Aldermen may grant permission for the conditional use permit if the proposed use meets the following conditions:

a. The proposed use at the specified location is consistent with the Comprehensive Plan and any other plans;

b. The proposed use is consistent with the general purpose and intent of this Ordinance;

c. The proposed conditional use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity;

d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both, to ameliorate such impacts;

e. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous to the existing and anticipated traffic in the neighborhood.

E. If the proposed use requires a division of land, an application for a subdivision or other land division shall be submitted in conjunction with the application for a conditional use permit. Approval of the conditional use permit shall not become effective until final approval of the subdivision application; provided, that if the land is to be divided in phases, the approval of the conditional use permit shall take effect upon final approval of the phase of the subdivision containing the property on which the conditional use is to be located.

F. Decision on Conditional Use Permit and Appeal. The Board of Aldermen shall render its decision on the conditional use permit application, and may impose conditions as are reasonably necessary to assure compliance with applicable general or specific standards stated in these regulations after review of the application and other pertinent documents and any evidence made part of the public record. Any conditions imposed by recommendation of the Planning and Zoning Commission may be modified subsequently by the Board of Aldermen. The permit shall set out regulations, restrictions, limitations and termination date so that reasonable control may be exercised over the use. If the appropriateness of the use cannot be assured at the location, the application for conditional use permit shall be denied as being incompatible with existing uses or uses permitted by right in the district.

G. Vesting of Rights and Transferability of Permits.

1. The mere issuance of a conditional use permit gives no vested rights to the permit holder.

2. A right to continue a conditional use shall vest only if the project is constructed and the use is actually begun. Such right shall be subject to expiration and revocation under the terms of this ordinance.

3. A conditional use permit may be conveyed with the land only if a right to continue the use has vested. The transfer of a permit in which no right has vested shall be invalid. Nothing in this section shall be construed to alter the expiration date of permits or the authority of the Board of Aldermen to revoke a permit.

4. A permit cannot be assigned or transferred to a different parcel of land.

5. A permit holder may apply to the Planning and Zoning Commission for a determination of whether a right to continue the use has vested under the terms of this ordinance.

6. Every person or entity attempting to convey a conditional use permit shall give notice in writing to the Planning and Zoning Commission within seventy-two (72) hours after having sold, transferred, given away or otherwise disposed of an interest in or control of a parcel of land for which a conditional use permit has been issued. Such notice shall include the name and address of the successor in interest or control of the parcel. Receipt of such notice shall not constitute acceptance of an invalid transfer.

H. Lapse of Permits. A conditional use permit in which no vested right has been established, shall lapse and become void unless the applicant applies for any building permit incident to the proposed use within two years of the date of approval by the Board of Aldermen. Upon the written request of the property owner and for good cause shown, the Board of Aldermen may grant one extension of not more than one year. An application for extension will be considered only if it is submitted, in writing, prior to the expiration of the initial period.

I. Expiration of Permits. A conditional use permit shall be valid for a limited period of time to be specified in the terms of the permit. A permit may be renewed upon application to the Board of Aldermen, subject to the same procedures, standards, and conditions as an original application.

J. Revocation of Conditional Use Permits.

1. Any conditional use permit granted under the authority of this section is subject to revocation for any or all of the following reasons:

a. Non-compliance with any special conditions imposed at the time of approval of the conditional use permit.

b. Violation of any provisions of the ordinances of the City pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permit holder, agents of the permit holder, or tenants.

c. Violation of any other applicable provisions of the ordinances of the City or any state or federal law or regulation by the permit holder, agents of the permit holder, or tenants, provided that such violations relate to the conduct or activity authorized by the conditional use permit or the qualifications of such persons to engage in the permitted use.

d. Attempted transfer of a permit in violation of this Ordinance.

e. Revocation is necessary to preserve the public health, safety, and welfare.

2. Procedure for Revocation.

a. Revocation proceedings may be initiated by the Zoning Administrator or Board of Aldermen.

b. Unless the permit holder and the landowner agree in writing that the permit may be revoked, the Board of Aldermen shall hold a public hearing to consider the revocation of the conditional use permit.

c. The City shall give the permit holder and landowner notice of the scheduled revocation hearing at least fifteen (15) days prior to the date scheduled for such hearing by certified mail, return receipt requested. If such notice cannot be delivered or is not accepted, notice may be given by publishing a notice of hearing in a newspaper of general circulation in the City and by posting a notice of hearing on the property at least fifteen (15) days prior to the date scheduled for the hearing.

d. The public hearing shall be conducted in accordance with rules of procedure established by the Board of Aldermen. At the conclusion of the public hearing, the Board may render its decision or take the matter under advisement.

e. No conditional use permit shall be revoked unless a majority of those elected to the Board of Aldermen is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion for the revocation of a conditional use permit shall clearly state the grounds for revocation.

K. Conditional uses.

1. Aviation fields, airports, and heliports, including the sale of aviation fuel as an accessory use, under such restrictions as the Board of Aldermen may impose on land, buildings or structures, within an approach or transition plan or Turning Zone, to promote safety of navigation and prevent undue danger from confusing lights, electrical interference or other hazards. The following conditions must be met:

a. Plans of any airport or heliport shall include all approach and departure paths as necessary to assure safe and adequate landing and take-off area and shall be supplemented by a favorable report by the local airport district office of the Federal Aviation Administration (FAA).

b. Adequate safety provisions shall be provided and indicated by plans which control or restrict access to the landing and take- off areas by the general public.

c. Landing and take-off areas shall be surfaced in such a manner as to avoid the blowing of dust or dirt onto neighboring property.

d. The proposed use will not be contrary to the public interest or injurious to nearby properties.

2. Cemeteries, burial grounds, graveyards, mausoleums, or crematories,

provided that all applicable state regulations are met.

3. Clubhouses, country club and golf course, subject to meeting all the conditions and restrictions set forth below:

a. The property shall be at least four (4) acres in size.

b. The property shall have direct access to a primary or secondary major thoroughfare or marginal access street, or the club property, when in connection with a subdivision plan or an overall plan for community development, may be located on a minor street or streets having a minimum right-of-way width of sixty (60) feet and a minimum pavement width of thirty-four (34) feet between the club site and a primary or secondary major thoroughfare or marginal access street.

c. The front, side and rear yard for all buildings and structures, including outdoor recreation areas and parking lots, but excluding fences and walls, shall be at least thirty (30) feet in width or depth.

d. Off-street parking shall be provided on the basis of one (1) space for every two (2) members.

e. Vehicular access shall only be from a major street or, when the club site is located on a minor street, vehicular access shall be only from a minor street having a minimum right-of-way of sixty (60) feet and a minimum pavement width of thirty-four (34) feet.

f. Parking areas shall be hard-surfaced, and outdoor recreation facilities and parking areas shall be appropriately screened by landscaping or a wall where adjacent to adjoining residential property. Outdoor lighting shall be so designed as to reflect away from adjoining residential property. Outdoor recreation facilities shall not be used later than 10:00 p.m. and lighting for such facilities shall be turned off at that time.

4. Day Care Center, if center is planned in a family home occupied by the day care provider. A day care facility in a family home which receives more than four (4) persons for care for any part of the twenty-four (24) hour day is considered a center. The following requirements shall apply:

a. The permit shall be issued to a particular provider. A change in the day care provider shall require another public hearing.

b. All applicable state licensing requirements must be met. Proof of a current state license shall be required.

c. The primary use of the home shall be residential.

5. Golf driving range or miniature golf courses.

6. Group Homes.

Group Home means any home in which eight or fewer unrelated mentally retarded or physically handicapped persons reside, and may include two additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

Group homes shall be subject to the following standards:

1. *Spacing.* A group home to be located within a residential zoning district shall not be located within one thousand three hundred twenty (1,320) feet of another group home, measured as the shortest distance between any portion of the structure in which persons reside.

2. *Exterior appearance.* There shall be no alteration of the exterior of the group home that shall change the character thereof as a single-family residence. There shall be no alteration of the property on which the group home is located that will change the character thereof as property within a single-family dwelling district.

3. *Neighborhood character.* A group home shall be constructed to be compatible with the architectural character of the neighborhood in which it is located.

For purposes of this UDO, the term Dwelling – One Family as defined in Section 2.2 shall include a Group Home.

Group Quarters means a building or structure used as a place of residence by five (5) or more unrelated persons who share the living accommodations and do not occupy separate dwelling units, such as those found in institutions, dormitories, rooming and boarding houses, lodges, sorority and fraternity houses, and similar establishments.

Group Facility-Outpatient means a building or structure used as an outpatient facility for the treatment of alcohol or other drug abuse.

Group Facility-Residential means a building or structure used as a residential facility for the treatment of alcohol or other drug abuse, and shall be subject to the following conditions and restrictions:

a. That the maximum number of persons in a Group Facility- Residential shall not exceed ten (10) individuals and two (2) resident staff members.

b. That the Group Facility-Residential shall provide off-street parking in the ratio of one (1) space per every four (4) individuals and one (1) space per every resident staff member.

c. That the property shall have a minimum lot size area of 10,000 square feet.

d. That there shall be no exterior evidence of such a use and there shall

be no sign advertising the nature of the use, when the Group Facility-Residential is located in a residential neighborhood.

e. That the Group Facility-Residential shall not be used as a residence for current substance abusers or ex-offenders. For purposes of this section, the term "ex-offenders" includes sex offenders, juvenile offenders, persons serving a sentence, persons on parole from a detention facility, and persons who are coming directly out of a facility of incarceration for crimes committed.

f. That at the time of original approval no Group Facility- Residential shall be located within one thousand (1,000) feet of another such facility or of a halfway house, a convalescent home, a children's nursery or a group day care home; provided, however, that the Board shall have the authority to waive this requirement, provided that the facilities are separated by a major thoroughfare, railroad track, major waterway or other comparable man-made or natural barrier.

g. That the residential character of the structure shall be maintained, when the Group Facility-Residential is located in a residential neighborhood.

h. That the applicant shall demonstrate there is not a negative impact on property within five hundred (500) feet of the proposed Group Facility-Residential and such facility will maintain the character of the neighborhood.

i. That the permit shall be limited to a two-year period but may be renewed by the Board after a public hearing; provided that in any request for renewal the applicant shall demonstrate the character of the neighborhood has been maintained, there has been no negative impact upon properties within five hundred (500) feet, and the facility has been maintained in accordance with the acceptable community standards.

7. Convalescent, nursing and adult day care centers, subject to meeting the following conditions and restrictions:

a. The property shall have a minimum lot area of twenty thousand (20,000) square feet and shall have a minimum lot width of one hundred (100) feet.

b. Not less than five hundred (500) square feet of lot area is provided for each patient.

c. Side yards are at least one hundred percent (100%) greater than the side yard required in the district.

d. Off-street parking is provided for on the basis of one (1) space for each living unit; or, in the case of dormitory design, one (1) space for each four (4) beds and one (1) space for each employee.

e. The number of beds, if dormitory design, does not exceed six (6) times the number of dwelling units per square foot of lot area in the district in which the use is located; or, the number of living units does not exceed twice the number of dwelling units per square foot of lot area in the district

in which the use is located.

f. A permit may be issued for a specified period, as well as for an unlimited time at the request of the applicant and at the discretion of the Board. If the permit is for a specified period of time, the Board may renew the permit upon expiration.

8. Convenience storage. Landscaping/screening, exterior architecture, and lighting must be approved by the Board of Aldermen.

9. Nurseries, garden centers, and greenhouses (retail and/or wholesale) or other retail or wholesale suppliers of fertilizer or manure products.

10. Swimming pools, commercial.

11. Amusement parks, baseball or athletic fields, race tracks, or fairgrounds and incidental concession facilities, subject to the following conditions:

a. The facilities and grounds shall be a sufficient distance from any area zoned residential so that noise, traffic generation, and other effects will not be adverse to the residential neighborhood. Where the property adjoins the aforesaid zoning districts, no building or facility shall be nearer than one hundred (100) feet and no driveway or parking area shall be nearer than fifty (50) feet of such common boundary unless topography or other factors justify a lesser setback.

b. Plans for shrubbery, landscaping and fencing shall be presented to the Board and made a part of the permit.

c. Sound amplification systems or any other noise caused by the operation shall not exceed sixty-five (65) decibels as measured at the property line.

d. Outdoor lighting shall be so designed as to reflect away from adjoining residential-zoned property.

e. Access to the property shall be directly from major streets (primary and secondary arterials).

f. Parking space for patrons and employees shall be provided on site equal to one (1) space for each five hundred (500) square feet of total site area exclusive of setback and parking areas, or one (1) space for each four (4) persons based on the anticipated capacity, whichever is greater. The foregoing are minimum standards for parking; the Board may require additional parking if review of the proposed operation so indicates.

g. A permit may be issued for a specified period as well as for an unlimited time. If the permit is for a specified period of time, the Board may renew the permit upon expiration.

12. Equipment rental businesses that require outdoor storage.

13. Signs, greater than seventy-two (72) square feet.

14. Billboards (off-premise signs), subject to the following conditions. a.

Billboards targeting messages at drivers on the interstate and primary highways within the City have a significant adverse impact on the safety of the traveling public when such structures, because of their size, lighting, spacing, location, height or design distract or confuse travelers, interfere with vision, or obscure traffic signs or signals. Billboards targeting messages at drivers on the interstate and primary highways within the City also have a significant adverse aesthetic impact on the community when such structures dominate the surrounding environment both visually and physically with their large sizes, bright lighting, close spacing, intrusive locations, and great heights. The adverse aesthetic impact of billboards can be especially harmful at entryways to the City, which are a visitor's first impression of the community. Billboards are off-premise signs.

b. Therefore, the erection and placement of billboards along the interstate and primary highways within the City are subject to reasonable regulations relative to size, lighting, spacing, location and height to avoid adverse safety and aesthetic impacts. Avoiding such adverse impacts is intended to further the substantial public interest in protecting private investment in adjoining properties and public investment in the interstates and highways, promote the recreational value of public travel, preserve the natural beauty of the community, provide a favorable first impression of the community and promote the safety of public travel. The City hereby relies, at least in part, upon Section 71.288, RSMo for the regulations herein.

c. A conditional use permit is required for a billboard. d.

Placement of billboards.

(i) Billboards shall be located on private property.

(ii) A billboard shall not be located closer than one thousand five hundred feet (1,500') from any other billboard. Spacing shall be determined based on signs that have received a conditional use permit or that are established as legal non-conforming uses. Signs having receive prior authorization or that are a legal non- conforming use shall have priority over a later applicant in determining compliance with the spacing restrictions.

Where two (2) different applications conflict with each other, so that only one of the applications may be granted, the first application received by the Zoning Administrator will be the first considered for approval. The second application shall remain pending until resolution of the first application, and if the first application is approved, the second application shall be denied.

(iii) To preserve the natural beauty and promote the recreational value of public travel in the City, billboards shall not be located within one thousand feet (1,000') of a corporate boundary of the City.

(iv) Billboards shall not be located adjacent to or within one thousand feet (1,000') of the following intersections: U.S. 50 Highway and Hutt Road, U.S. 50 Highway and Missouri 150 Highway, and Westbound U.S. 50 Highway and Lone Jack-Lee's Summit Road (both locations) and U.S. 50 Highway and Noel Road, U.S. 50 Highway and Buckner-Tarsney Road. This 1,000 feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way or if there no pavement widening, then from the midpoint of the intersection.

(v) To preserve adjoining property values and avoid adverse aesthetic impacts, billboards shall not be located within 1,000 feet of land zoned for residential purposes.

(vi) Billboards shall be permitted only 660 feet of the nearest edge of the right-of-way of the following interstate, primary or state highways: U.S. Highway 50 and Missouri
150 Highway.

(vii) No billboard shall be permitted to be mounted, attached or affixed to a building rooftop or the walls of any building.

e. Lighting of billboards.

(i) Billboards shall not include any revolving or rotating beam or beacon of light that simulates any emergency light or device.

(ii) Billboards shall not include any flashing, intermittent, or moving light or lights, except electronic message boards designating public service information such as time, date, temperature or similar information.

(iii) Billboards may be lighted by external lighting, such as floodlights, thin line and gooseneck reflectors, provided the light source is directed upon the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or highway or into any portion of adjacent properties and the lights are not of an intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.

(iv) Billboards shall not be illuminates so that it interferes with the effectiveness of, or obscures, an official traffic sign, device or signal.

(v) Billboards shall not have a maximum average lighting intensity level that exceeds twenty (20) foot-candles.

f. Size of billboards. Billboards shall not exceed a maximum area of any one sign of three hundred fifty square feet (350 ft.^{2}) with a maximum height of twenty (20') feet and maximum length of forty feet (40'), inclusive of border and trim but excluding the base or apron, supports and other structural members. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, double faced, or in a V-type construction with not more than two (2) displays to each facing, but the sign structure shall be considered as one sign.

g. Setbacks and height of billboards.

(i) To provide a safety zone to prevent injury or property damage from collapse caused to acts of nature of other causes, billboards shall meet the following minimum setback requirements from all points of the sign: at least forty-five (45') from its nearest edge to the rights-of-way of any interstate, primary or state highway; at least forty-five feet (45') from all property lines and all roofed structures; at least forty-five (45') from any other structure that would require a building permit for its construction.

(ii) To provide a further safety zone to prevent injury or property damage from collapse of billboard caused by acts of nature or other causes, billboards shall not exceed twenty feet (20') in height above the right-of-way grade from which it is viewed. In cases where the grade at the location
if the proposed billboard is higher than the right-of-way grade adjacent to which it is located, the City may require the overall height of the sign to be lowered as a condition of granting a permit to prevent the sign from unreasonably detracting from the visibility of other neighboring signs or properties.

(iii) The application for the billboard sign permit shall contain documentation to the satisfaction of the Zoning Administrator that the applicant has secured the legally enforceable right to prevent the erection of structures within the setback zones. No building permit shall be issued for construction of any building within the setback zone.

h. Service drives to billboards. Billboards shall be accessible by means of a paved drive that is internal to the lot or parcel on which the sign is located. All vehicles, equipment, and people used to build, service, maintain, and repair the signs must confine their activity so as not to interfere with pedestrian or vehicular traffic on public roads.

i. Additional information required prior to permitted of a billboard.

(i) Billboards shall not be permitted by the City until a permit has been issued by the Missouri Highway and Transportations Commission, or a letter of intent to do so.

(ii) Billboards shall not be permitted before the applicant has submitted the following certifications from the appropriate professionals registered in Missouri: Certification from a professional engineer registered in the State of Missouri that the soil and subsoil surface is capable of accepting the projected loads; Certification from a professional engineer registered in the State of Missouri as to the electrical portion of the sign; Certification from a professional engineer registered in the State of Missouri as to the structural strength of the sign; and A certified boundary survey from a surveyor registered in the State of Missouri of the site and its setback zones.

(iii) Billboards shall not be permitted before the applicant has submitted a sign survey to indicate the relative vertical and horizontal distances between the proposed sign and all principal freestanding signs within 1,250 feet. If by reason of height, size or spacing the proposed sign creates a significant disharmony with a principal freestanding sign within 1,250 feet or unreasonably detracts from the visibility of other neighboring signs or properties, the City may require reasonable modification of the billboard's dimensions to cure these deficiencies as a condition of granting a permit.

(iv) Billboards shall not be permitted before applicant has submitted to the City financial security in the form of a bond, letter of credit, or other financial security as approved by the City Attorney, a right of access, and any other measures necessary and to ensure compliance with these regulations.

j. Annual Inspection of billboards. Owners of all billboards created after the effective date of this ordinance shall be required to submit an annual inspection report from a Missouri licensed engineer concerning the sign's structural integrity. The certification shall be cone on or before July 1 or each. Failure to submit a report may result in the immediate revocation of the sign's permit.

15. Recycling Facilities. a.

Definitions:

(i) Recycling Facilities. Facilities that accept recyclable materials.

(ii) Reverse Vending Machine. Reverse vending machines are mechanical devices that accept one or more types of empty beverage containers and issue a cash refund or redeemable coupon.

(iii) Recycling Collection Facility. A recycling collection facility is a facility for the deposit or drop-off of recyclable materials. A recycling collection facility is not a salvage yard. Such a facility does not do processing except limited baling, batching, and sorting of materials. It is designed to allow for a combination of bins, boxes,

trailers, reverse vending machines, and other containers for the collection of recyclable materials.

(iv) Recycling Processing Facility. A processing facility receives material from the public and/or other recycling facilities and uses power-driven machinery to prepare materials for efficient shipment by such means as
flattening, sorting, compacting, baling, shredding, grinding and crushing.

(v) Recyclable Material. Recyclable material is "feedstock" used for direct conversion to manufactured products. It includes, but is not limited to: cans, bottles, plastic, and paper. Items composed of more than one material, such as salvaged vehicular parts, are generally not considered a recyclable material.

b. Applicability.

(i) A Conditional Use Permit for a recycling collection facility may be approved in a residential zoning district, provided the facility is located on the grounds of a church or school; and

(ii) A Conditional Use Permit for a recycling collection facility may be approved in districts A, CN and CH.

(iii) This section does not apply to the following facilities: temporary recycling drives; one reverse vending machine; and recycling processing facilities. A processing facility is considered a salvage yard.

c. Conditions of a Conditional Use Permit Approval.

(i) The days and hours of operation are approved by the Board of Aldermen;

(ii) A site plan is submitted showing traffic circulation on the site and showing how the sign, lighting, landscaping and fencing requirements of this Ordinance will be met;

(iii) Materials are not stored or deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces;

(iv) Storage of materials is not allowed outside of the semi-trailers, bins, barrels or other appropriate containers;

(v) Containers are painted and well-maintained;

(vi) The site is kept clean and free of litter and debris, and weeds are controlled;

(vii) Activity is at least 150 feet from other property zoned for residential purposes; and

(viii) Reverse vending machines are located and/or soundproofed such that noise of the operation is imperceptible from the property line of property zoned or used for residential purposes.

16. Public Utility Structures and Equipment, which includes but is not limited to electric substations, peaker plants and similar electric utility structures.

17. Utility Transmission Lines. Upon application for the construction or use of utility transmission line structures, the applicant shall provide data pertaining to electromagnetic field radiation (EMF) rates for the structure(s).

18. Building Contractor/Construction Services, when operated as a home occupation.

19. Outdoor sale or lease of new or used boats or vehicles (including automobiles, vans, sport utility vehicles, trucks less than one ton, boats of any kind, personal watercraft or motorcycles) or small equipment.

20. Renewable Energy Wind Generators

a. Purpose. The purpose of this Article is to provide regulations and procedures for the review of applications for the installation of renewable energy wind generators in order to offer opportunities to help alleviate the rising costs of energy. These regulations and procedures seek to minimize the potential adverse effects on the public health, safety and general welfare without unduly restricting the potential of alternative energy production for sustainability.

b. Definitions:

i. Blades. The aerodynamic surface that catches the wind.

ii. Large/Utility Scale Wind Turbines. A wind energy conversion system ("WECS"), consisting of a wind turbine, tower, and the associated control or conversion electronics, which has a rated capacity of more than 100 kW and which is intended to produce electricity for sale to a rate regulated or non-regulated utility or use off site. Turbines in this category are typically grouped together to form wind farms or a wind power plant, these groupings may also be referred to as a wind facility. The pictures below are examples of large scale wind turbines.


Source: www.vestas.com

iii. Meteorological or Met Tower. A temporary tower designed to support the gathering of wind energy resource data to determine how much wind power a site can be expected to generate. A met tower includes the tower; base plate; anchors; guy cables and hardware; anemometers (wind speed

indicators); wind direction vanes; booms to hold equipment, anemometers and vanes; data logger; instrument wiring; and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

iv. Micro Wind Turbine. A wind energy conversion system ("WECS"), consisting of a wind turbine, tower, and the associated control or conversion electronics, which has a rated capacity of 10 kW or less. Examples of items they can be used to power include small appliances in boats and campers, a few lights, or portable communication systems, such as radio equipment. The images shown on the top of the next page are examples of micro wind turbines.

Source: www.bergey.com

Source: http://www.motorwavegroup.com/

Source: www.swiftwindturbine.com

Source: www.homeenergyamericas.com

v. Small Wind Turbine. A wind energy conversion system ("WECS"), consisting of a wind turbine, tower, and the associated control or conversion electronics, which has a rated capacity of more than 10 kW, up to and including 100 kW, which is primarily intended to reduce the on-site consumption of utility power. The picture below is an example of a small wind turbine.

Source: www.segen.co.uk/skystream/

vi. Tower. The monopole, freestanding, or guyed structure that supports a wind generator. Towers are made from tubular steel, concrete, or steel lattice. The vertical component of a wind energy conversion system that elevates and supports the wind turbine generator and attached blades above the ground up out of the turbulent wind.

vii. Turbine. The parts of a wind system including the blades and nacelle (as defined in the following section).

viii. Wind Energy Conversion System ("WECS"). Any machine designed for the purpose of converting wind energy into electrical energy. The WECS includes all parts of the system.

ix. Wind Facility. All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

x. Wind Turbine Sizes. The size categories wind turbines are generally divided into based upon their rated power (capacity).

c. Terms Associated with Wind Generators

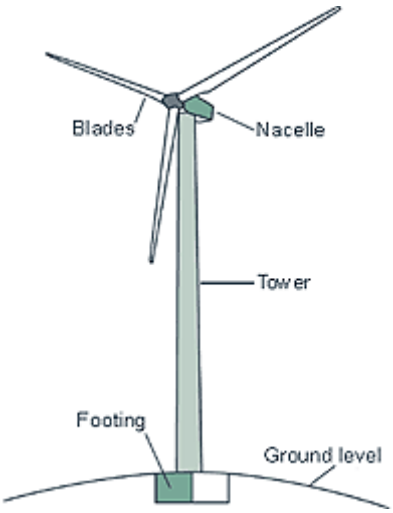
i. Hybrid Wind Systems. Small wind turbine used in connection with diesel generators, batteries, and photovoltaic systems.

ii. Horizontal Axis Wind Turbines ("HAWTs"). The type of wind turbine that has the main rotor shaft and electrical generator at the top of the tower, and must be pointed into the wind. The turbine is generally pointed upwind of the tower, and the blades placed some distance in front of the tower. The picture at the top of the next page is an example of this type of wind turbine.

Source: www.greenlivingtips.com/articles/65/1/how-wind-turbines-work.html

iii. Nacelle. The body of the propeller-type wind turbine.

Source: www.mywindpowersystem.com/tag/nacelle/



Source: http://www.deus.nsw.gov.au/energy/renewable%20energy/wind.asp

iv. Overspeed Controls. Mechanisms that are used to limit the speed of blade rotation to below the design limits of the WECS. The following systems describe different methods for slowing or stopping a wind turbine in the event of malfunction, for repairs, or any other incident as needed.

1. Braking – a method of overspeed control that utilizes a disc brake, which can be applied mechanically, electrically, or hydraulically to stop the rotor in emergencies.

2. Feathering – a method of overspeed control that rotates the blade axis, or rotors, at an angle to maintain the torque at above the rated wind speeds.

3. Furling – a method of overspeed control by which the blades are turned away from the direction of the wind.

v. Vertical Axis Wind Turbines ("VAWTs"). The type of turbine that has the main rotor shaft arranged vertically; as a result this type of turbine does not have to be pointed in the wind. This type of turbine also allows the generator and gearbox to be placed near the ground, and is typically mounted either near the ground or on a building rooftop. The pictures below are examples of this type of wind turbine.

Source: www.helixwind.com

Source: www.quietrevolution.co.uk

d. Standards

i. General

1. Federal & State Regulations. All wind turbines shall meet or exceed current State and Federal standards and regulations including, without limitation:

1. Applicable Federal Aviation Administration (FAA) regulations, including necessary approvals for installations close to airports. Any wind turbine proposed to be within 20,000 feet of the center of the existing airport runway is subject to a required review by the FAA to determine whether it is a hazard or obstruction to aviation users of the airport.

2. Section 386.890 of the Missouri Revised Statutes, also known as the Net Metering and Easy Connection Act, which mandates that covered equipment conforms to applicable safety, performance, interconnection, and reliability standards established by the National Electrical Code (NEC), the National Electrical Safety Code (NESC), the Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), and the Federal Energy Regulatory Commission.

2. Building Code Compliance. All wind turbines shall meet or exceed the current standards expressed in the adopted International Family of Codes, as amended.

3. Utility Connections. Reasonable efforts shall be made to locate utility connections from the wind facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

4. Electrical Wires. All electrical wires associated with a wind energy system shall be located underground except for those wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires.

5. Self-Supporting Structures. All tower structures shall be of monopole construction unless attached to a structurally reinforced roof where such support is not warranted. No lattice structures shall be permitted. Tower requiring guy wire supports shall be limited to lots of 1 acre or more and the guy wires shall be setback from all property lines a minimum of 10 feet.

6. Tower Access. The supporting tower shall either be enclosed with a 6-foot tall fence or the base of the tower shall not be climbable up to 12 feet above ground level. All access doors to the tower and electrical equipment shall be locked.

7. Safety Shutdown. Each wind turbine shall be equipped with both manual and automatic overspeed controls to limit the rotational speed of the blade within the design limits of the rotor. Manual electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on the wind turbine structure. No wind turbine shall be permitted that lacks an automatic braking, furling, or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades, and turbine components.

8. Lighting. Wind turbines shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA) or other applicable authority. Large wind facilities may utilize security lighting around the base of the tower or other structure associated with the wind turbine(s). No lighting shall be directed toward adjacent properties or rights-of-way.

9. Minimum Blade Clearance. The blade tip clearance for micro wind turbines shall, at its lowest point, have a ground clearance of not less than 15 feet. The minimum blade clearance for any other wind turbine shall be 30 feet.

10. Noise. The noise emitted from any wind turbine shall not exceed 55dbA, as measured at the nearest property line, except during short-term events such as utility outages and severe windstorms.

11. Historic Districts. WECS proposed for locations within any designated local historic district or for locations which will be visible from multiple points of a recognized historic district shall obtain a certificate of appropriateness.

12. Signage. Signs shall be limited to the manufacturer's or installer's identification, and appropriate warning signs (e.g. electrical hazard or high voltage) placed on the wind turbine tower(s), electrical equipment, and the wind turbine. Commercial advertising is strictly prohibited.

13. Color/Finish. Wind turbines, exclusive of the towers, shall be painted a non-reflective, non-obtrusive color such as the manufacturer's default color option or a color that conforms to the environment and architecture of the community. Towers shall maintain galvanized steel, brushed aluminum or white finish, unless FAA standards require otherwise.

ii. Size Specific:

1. Micro and Small WECS:

1. Location. All micro and small wind turbines shall be located in the rear yard only. Exceptions to this standard for small wind turbines may be reviewed as part of the conditional use permit application.

2. Utility Notification. No building permit for a micro or small WECS shall be issued until a copy of the utility company's approval for interconnection of a customer-owned generator has been provided. Off-grid systems shall be exempt.

2. Large/Utility WECS:

1. Soil. All new applications for large or utility scale wind turbines shall provide certification from a professional engineer registered in the State of Missouri that the soil and subsoil surface is capable of accepting the projected loads. (See Section e – Application – below for additional details).

2. Shadow/Flicker. Large or utility scale wind turbines shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses and right-of-way through either siting or mitigation. (See Section e – Application – below for additional details).

3. Use of Met Towers. Met Towers may be utilized for large or utility scale wind turbines only as approved by the Governing Body. The location, height, and length of time such structures are to be erected shall be provided as part of the application for preliminary development plan and conditional use permit.

Table 5-1: Standards for Roof-Mounted Wind Turbines				
Turbine Size	**Zoning District Permitted In**	**Maximum Height**	**Minimum Setback**	**How Permitted**
Micro Wind Turbines	CN & CH	Equal to ½ the building height	Equal to the height of the tower from all property lines and any buildings	Conditional Use Permit
		Greater than ½ the building height		

Table 5-2: Standards for Free-Standing Wind Turbines					
Turbine Size	**Zoning District Permitted In****	**Minimum Lot Size**	**Maximum Height***	**Minimum Setback**	**How Permitted**
Micro Wind Turbines	A Thru DR	< 1 acre	40 feet	Equal to the height of the tower* from all property lines and any buildings	Conditional Use Permit
	A Thru DR	1 acre	80 feet		
	CN Thru CH	1 acre	80 feet		
	A Thru DR	2 acres	100 feet		
	CN Thru CH	2 acres	100 feet		
Small Wind Turbines	A Thru DR	2 acres	100 feet	110% of the height of the tower* from any property line or above ground utilities	Conditional Use Permit
	CN Thru CH	2 acres	100 feet		
	CN Thru CH	3 acres	120 feet		
Large/Utility Wind Turbines	A	10 acres	N/A	150% of the height of the tower* from any property line or above ground utilities.	Conditional Use Permit

*The height shall be measured from ground level (grade) to the top of the tower nacelle.

**The size, height, and approval process from districts zoned PD shall be determined based upon the underlying uses within that district.

iii. Homeowners Associations and Common Property:

Table 5-3: Standards for Free-Standing Wind Turbines on Common Property				
Turbine Size	**Zoning District Permitted In****	**Maximum Height***	**Minimum Setback**	**How Permitted**
Micro or Small Wind Turbines	AG Thru DR	Determined per Conditional Use Permit	110% of the height of the tower* from any property line or above ground utilities	Conditional Use Permit

*The height shall be measured from ground level (grade) to top of the tower micelle.
**The size, height, and approval process for districts zoned PD shall be determined based upon the underlying uses within that district.

e. Application – contents and submission requirements
   i. Conditional Use Permit Process. The following items shall be submitted in support of a conditional use permit application for (a) micro, small or large/utility scale wind turbine(s):
      1. All plan submission and public hearing requirements of Section 5.1, Conditional Use Permits, of the Unified Development Ordinance.
      2. The site plan shall include the distance from the proposed turbine location to the nearest built structure, any above ground utilities, the nearest tree(s), and all property lines.
      3. The proposed location and design of the wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.
      4. Turbine information: specific information on the type, model, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each wind turbine being proposed, tower, and electrical transmission equipment.
      5. A noise study, prepared by a qualified professional, shall demonstrate that except for during short-term events such as utility outages and severe windstorms, the large/utility scale wind turbines shall not produce noise in excess of 55 dbA at the property lines. The noise study shall include:
         A. A description and map of the project's noise sensitive environment, including any sensitive noise receptors (e.g. residences, hospitals, libraries, schools, places of worship, parks, areas with outdoor workers and other facilities where quiet is important or where noise could be a nuisance) within one-thousand-feet (1,000').
         B. A survey and report prepared by a qualified engineer that analyzes the pre-existing ambient noise (including seasonal variation) and the affected sensitive receptors located within one-thousand-fee (1,000').
         C. A description and map of the cumulative noise impacts.

D. A description of the project's proposed noise control features and specific measures proposed to mitigate noise impacts for sensitive receptors as identified above to a level of insignificance.

6. Soil. In regards to an application for conditional use permit for a large/utility scale wind turbine(s), a geotechnical report shall be furnished along with the certification which shall, at a minimum, include the following:
   A. Soils engineering and engineering geologic characteristics of the site based on on-site sampling and testing.
   B. Foundation design criteria for all proposed structures.
   C. Slope stability analysis.
   D. Grading criteria for ground preparation, cuts and fills, and soil compaction.
7. Shadow/Flicker. In regards to an application for conditional use permit for a large/utility scale wind turbine(s), a shadow/flicker model shall demonstrate that shadow/flicker shall not fall on, or in any existing residential structure. The shadow/flicker model shall:
   A. Map and describe within a one-thousand-foot (1,000') radius of the proposed wind energy system the topography, existing residences and location of their windows, locations of other structures, wind speeds and directions, existing vegetation and roadways. The model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speed;
   B. Calculate the location of shadow/flicker caused by the proposed project and the expected durations of the shadow/flicker at these locations, calculate the total number of hours per year of shadow/flicker at all locations;
   C. Identify problem areas where shadow/flicker will interfere with existing or future residences and roadways and describe proposed mitigation measures, including, but not limited to, a change in siting of the wind energy conversion system, a change in the operation of the wind energy conversion system, or grading or landscaping mitigation measures.
8. The Commission or Governing Body may require additional technical studies deemed necessary to fully evaluate the application. Should the services of an outside consultant be needed to evaluate any such technical studies, the cost of such services shall be borne by the applicant.

ii. Abandonment and Removal.
1. If the use of any wind turbine ceases, and the turbine is not used for a continuous period of twelve (12) months, the turbine shall be considered abandoned, and the owner of such wind turbine shall remove the WECS within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. If such wind turbine is not removed within said ninety (90) days, the City may remove such wind turbine at the owner's expense.
2. The owner of a large or utility scale wind turbine shall provide to the City financial security in the form of a bond, letter of credit, or other financial security as approved by the City Attorney; right of access;

and any other measures necessary and sufficient to ensure such removal, should it become necessary.

21. Tow truck business/tow lot storage

a. Location. All tow vehicles must be parked or stored at least 10 feet from any side and rear property lines, 15 feet from the front property line, and 100 feet from any property zoned residential or being used for residential purposes.

b. Outdoor Storage. All outdoor storage areas for vehicles must be shielded by an opaque fence or wall that is a minimum of six (6) feet tall to provide visual screening of the storage area. The interior of the fence or wall must be protected by a guardrail or similar barrier to prevent damage to the fence or wall. All vehicles, equipment and inventory of the business must be stored behind the fence or wall and may not exceed the height of the fence or wall.

c. Parking Surface. The storage of vehicles shall be on an all-weather treatment of asphalt or concrete. Vehicles shall be arranged in rows and not stacked upon one another.

d. Dwelling Unit. A dwelling unit for security, management or maintenance personnel shall be allowed as an accessory use.

e. These requirements for a conditional use permit for tow truck businesses/tow lot storage may not be waived or modified by the Board of Aldermen.

22. Welding Repair and Fabrication

Section 2. That Table 5-1, Zoning District Authorization for Conditional Uses, be amended to add the following conditional uses in alphabetical order into the existing chart:

Conditional Use	**Zoning District**									
	A	**RR**	**SR**	**LDR**	**MDR**	**HDR**	**DR**	**CN**	**CH**	**PD**
TowTruck Business/TowLot Storage									✓	
Welding Repair & Fabrication								✓	✓	

Table 5-1 Zoning District Authorization for Conditional Uses

Note: The " " symbol means that the listed use is authorized in the checked zoning district box if a conditional use permit is granted pursuant to Section 5.1. The absence of a " " symbol means that the land use is not eligible for a conditional use permit.

Conditional Use	Zoning District									
	A	RR	SR	LDR	MDR	HDR	DR	CN	CH	PD
Amusement park, race tracks, fairgrounds, baseball/athletic fields	✓							✓	✓	
Aviation fields, airports and heliports	✓					✓	✓			
Barber/Beauty Shop (as home occupation)					✓	✓				
Building Contractor/ Construction Services (as home occupation)				✓	✓					
Clubhouses, country club and golf course	✓							✓	✓	
Convalescent, nursing and adult day care center								✓		✓
Convenience storage								✓	✓	
Day Care Center (including as home occupation)	✓	✓	✓	✓	✓	✓				
Equipment rental businesses								✓	✓	
Golf Driving Range	✓							✓	✓	
Golf Course, miniature	✓							✓	✓	
Group Facility - Residential										✓
Group Facility - Impatient										✓
Group Quarters										✓
Nurseries, garden								✓	✓	

centers and greenhouses										
Public Utility Structures and Equipment	✓	✓						✓	✓	
Recycling Facilities									✓	
Signs greater than 72 square feet and off-premise signs									✓	
Utility Transmission Lines	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Telecommunications Tower	✓								✓	
Vehicle or boat sales									✓	
Small Engine Repair (as home occupation)				✓	✓	✓	✓			

(Ordinance NO. 302, § 1).

5.2 Home Occupations.

A. Purpose and Intent. The purpose of this section is to permit home occupations which will not change the character of adjacent residential areas. The intent of these zoning regulations is to conserve property values, as well as protect residential neighborhoods from excessive noise, excessive traffic generation, nuisances, health and safety hazards which may result from a home occupation conducted in the residential zones.

B. Permit required. A home occupation permit is required for all home occupations. Such permit is renewable at the same time as an occupation license and shall be renewable without additional hearings, provided no complaints regarding the business have been received by the City and subject to the provisions of this section. The Board of Aldermen may place conditions upon the permit.

C. Application. If it is determined that an application is not specifically allowed or does not appear to meet the criteria of this section, issuance of a home occupation permit shall be considered by the Planning Commission and Board of Aldermen, following a public hearing by each body.

D. Performance Standards. All home occupations must comply with the following performance standards:

1. The use of the dwelling unit as a home occupation shall be deemed to be clearly incidental and subordinate to its use for residential purposes if the home occupation occupies less than twenty-five percent (25%) of the square footage floor area of the residence.

2. No more than one person, other than those residing on the premises, shall be engaged in the activities of the home occupation.

3. A home occupation may attract patrons, students, or any business- related individuals only between the hours of 6:00 a.m. and 9:00 p.m.

4. No more than two (2) home occupations shall be permitted within any single dwelling unit.

5. There shall be no exterior displays, no exterior storage of equipment, including unlicensed equipment, and materials, and no open lot storage.

6. Home occupations shall not produce offensive noise, vibration, smoke electrical interference, dust, odors or heat. Any noise, vibration, smoke electrical interference, dust, odors or heat detectable

beyond the
property lines or beyond the walls of the dwelling unit if the dwelling unit is a multifamily structure shall not be permitted.

7. Home occupations shall not require internal or external structural alterations of the principal residence which may change the outside appearance of the principal residence or change the residential character of the property.

8. Home occupations shall not require the installation of equipment or machinery creating utility demand, noise, fumes or other impacts in excess of equipment or machinery that is customary in a residential area.

9. No electric devices may be used in any home occupation which may cause electrical interference or create visual and audible interference in any radio or TV receivers in violation of FCC standards, or cause fluctuations in off-site line voltages.

10. Except in the A and RR zoning districts, no on-premise advertising for the home occupation shall be allowed. Window areas must not purposely or intentionally be used as display areas or to offer merchandise for sale. In the A and RR Zoning Districts, a six (6) square foot sign advertising the home occupation shall be permitted. No home occupation sign shall be located within a street right-of-way.

11. In the A and RR zoning districts, home occupations may be operated from accessory buildings. Except in the A and RR zoning districts, all related activities shall take place entirely within the residential dwelling, except when the Zoning Administrator finds that such activity is similar to non-commercial activities normally associated with single family homes.

12. Except in the A zoning districts, no pedestrian or vehicular traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area.

13. No delivery truck shall operate out of a residential district as a function of a home occupation. A single delivery vehicle may be operated from a home occupation established in an agricultural district.

14. Low-intensity (traffic generation, land use, noise, etc.) occupations, professions and business activities, and those uses or activities of a similar nature may be permitted as home occupations subject to the conditions of these regulations and other applicable federal, state or local laws. Small Engine repair, Building Contractors, Day Care Center and Beauty/Barber Shops may be permitted unless otherwise subject to conditional use permit

requirements.

15. The operation of any wholesale, retail, or rental business is prohibited, unless it is conducted entirely by mail and does not involve the shipment and resale of merchandise on the premises.

E. Prohibited Home Occupations. The following occupations, professions, and business activities and those of a similar nature are specifically prohibited as home occupations:

1. Ambulance services;

2. Animal/veterinary clinics;

3. Clinics, hospitals;

4. Medical/Dental Office;

5. Mortuary;

6. Restaurants;

7. Taxi services.

F. Permit revocation. Home occupation permits, once granted, may be revoked by the Board of Aldermen after notice and hearing before the Board of Aldermen. The following shall be considered as grounds for revocation of a home occupation permit:

1. Any change in use or any change in extent of use that is different from that specified in the applicable criteria of this section or from that specified in the conditions placed upon the permit by the Board of Aldermen.

2. Failure to allow periodic inspections by representatives of the City at any reasonable time when an adult member of the family is present.

3. Failure to comply with the home occupation performance standards set forth in these regulations.

SECTION 5.21 WORK EXEMPT FROM PERMIT.

Exemptions from permit requirements of this Title shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this title or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

A. BUILDING:

1. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids. In addition, the building official may waive the requirements for a permit or engineered drawings for walls over four feet in height if it is deemed unnecessary to require such submittals due to the location and type of wall to be installed.
2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
3. Temporary motion picture, television, and theater stage sets and scenery.
4. Swings and other playground equipment.
5. Window awnings supported by an exterior wall of Group R-3 and Group U occupancies.
6. Movable cases, counters and partitions not over five feet nine inches in height.
7. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
8. Prefabricated swimming pools accessory to residency uses, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above grade.
9. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
10. Re-installing roof coverings on existing buildings when no structural elements are being repaired or replaced.

(Ordinance No. 336, § 1; 3-27-08).

5.3 Site Plan Review.

A. Purpose. The purpose of requiring Site Plan Review is to ensure that proposed development conforms with these regulations and includes a compatible arrangement of structures, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, site drainage, and open spaces. Site review shall consider the siting of proposed construction and its impact upon the existing topography and natural vegetation, and the relationship of proposed construction to existing public and private improvements in the immediate area and its conformance to the policies and standards of the Comprehensive Plan. The design shall encourage the elimination of unnecessary grading, and endeavor to retain the natural character of the site including the preservation of trees and other natural features.

B. Applicability.

1. Every request for rezoning of property to the following districts shall require a site plan review: DR, CN and CH.

2. A site plan shall be required for all new construction or exterior

additions or changes to any structure used for multi-family, commercial or industrial.

3. This Section 5.3 shall not apply to Planned Development (District PD) district because that district already has a site plan review and approval process.

4. This Section 5.3 shall not apply to property zoned with the Planned Overlay District (District P) pursuant to Section 4.12 because that district already has a site plan review and approval process.

5. No development approval or building permit shall be issued for a development subject to site plan review until such site plan has been approved by the Board of Aldermen upon recommendation by the Planning and Zoning Commission.

C. Contents. All Site Plans shall be prepared at scale and in a minimum size of 11" x 17" with a maximum size of 22" x 34". The Site Plan shall show or have attached the following information:

1. Name, address, phone number, fax number and email address of record landowner, architect/engineer/surveyor and contractor;

2. Size, use and location of existing and proposed structures, sidewalks, bicycle and pedestrian paths and drives on the subject property, and existing structures and drives adjacent to the property;

3. Location of floodplain areas subject to flooding, centerlines of drainage courses, and finished floor elevations of proposed structures;

4. Location of proposed drives, parking areas, traffic access points, signalization, deceleration lanes and alternative access routes;

5. Property lines, platted setback lines, and lot dimensions;

6. Location, number and dimensions of existing and proposed parking spaces;

7. Final grades;

8. Location of existing trees greater than 8 inches in diameter and proposed landscaping;

9. Drainage information as to on and off-site flows sufficient to demonstrate compliance with the improvement requirements of these Regulations and other laws and regulations;

10. Buffers, landscaped areas and fences; and

11. All environmentally sensitive lands on-site or within five-hundred (500) feet of the site including but not limited to wetlands, habitat areas, hillsides, steep slopes, lakes, treed or forested areas, Brownfield sites and streams and stream corridors.

12. A traffic impact analysis ("TIA") may be required by either the Zoning Administrator, Planning and Zoning Commission or Board of Aldermen.

13. Building elevations shall be provided showing all sides of the proposed building(s), including notation indicating material and color to be used on exteriors and roofs.

14. A landscape plan showing size, species, location and number of all proposed landscape material, including whether areas are to be seeded or sodded, and location, size and materials to be used for all screening and/or outside trash enclosure areas.

D. Standards

1. Commercial and industrial frontage require a minimum 10' landscaped buffer.

2. Rear areas that back onto uses other than commercial must also have a 15' landscape screen that provides 75% screening year round.

3. Entryways to shopping areas or areas of combined commercial use shall collocate entry.

4. All trash service areas must be enclosed on three sides. These areas and ground level mechanicals require landscape.

5. Commercial uses should design for cross access within the development.

6. Storm water management must be provided for in accordance with these regulations.

7. Retaining walls, if required, should not exceed six (6) feet in height.

8. There should be no permanent outdoor storage of materials within two hundred fifty feet (250') of U.S. 50 Highway or M-150 Highway, unless waived by the Board of Aldermen.

9. Parking lot lighting standard shall be no higher than twenty feet (20') tall. That all exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass, and glare across, the property lines and or disability glare at any location on or off the property. The "maintained horizontal luminance recommendation" set by the illuminating Engineers Society of North America (IES) shall be observed.

10. Exterior Walls

a. At least seventy-five percent (75%) of the total exterior wall surface area shall be constructed with the materials listed below. The City shall approve the distribution of the materials to satisfy the seventy-five percent (75%) standard. In addition, any wall facing U.S. 50 Highway or M-150 Highway which is not considered to be the "front" shall contain a facade, window or other wall articulation feature to avoid a "blank" wall appearance.

(i) Masonry. Masonry construction shall include all masonry construction which is composed of solid, cavity, faced, or veneered-wall construction, or similar materials.

(ii) Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.

(iii) Brick material used for masonry construction shall be composed of hard fired (kiln fired) all-weather common brick.

(iv) Stucco or approved gypsum concrete/plaster materials, including exterior insulation finish systems (E.I.F.S.) products such as Dryvit or similar products.

(v) Glass Walls. Glass walls shall include glass curtain walls or glass block construction. A glass curtain wall shall be defined as an exterior wall which carries no floor or roof loads and which may consist of a combination of metal, glass, and other surfacing material supported in a metal framework.

(vi) Wood, provided that plywood paneling shall be prohibited.

(vii) Any other material not specifically excluded, provided the material is approved by the Board of Aldermen.

b. All remaining exterior walls shall be constructed of materials in paragraph a above or the following:

(i) Wood, provided that plywood paneling shall be prohibited.

(ii) Metal panels with a depth of no less than one inch and a thickness of U.S. Standard 26 gauge or more.

c. Prohibited Materials on All Exterior Walls

(i) Concrete finish or precast concrete panel (tilt wall) that is not exposed aggregate, hammered or sandblasted.

(ii) Metal panels with a depth of less than one inch or a thickness less than U.S. Standard 26 gauge.

(iii) Plywood or Masonite panels.

d. Exposed front and street sidewall facades, excluding windows, doors, or overhead doors, consisting of a single undifferentiated plane with a single texture or color, shall be prohibited.

e. Not less than fifteen percent (15%) of the area of each front exterior facade and street sidewall where a building is located on a corner lot, excluding windows, doors, or overhead doors, shall be recessed, projected or alternately staggered from the primary plane of the wall. For purposes of this section, fascia's shall not be counted as a projection from the primary plane.

f. Mirrored glass with a reflectance greater than 40% shall not be permitted on more than 20% of the exterior wall of any building

11. All screening areas are to be landscaped with a 75% opacity (75% of tree/shrub cover used for screening is evergreen) with a combination of trees, both deciduous and evergreen, and shrubs.

12. Buffer areas shall consist of a combination of trees and shrubs,

not less than four (5) trees per hundred feet (100') of required buffer and at least 1 ½" in diameter. Additionally three (3) shrubs per every tree are required.

13. Roof mounted equipment, excluding satellite dishes, shall be screened from view (100% opacity) or isolated so that it is not visible from ground level of any adjacent applicable public thoroughfare, up to a maximum of three hundred feet (300') away. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.

14. All electrical and mechanical equipment in excess of three feet in height, located adjacent to the building and visible from any adjacent applicable public thoroughfare shall be screened from view (100% opacity), up to a maximum of three hundred feet (300') away. Such screens and enclosures shall be treated as integral elements of the building's appearance.

15. Mirrored glass with a reflectance greater than 40% shall not be permitted on more than 20% of the exterior walls of any building.

E. Review and Approval.

1. Site plan approval shall be by ordinance adopted by the Board of Aldermen upon recommendation by the Planning and Zoning Commission, in accordance with Sections 3.2, 3.3 and 3.4.

2. The requirements of this Section may be waived or modified by the Board of Aldermen. The purpose of such waiver or modification
should be to allow for a variety of architectural designs and innovative site planning.

a. Site Planning. All desirable site features, such as healthy existing trees or views, should be incorporated in the site plan. The relationship of the site design to surrounding uses including setbacks, building heights, parking, open spaces and drives should be considered.

b. Architectural Design. The project design should take into account surrounding uses, building materials, style and size. Unreasonable continuous and unbroken wall plans should be avoided. Architectural elements or features that create a variety of scale relationships should be included.

3. Unless a longer time shall be specifically established as a condition of approval, site plan approval shall lapse and become void

twelve (12) months following the date on which such approval became effective,
unless prior to the expiration a valid legal building permit is issued and construction is commenced and diligently pursued toward completion.

4. Site plan approval may be extended upon the applicant's written request for extension and continuance of the plan as approved by the Board of Aldermen prior to expiration. Approval of any such extension request shall be for a period of twelve (12) months. No further extension shall be granted and the applicant shall be required to re-site plan. Subsequent to this extension, the site plan shall be considered valid so long as the plan remains consistent with all applicable City codes and the Comprehensive Plan.

5. Upon violation of any applicable provision of this Section or, if granted subject to conditions, upon failure to comply with conditions, site plan approval shall be suspended by the Zoning Administrator upon notification to the owner of a use or property subject to the site plan, until a public hearing shall be held by the Board of Aldermen as to whether such suspension shall be affirmed, conditionally affirmed or revoked.

(Ordinance No. 329, § 7; 11-20-07).

5.4 Telecommunication Towers.

A.
Definitions:

1. Alternative tower structures shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design structures that camouflage or conceal the presence of antennas or towers.

2. Act shall mean, The Communications Act of 1934, as it has been amended from time to time, including, but not restricted to The Telecommunications Act of 1996, and shall include future amendments to the communications Act of 1934.

3. Affiliate When used in relation to an operator, another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owners of some other ownership interest; and when used in relation to the City, any agency, board, authority or political subdivision affiliated with the City or other person on which the City has a legal or financial interest.

4. Antenna Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes and Omni-directional
antennas or other devices designed for transmitting or receiving television, AM/FM radio, digital signals, microwave, telephone cellular, or similar forms of electronic communication.

5. Antenna Height The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure or antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

6. Antenna Support Structure Any pole, telescoping mast, multi legged tower, tripod, or another structure which supports a device used in the transmitting or receiving of electromagnetic signals of any sort or kind.

7. Band A clearly defined range of electromagnetic frequencies dedicated to a particular purpose.

8. Broadcast To transmit information over the airwaves to two or more receiving devices simultaneously.

9. Cell Site A tract or parcel of land that contains the cellular communication antenna, its support structure, and ancillary facilities such as building(s), parking facilities, and may contain other associated facilities incumbent to cellular communications operations.

10. Cellular Telecommunications A Commercial Low Power Mobil Radio Service licensed by the Federal Communications Commission (FCC) in a specific geographic area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

11. Cellular Telecommunications Facility A cellular telecommunications facility consisting of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications source and transmitting those signals to a central Switching computer which connects the mobile unit with the land-based telephone equipment.

12. Channel A segment of a frequency band. Also referred to simply as a "frequency".

13. City The City of Lone Jack, Missouri.

14. Co-location Locating wireless communications equipment from more than one provider on a single site.

15. Common Carrier A radio service licensed by the FCC in which a single licensee is authorized to supply local and/or long distance telecommunications service to the general public has established and stated prices.

16. Communication Tower A guyed, monopole, or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication signals.

17. Communication Facility A land use facility supporting antennas and microwave dishes that send and/or receive radio frequency signals. Communications facilities include structures or towers and accessory buildings.

18. Communications Transmission System or Communication System A wired communications transmission system, open video system, or wireless communications transmission system regulated by this
Ordinance.

19. Cross Bar A structure at or near the top of the mobile radio service telecommunications facility which provides support and horizontal separation for antenna(s).

20. Digital Technology A method whereby voice and data messages are converts into digits that represent sound intensities at specific points of time and data content.

21. Directional Antenna An antenna or array of antennas designed to concentrate a radio signal in a particular direction.

22. Dish Antenna A dish-like antenna used to concentrate and link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

23. Effective Radiated Power (ERP) The product of the antenna power input and the numerically equal antenna power gain.

24. FAA shall mean the Federal Aviation Administration.

25. FCC shall mean the Federal Communications Commission.

26. Freestanding Low Power Mobile Radio Service Facility A low

power mobile radio service telecommunications facility that consists of a stand-alone Support structure, antenna(s) and associated equipment. The support structure may be a wooden pole, steel monopole, lattice tower, or other similar vertical support.

27. Frequency The number cycles completed each second by a microwave; measured in hertz (HZ).

28. Governing Authority shall mean the Board of Aldermen of the City of Lone Jack, Missouri.

29. Guyed Tower A communication tower that is support, in whole or part, by guy wires and ground anchors.

30. Interference Disturbances in reception caused by intruding signals or electrical current.

31. Land Mobile Systems Two-way radio service for mobile and stationary units in which each user is assigned a particular frequency.

32. Lattice Tower A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

33. License The rights and obligations extended by the City to an operator to own, construct, maintain, and operate its system within the boundaries of the City for the sole purpose of providing services to persons within or outside of the City.

34. Low Power Commercial Mobile Radio Network A system of low power commercial telecommunications facilities which allow wireless conversation or data transmission to occur from site to site.

35. Low Power Commercial Mobile Radio Service A service which must include the following attributes:

a. Profit from the operation of the service

realized.

b. Interconnected to Public Switch Network.

c. Available to the public or such classes of eligible users as to be effectively available to a substantial portion of the public and must propose to or has developed, multiple networked sites within the region.

36. Low Power Telecommunications Facilities An unmanned

facility consisting of equipment for the reception, switching and/or receiving of wireless telecommunications operating at 1,000 watts or less effective radiated power (ERP), including but not limited to the following:

a. Point-to-point microwave signals.

b. Signals through FM radio transmitters.

c. Cellular, enhanced Specialized Mobile Radio (ESMR) and Personal Communications Network (PCN).

d. Private low power mobile radio service.

37. Lower Power Mobile Radio Telecommunications Facility A facility which consists of equipment for the reception, switching, and transmission of low power mobile radio service communications.

38. MHZ Megahertz or 1,000,000 HZ.

39. Micro-cell A low power mobile radio service telecommunications facility used to provide increased capacity in high-demand areas or to improve coverage in areas of weak coverage.

40. Microwave Electromagnetic Radiation frequencies high than 1,000 MHZ highly directional signal used to transmit radio frequencies from point to point at a relatively low power level.

41. Microwave Antenna A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

42. Mobile and Land Based Telecommunication Facility Whip antennas, panel antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless transmission with low wattage transmitters not to exceed 500 watts from a sender to one or more receivers such as for mobile cellular telephones and radio system facilities.

43. Monopole Tower (a.k.a. Self-Support Tower) A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

44. MW/cm2 Micro watts per square centimeter; a measurement of the intensity of radio frequencies hitting a given area.

45. Omnidirectional Antenna (a.k.a. Whip Antenna) An antenna that

is equally effective in all directions and whose size varies with the frequency and gain for which it is designed.

46. Panel Antenna (a.k.a. Sector Antenna) An antenna that transmits signals in specific directions, and are typically square or rectangle in shape.

47. Personal Communications Service (PCS) Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. Such mobile technology promises to allow each customer to use the same telephone number wherever he or she goes. Also known as Personal Communications Network (PCN).

48. Private Low Power Mobile Radio Service All other forms of wireless telecommunications which have some similar physical facilities to a Low Power Commercial radio service but do not meet the definition of a commercial mobile radio service.

49. Public Property Any real property, easement, right-of-way, air space, or other interest in real estate, including a street, owned or controlled by the City or any other governmental agency or unit.

50. Repeater A low power mobile radio service telecommunications facility that extends coverage of a cell to areas not covered by the originating cell.

51. Roof and/or Building Mount Facility A low power mobile radio service telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances or building face).

52. Self-Support Tower A communication tower that is constructed within guy wires and ground anchors. (Examples could include lattice and monopole tower types).

53. Specialized Mobile Radio (SMR) A mobile radio which is utilized in conjunction with an Enhanced Special Mobile Radio Network, which includes dispatch and interconnect services.

54. Telecommunications The transmission, between or among points as specified by the user, of information of the user's choosing, without change in form or content of the information as sent and received.

55. Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guyed towers, monopole tower. The term "tower" included radio and

television transmission and reception towers, microwave towers, common-carrier towers, cellular telephone towers, alternative towers structures and the like.

56. VHF Very High Frequency with bands from 30-300 MHZ; includes FM radio, VHF television (channels 2 to 13) and some land mobile and common carriers.

57. Wavelength The distance between points of corresponding phases of a periodic wave of two constant cycles. Wavelength = wave velocity/frequency.

B. General Provisions. The antenna and facilities shall meet all Federal Communications commission requirements for radio frequency emissions. A structural certification from an engineer registered to practice in the State of Missouri shall be submitted. The certification shall establish that the electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC.

1. Federal Requirements. All towers shall meet or exceed current standards and regulations of the FCC, the FAA and any other agency of the federal or state government with the authority to regulate towers and antennas. If any applicable regulation or standard is revised, then the owner of the tower shall bring such tower into compliance within six (6) months of the effective date of such revised standard or regulations. Failure to bring towers and antennas into compliance within the time period allowed shall also constitute cause for removal of the tower or antenna at the owner's expense.

All towers and antennas constructed within the City of Lone Jack, Missouri shall comply with all applicable building codes and the applicable standards for towers as published by the Electronic Industries Association as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with codes and/or standards, the owner shall have thirty (30) days in which to bring such tower into compliance. If the owner fails or refuses to bring such tower into compliance, the City may cause the removal of such tower at the sole expense of the owner.

2. Removal of Abandoned Towers Any antenna or tower which is not operated for its original intended purpose for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such tower shall remove same within ninety (90) days of receipt of notice from the City notifying owner as such abandonment. If the tower is a joint use facility, that is it is being used by two or more users, then all users must have not used the tower for the twelve (12) month period. If the tower is not removed within the ninety (90) day period, the City may cause the tower to be removed at the sole expense of the owner.

3. Amateur Radio and Receive-Only Antenna This Ordinance is not

intended to govern any federally licensed amateur radio and receive-only privately owned satellite dishes and does not apply to any privately owned antenna or tower less than seventy (70) feet in height.

4. As-Built Plans Within thirty (30) days of the initial completion of construction or of any structural modification to the existing structure, the owner shall submit two (2) sets of as built engineering and architectural plans to the City. Such plans shall show the location of the tower by latitude and longitude, and state plane coordinates and shall accurately depict all of the telecommunications facilities associated with the tower on site pursuant to the franchise, license and permits associated therewith.

5. Inspection At least every twenty four (24) months, the tower shall be inspected by an expert who is qualified in the maintenance, inspection and/or erection of communication towers. This inspection shall be conducted in accordance with the tower inspection checked list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Support Structures". One copy of the inspection report shall be forwarded to the City no less than thirty (30) days after completion of said inspection.

6. Underground Placement Cables, Wires, and Facilities In all areas of the City where the cables, wires and other like facilities of public utilities exist or are required to be placed underground, an operator shall also place its cables, wires, and other facilities underground.

7. Disturbances to Property In the case of disturbance to any street or thoroughfare or other public property, caused by an operator during the course of construction or maintaining its system facilities, an operator shall, at its own expense, replace and restore all paving, sidewalk, driveway, landscaping, or any surface of any street or other public property disturbed to condition as good as or better than the condition as before the disturbance in accordance with applicable federal, state or local laws, rules, regulations, codes or administrative decisions. The duty to restore the street or other public property shall include the repair of any area identified by the City as being weakened or damaged as a result of a cut or other invasion of the pavement or other property.

C. Conditional Use Permit. No tower shall be erected unless and until a Conditional Use Permit therefore has been obtained from the City.

D. Zoning District In Which Permitted. Telecommunications towers and associated facilities may only be permitted by Conditional Use Permit in District A and CH, and on any land owned by a political subdivision regardless of the underlying zoning.

E. Setback Requirements. Minimum setback requirements for telecommunications tower shall be no less than two hundred (200) feet or equal to the height of the tower (including antenna) if the tower is less than two hundred (200)

feet tall.

F. Separation. No telecommunications tower over ninety (90) feet in height shall be located closer than one quarter mile from any existing tower.

G. Aesthetics. All towers and accessory facilities shall be sited to have the least particle adverse visual effect on the environment, Towers shall not be lighted except to assure safety as required by the FAA. Towers should be painted gray or light blue unless other standards are required by the FAA. In all cases, monopole towers shall be preferable to guyed towers or free standing structures. Where mounted on or attached to existing buildings, antennas shall be painted to blend with the décor of the host structure as nearly as possible.

1. Accessory Equipment Storage Mobile or immobile equipment not used in direct support of the tower facility shall not be stored on the sited of the tower, unless repairs to the tower are being made.

2. Lighting Upper portions of towers shall be lighted if required by the FAA or FCC. If security lighting is required, care shall be taken to minimize light directed toward adjacent properties and rights-of-way.

H. Application And Permit Requirements.

1. Each application shall include a minimum of the following:

a. Written authorization from the property owner of the proposed site.

b. A site plan:

(i) Drawn to scale

(ii) Showing the Property Boundaries

(iii) Showing any tower guy wire anchors and other apparatus

(iv) Existing and proposed structures

(v) Scaled elevation view

(vi) Access road(s) location and surface material

(vii) Parking area

(viii) Fences

(ix) Location and content of signs (including warning if required)

(x) Exterior lighting specifications

(xi) Landscaping contours (minimum of five (5) intervals)

(xii) Existing land uses surrounding the site

(xiii) Proposed buildings associated with the facility including:

Plan and elevation Proposed use

c. A written report including:

(i) Information describing the tower height and design

(ii) A cross section of the structure

(iii) Engineering specifications detailing construction of tower, base and guy wire anchorage

(iv) Information describing the proposed painting and lighting schemes

(v) Information describing the tower's capacity, including the number and type of antennas that it is capable of accommodating

(vi) Radio frequency emission data

(vii) All tower structural information certified by a registered engineer.

d. Written statement regarding the appropriateness of the chosen site

5.5 Adult Businesses.

A. Introduction. The Board of Aldermen, as elected representatives of the citizens of the City, have a duty to investigate the feasibility of adopting reasonable regulations to protect the citizens of the City from activities that have adverse effects which are harmful to the health, safety and general welfare of the citizenry. The Board of Aldermen of the City met in a public meeting on May 5, 2004, to consider the regulation of adult businesses in the City and heard a report from staff and received documents regarding such regulations. The following studies regarding the adverse secondary effects associated with adult businesses were placed on file with the City Clerk for review by City officials following the May 5, 2004, meeting:

1. A study by the Special Programs Division of the Office of the Land Development Services in Austin, Texas, entitled "Report

on Adult Oriented Businesses in Austin,";

2. A study by the City of Phoenix, Arizona, entitled "Adult Business Study,";

3. A report by the Minnesota Attorney General's Office entitled "Report of the Minnesota Attorney General's Working Group on the Regulation of Sexually Oriented Business";

4. A report prepared by the St. Paul, Minnesota Division of Planning entitled "Effects on Surrounding Area of Adult Entertainment Businesses in St. Paul";

5. A staff report prepared by the St. Paul, Minnesota Division of Planning entitled "Adult Entertainment";

6. A report prepared by the Amarillo, Texas Planning Department entitled "A Report on Zoning and Other Methods of Regulating Adult Entertainment in Amarillo";

7. A report prepared by the Los Angeles, California Department of City Planning entitled "Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles";

8. A report prepared by the Indianapolis, Indiana Department of Metropolitan Development Division of Planning entitled "Adult Entertainment Businesses in Indianapolis: An Analysis";

9. A report prepared by the Beaumont, Texas Planning Department entitled "Regulation of Adult Uses; Revised September 14, 1982";

10. A memorandum from the Assistant Chief of Police of the City of Tucson, Arizona to the City Prosecutor entitled "Adult Entertainment Ordinance";

11. A report by Richard McCleary, Ph.D., and James W. Meeker, J.D., Ph. D., entitled "Final Report to the City of Garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard";

12. A report of the Whittier, California Planning Department Staff entitled "Amendment to Zoning Regulations; Adult Business in C-2 Zone with Conditional Use Permit";

13. An internal report of the Cleveland, Ohio Police Department

entitled "Smut Shop Outlets, Contribution of these Outlets to the Increased Crime Rate in the Census Tract Areas of the Smut Shops";

14. A report by the Oklahoma City, Oklahoma Community Development Department Planning Division entitled "Adult Entertainment Businesses in Oklahoma City: A Survey of Real Estate Appraisers";

15. A legislative report by the Committee on the Proposed Regulation of Sexually Oriented Businesses of the Houston, Texas City Council;

16. A report by the Newport News, Virginia Department of Planning Development entitled "Adult Use Study";

17. A report of the Seattle, Washington Department of Construction and Land Use entitled "Directors Report: Proposed Land Use Code Text Amendment--Adult Cabarets";

18. A report by the Minnesota Crime Prevention Center, Inc. to the Minneapolis, Minnesota Board of Aldermen entitled "Analysis of the Relationship Between Adult Entertainment Establishments, Crime, and Housing Values";

19. Adult Cabarets-Factual Records from Phoenix, Arizona;

20. In call Escort Bureaus/Nude Modeling Studios(Private Room Nude Dancing) Index to Factual Record from Phoenix, Arizona;

21. Appendix A-Analysis of Adult Business Studios in Indianapolis, Indiana and Los Angeles, California;

22. Organized Crime;

23. Summaries of Key Reports Concerning the Negative Effects of Sexually Oriented Businesses;

24. Nude Entertainment Study from Adams County, California;

25. Adult Entertainment Study from Manatee County, Florida;

26. Adult Entertainment report from Saint Paul, Minnesota;

27. City Commission Minutes from Las Vegas, Nevada;

28. Adult Business Study from Ellicottville, New York (1998)

29. Study & Recommendations for Adult Entertainment

Businesses from Islip New York(1980);

30. Adult Entertainment Study from New York, New York(1994);

31. Report of Secondary Effects of the Concentration of Adult Use Establishments from Times Square, New York(1994);

32. Regulation of Adult Entertainment Establishments from New Hanover County, North Carolina(1989);

33. A Look at Successful Abatement of Adult Oriented Business Nuisances from Oklahoma City, Oklahoma(1992);

34. A report on Secondary Impacts of Sex Oriented Businesses from Philadelphia, Pennsylvania(1996);

35. Report on Why and How Our City Organized a Joint County-Wide Sexually Oriented Businesses Task Force from Cleburne, Texas(1997);

36. An Analysis of the Effects of Sexually Oriented Businesses on the Surrounding Neighborhoods from Dallas, Texas(1997);

37. Report on The Effects of Adult Entertainment Businesses on Residential Neighborhoods from El Paso, Texas(1986);

38. Report on Location of Adult Entertainment Uses-Background Material from Bellevue, Washington(1988);

39. Report on Adult Use Study from Des Moines, Washington(1984);

40. Regulation of Adult Entertainment Establishments in St. Croix County, Wisconsin(1993);

41. Report on Commercial Sexual Exploitation of Children in the U.S.(2001);

42. Testimony of David Sherman(2000) – An Insider's View of Sexually Oriented Businesses;

43. A Report on Strip Clubs According to Strippers: Exposing Workplace Sexual Violence.

The following study regarding the adverse secondary effects associated with adult businesses was placed on file with the City Attorney for review by the Board of Aldermen following the May 5, 2004, meeting: An “Adult Use Study” prepared for the City of Kansas City, Missouri by Eric Damian Kelly, Ph.D., AICP, and Connie B. Cooper, AICP, consisting of 4 parts and 9 appendices (the “Kelly and Cooper Study”). The Board of Aldermen of the City held a public meeting on May 12, 2004, to consider proposed regulations of adult businesses in the

City and heard a report from staff, including the results of a zoning analysis regarding spacing conducted by Michael Duffy, AICP; heard testimony regarding the adverse secondary effects of such businesses, including increased crime, prostitution, drug use and other illegal activities. The Board of Aldermen of the City has also established adult business license regulations with the City.

B. Findings of Fact. Based on the secondary effects studies, testimony, case law and other information before it, the Board of Aldermen made and hereby affirm the following legislative findings of fact:

1. That certain conduct occurring on the premises of adult businesses is detrimental to the public health, safety and general welfare of the citizens of the City and, therefore, such conduct must be regulated;

2. That adult businesses are associated with and promote prostitution, illegal drug use and other criminal activity which constitute an immediate threat to the public peace, health, morals and safety;

3. That regulation of adult businesses is necessary because in the absence of such regulation, significant criminal activity, including prostitution, illegal drug use and disruptive behavior and high-risk sexual conduct that may result in health hazards, has historically and regularly occurred;

4. That adult businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and downgrading of property values; these deleterious effects create a legitimate concern of the City to protect property values, business interests and generally protect the City from urban blight associated with adult businesses; and

5. That it is recognized that adult businesses have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight; and

6. That it is necessary to regulate and license entertainers and servers in the adult entertainment industry to prevent the exploitation of minors, to ensure that such individuals are adults and to ensure that such individuals have not assumed a false identity or been involved in criminal activity associated with adult entertainment, which would make regulation difficult or impossible; and

7. That it is recognized that the live entertainment presented by some adult businesses involves bodily contact between patrons and performers, including physical contact while giving and receiving

gratuities, including hugging, kissing and fondling of performers or patrons; it is further recognized that this contact titillation promotes prostitution and the spread of sexually transmitted diseases; it is further recognized that a reasonable and effective means of preventing this type of physical contact is achieved by requiring entertainers to dance or perform only on a stage, prohibiting customers from touching the performers on the stage and prohibiting customers from providing gratuities to the performers on stage except in a container placed on the stage; and

8. That it is necessary to have a licensed manager on the premises of adult business establishments to ensure that a person responsible for the overall operation of the business, including the actions of the customers and employees, is present at all times; and

9. That the license fees imposed by these regulations are reasonable fees imposed as necessary regulatory measures designed to help defray expenses incurred by the City in regulating adult businesses; and

10. That it is necessary to restrict hours of operation of adult businesses in order to prevent noise and crime during the late night and early morning hours and to preserve the character and quality of nearby residential neighborhoods; and

11. That the types of videos and films shown in adult video viewing booths are available for viewing, purchase or rental in other types of adult businesses which are less harmful to the health, safety and welfare of the community, and therefore adult video viewing booths should be prohibited in favor of other venues; and

12. That adult retail establishments (the businesses referred to in the Kelly and Cooper Report as “sex shops”) have documented harmful secondary effects within nearby residential neighborhoods notwithstanding the retail nature of the businesses; and

13. That as of the date that the study was conducted approximately 3 tracts of land out of 48, or approximately 6.2 % of the total commercially zoned tracts of the City, is properly zoned and could accommodate various types of adult businesses notwithstanding the locational restrictions imposed by this ordinance; and

14. That adult businesses operating on the effective date of this ordinance should be brought into compliance with the provisions of this ordinance and those businesses which do not conform to the locational restrictions contained herein shall conform their operations to a lawful business use and discontinue operation as an adult business at that location; and

15. The Kelly and Cooper Study is reasonably believed to be of particular relevance to Lone Jack both due to its geographical focus on adult businesses in the metropolitan area of which Lone Jack is a part and due to its particularized analysis of businesses it refers to as "sex shops" and "video viewing booths"; and

16. The Board of Aldermen desires to minimize and control the adverse secondary effects associated with adult businesses and thereby protect the health, safety and welfare of the citizenry, preserve the quality of life, preserve property values and the character of surrounding neighborhoods and to deter the spread of urban blight; and

17. It is not the intent of this ordinance or any previously enacted ordinance to suppress or limit any speech activities protected by the First Amendment to the United States Constitution, but to enact a content neutral, reasonable time, place and manner regulation that effectively addresses the harmful secondary effects associated with adult businesses.

C. Regulations.

1. Applicability. This section shall apply to any bookstore, media store or video store, in which "adult media" constitutes more than ten percent (10%) but not more than forty percent (40%) of the store's inventory at any time, or where "adult media" constitutes more than ten percent (10%) but not more than forty percent (40%) of the merchandise displayed for sale or rental at any time, or where "adult media" occupies more than ten percent (10%) but not more than forty percent (40%) of the sales floor area of the business (not including store rooms, stock areas bathrooms, or any portion of the business not opened to the public) at any time.

2. Prohibition of public display. The owner or operator of a store to which this subsection is applicable shall have the affirmative duty to prevent the public display of "adult media" at or within the portions of the business open to the general public.

3. Display of "adult media". "Adult media" in a store to which this subsection is applicable shall be kept in a separate room or section of the store, which room or section shall:

a. Not be open to any person under the age of eighteen (18);

b. Be physically and visually separate from the rest of the store by an opaque wall or durable material reaching at least eight (8) feet high or to the ceiling, whichever is less;

c. Be located so that the entrance to it is a far as reasonably

practicable from media or other inventory in the store likely to be of particular interest to children; and

d. Have access controlled by electronic or other means to provide assurance that persons under age eighteen (18) will not gain admission and that the general public will not accidentally enter such room or section.

D. Spacing Requirements. An adult business (as defined in Section 2) shall be subject to the following spacing requirements:

1. The proposed adult business shall not be located within i) seven hundred fifty feet (750') of any school, church, or licensed child care center or child care center that has been inspected by the City or Fire District or property zoned with the District H Overlay, or ii) five hundred feet (500') of any public building or park, or property zoned for residential purposes, which uses are located within the city limits. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line from which the adult business would be operated to the nearest point on the property line of any school, church, licensed child care center or child care center that has been inspected by the City or Fire District, public park or property zoned for residential purposes located within the City;

a. provided the phrase "property zoned for residential purposes" shall not include any property zoned for residential use for which a conditional use permit has been granted for an indefinite period of time which permit allows a non-residential use;

b. provided further, the list of protected uses set forth herein shall exclude streets, alleys and highway rights-of-way

c. provided further, that the spacing restriction set forth above in subsection 1 may be waived by the Board of Aldermen after review and recommendation by the Planning Commission, if the applicant demonstrates by substantial and competent evidence and it is found that

(i) the proposed use will not be contrary to the public interest or contrary to nearby properties, and that the spirit and intent of this Chapter will be observed, and

(ii) the proposed use will not enlarge or encourage the development of a “blighted area” as defined in Section 100.310 of the Revised Statutes of Missouri, as amended, and

(iii) the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program or urban renewal, and

(iv) all applicable regulations of this Chapter will be observed.

2. The proposed adult business shall not be located within seven hundred fifty feet (750') of any other adult business for which there is a license issued by the City regardless of whether such businesses are located on the same property or separate properties. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line from which the adult business would be operated to the nearest point on the property line of any other adult business located;

a. provided the list of protected uses set forth herein shall exclude streets, alleys and highway rights-of-way, and

b. provided further, that the seven hundred fifty feet (750') restriction between such regulated uses may be waived by the Board of Aldermen after review and recommendation by the Planning Commission, if the applicant demonstrates by substantial and competent evidence and it is found that

(i) the proposed use will not be contrary to the public interest or contrary to nearby properties, and that the spirit and intent of this Chapter will be observed, and

(ii) the proposed use will not enlarge or encourage the development of a "blighted area" as defined in Section
100.310 of the Revised Statutes of Missouri, as amended, and

(iii) the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program or urban renewal, and

(iv) all applicable regulations of this Chapter will be observed.

5.6 Accessory Uses.

A. Definition and Applicability.

1. In a residential zoning district, an accessory structure or use is a subordinate or incidental structure or use, attached to or detached from the principal structure, and which is not used for commercial purposes, except as provide for home occupations.

2. In non-residential zoning districts, an accessory structure or use is a subordinate structure or use, the use of which is secondary to and supportive of the principal structure.

3. Accessory uses include any use that is authorized in the district which is secondary or subordinate to the primary use.

B. Performance Standards for Accessory Dwelling Units. A dwelling unit may be allowed as an accessory use to the principal dwelling unit under the following conditions:

1. Accessory dwelling units may be constructed only in A and RR zoning districts;

2. The accessory dwelling unit may be constructed only upon the issuance of a building permit;

3. The accessory dwelling unit shall be a permanent structure;

4. Accessory dwelling units shall be considered independent buildable sites, and be connected to public water and sewer service where available or have on-site water and sewer facilities;

5. The accessory dwelling unit may not be sold separately from the sale of the entire property, including the principal dwelling unit;

6. The accessory dwelling unit shall comply with all required building setbacks for the principal residential use;

7. The overall height of an accessory dwelling shall be limited to one story, provided that a garage apartment or non-residential caretaker's quarters, may be located over a garage;

8. When the accessory dwelling is directly attached to the principal dwelling, it shall be considered an integral part of the main building; and

9. Accessory dwellings shall not exceed 1,000 square feet of heated area.

C. Standards for Accessory Buildings or Structures in Residential Zoning Districts. Accessory buildings or structures may be allowed in residential zoning districts pursuant to the following conditions:

1. Detached accessory buildings shall be prohibited from being placed in front of the principal building and shall be placed in the rear yard, except that a detached garage may be located in front of the principal residence.

2. The minimum required side setback for the principal building shall be observed for accessory buildings; and

3. Accessory buildings adjacent to a side street shall have a side yard not less than that of the primary structure.

4. Pools, saunas, and Jacuzzis having a depth of two (2) feet or more, provided the following conditions are met:

   a. Below-grade pools, saunas and Jacuzzis.

      (i) Below-grade uses and associated above grade appurtenances (decks, equipment, etc.) shall be located behind the front building line and not less than ten (10) feet from any rear or side property line. In the case of corner lots, they shall not be less than twenty- five (25) feet from a front or street side property line and at least twenty (20) feet from a principal building on an adjoining lot.

      (ii) The area in which the below-grade use is located shall be entirely enclosed and separated from adjoining property by a protective fence or other permanent structure not less than four (4) feet in height, measured from grade. Such protective enclosure shall be provided with gates equipped with self-closing and self-latching devices.

   b. Above-grade pools, saunas, and Jacuzzis.

      (i) Above-grade uses and associated appurtenances (decks, equipment, etc.) shall be located behind the front building line and not less than ten (10) feet from any rear or side line. In the case of corner lots, they shall not be less than twenty-five (25) feet from a street side property line and at least twenty (20) feet from a principal building on an adjoining lot.

      (ii) The area in which the above-grade pool, sauna, or Jacuzzi is located shall be entirely enclosed and separated from adjoining property by a separate protective fence or other permanent structure not less than four (4) feet in height, measured from grade. Such protective enclosure

shall be provided with gates equipped with self-closing and self-latching devices.

5. Private tennis courts shall not be constructed within twenty (20) feet of any adjoining residential property line. Tennis court fences or walls shall not exceed twelve (12) feet in height, and no lights for the tennis court shall be permitted within 25 feet of any adjoining residential property line.

6. Except as noted above, accessory structures shall comply with the minimum setback requirements established in the district.

7. In Districts HDR, MDR and LDR, one detached accessory storage building that does not exceed two hundred fifty square feet (250 $ft.^2$) is permitted.

8. In Districts A, RR and SR, there shall be permitted detached garages, barns or livestock structures not in excess of one thousand square feet (1000 $ft.^2$) per acre for lots not exceeding five acres in size, and for lots that do exceed five acres in size, then the garages, barns or livestock structures shall not cover more than fifteen percent (15%) of the lot area, inclusive of the principal structure and not more than fifteen percent (15%) of the rear yard, provided however, that in no event for lots that do exceed five acres in size, shall the garages, barns or livestock structures aggregately exceed twenty thousand square feet (20,000 $ft.^2$) in size.

9. Fences, Wood, chain link, masonry, wrought iron, and plastic fences are permitted in all zoning districts provided the following conditions are met:

   a. No fence shall be constructed that will constitute a traffic hazard.

   b. No fence shall be greater in height than three (3) feet in the required front yard, or six (6) feet in height in side or rear yards.

   c. Barbed wire fences are not permitted except in Agricultural zoning districts. Electric fences are only permitted in Agricultural and Rural Residential zoning districts. When residential property abuts Agricultural or Rural Residential zoned property, barbed wire and electric fences must be set back a minimum of ten (10) feet from the property line**,** except if a barbed wire or electric fence is placed on the inside of an approved fence (such as chain link, wood, woven wire, etc.) which is constructed along the

property line, then the barbed wire or electric fence does not have to be setback ten (10) feet from the property line.

d. No fence shall be constructed without first obtaining a building permit. **The permit fee for constructing any fence is set forth in the City of Lone Jack Schedule of Fees and Charges.**

e. In Rural Residential zoning districts, the only type of electric fencing that can be used is electric tape, also known as poly tape or braided tape, which is poly coated with a UL (Underwriters Laboratories) approved electric fence energizer. In addition, signage must be placed on the exterior or perimeter fence (if there is more than one fence surrounding the area) or if there is only one fence signage shall be placed on said fence and on the exterior side of the fence (side facing away from the property) indicating to the public that the fence contains an electronic charge. The signage shall be a minimum of 6 x 6 inches in size and secured to the exterior or perimeter fence at least every 150 feet around the fence.

10. A private stable will be allowed on a lot having an area of more than one acre, provided that it is located not less than one hundred (100) feet from the front lot line, nor less than thirty (30) feet from any side or rear lot line. On such lots, there shall not be kept more than one horse, pony or mule for each forty thousand (40,000) square feet of lot area; provided, however, that where any such stable exists and/or animals as herein provided for are kept, the owner or keeper shall cause the premises to be kept and maintained so as to comply with all state, county and municipal sanitary and health regulations regarding same.

11. Real estate offices are permitted as an accessory incidental use for residential developments. The use is permitted within a model home or welling unit that is not occupied, or in a temporary structure set up for a real estate office. Such temporary structure must comply with all setback requirements and provide paved off street parking facilities. Such use may continue only until the sale of all properties within the development, as long as the office is occupied and staffed a minimum of four (4) days per week.

D. Propane Tanks. No above ground propane tanks over twenty (20) gallons in size are allowed in any zoning district's which the residential lot size is smaller than one (1) acre.

5.8 Solar Energy Systems

A. General. The provisions of this subsection shall apply to the design, construction, installation, alteration, materials, location, repair and removal of solar energy systems and accessories connected, attached or adjacent to a building or structure. Solar energy systems, whether active or passive, shall be designed to be compatible with the surrounding neighborhood and shall comply with the following standards.

B. Maintenance and Access. Solar energy system components shall be accessible for required routine maintenance without trespassing on adjoining property or disassembling a major portion of the structure of a building or appurtenance.

C. Location. Solar energy system components shall not be located so as to interfere with the operation or required doors, windows or other building components. Provision shall be made over pedestrian and vehicular ways to protect those areas from sliding snow or ice.

D. Height. Solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.

E. Compliance with Building Codes. Solar energy system components shall be installed in accordance with adopted City building and related codes.

F. Plan Applications. Applications for building permit to install solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the solar energy system on the building, structure or property, including the property lines.

1. *Pitched roof mounted solar energy systems*. For all roof-mounted solar energy systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

2. *Flat roof mounted solar energy systems*. For flat roof-mounted solar energy systems, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

G. Installation of Equipment. Solar energy systems, when mounted or placed atop the roof of a structure, shall conform to the following requirements:

1. Roof-mounted solar energy system components servicing the collector panel shall be designed to blend into the architecture of the building or be screened

from routine view from public rights-of-way and all exposed metal shall be finished with similar colors to the structure on which it is mounted. All framing shall be rust treated or of non-rusting materials.

2. Roof-mounted solar energy systems located on front or side building roofs visible from the public right-of-way shall not extend above the peak of the roof plane on which they are mounted, and no portion of any such system shall extend more than 24 inches perpendicular to the point of the roof where it is mounted. For roofs of 2/12 pitch or less, solar energy systems may extend 24 inches above the parapet or ridgeline.

3. Roof-mounted solar energy systems located on the rear side of the building roof shall not extend above the peak of the roof plane on which they are mounted, and no portion of any such system shall extend more than four feet perpendicular to the point on the roof where it is mounted. For roofs of 2/12 pitch or less, solar energy systems may extend 24 inches above the parapet or ridgeline.

4. Ground-mounted solar energy systems shall not exceed eight feet in total height and shall be located within the rear at least 15 feet inside the property line.

5. All lines serving ground-mounted solar energy systems shall be located underground.

6. Solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way.

7. All appurtenant structures to solar energy systems shall be subject to reasonable regulations and shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

8. Electric solar energy system components must have a UL listing. Due to public health and safety concerns, facilities that use alternative energy systems exclusively for all power needs, and are not connected to a public power source or "grid" for any purpose, (known as "off-grid" systems), shall not be permitted, unless a conditional use permit is approved in accordance with Section 5.1.

H. Conditional Use Permit. Where the standards of this subsection 5.8 are not met, solar energy systems shall be considered by a conditional use permit request. Pursuant to Section 5.1, the applicant shall file a Conditional Use Permit Application with the City Clerk. After notice is given, the Planning and Zoning Commission and the Board of Aldermen shall hold public hearings, pursuant to the requirements of Section 5.1.

SECTION 5.64 **Technical Codes Adopted**

International Building Code. The 2009 edition of the International Building Code, including Appendices C and I, and it's most current errata as published by the International Code Council, is hereby adopted and incorporated in this Chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as set forth below:

1. Chapter 1, Administration is hereby deleted. See Chapter 501 of the City of Lone Jack, Missouri Code ("City Code").
2. **Section 501.2.** Premises identification. Approved numbers or addresses shall be provided for new buildings in such a position as to be clearly visible and legible from the street or roadway fronting the property. In multi-tenant commercial buildings where tenants have multiple entrances located on different sides of the building, each door shall be addressed. Letters or numbers shall be a minimum 4 inches (76 mm) in height and stroke of minimum 0.5 inch (12.7 mm) of a contrasting color to the background itself.
3. **Section 901.5.** Acceptance Test. Fire Detection and alarm systems, fire extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service main and all other fire protection systems and appurtenances thereto shall be subject to acceptance test(s) as contained in the installation standards and as approved by the building official. The building official shall be notified 48 hours before any required acceptance testing.
4. **Section 903.2.1.3.** Group A-3. An automatic sprinkler system shall be provided throughout a fire area containing a Group A-3 occupancy where one of the following conditions exist:
    - **A.** The fire area exceeds 12,000 square feet (1,115 m^2).
    - **B.** The fire area has an occupant load of 300 or more.
    - **C.** The fire area is located on a floor other than the level of exit discharge.
5. **Section 903.2.1.4.** Group A-4. An automatic sprinkler system shall be provided throughout a fire area containing a Group 4-A occupancy where one of the following conditions exists:
    - A. The fire area exceeds 12,000 square feet (1,115 m^2).
    - B. The fire area has an occupant load of 300 or more.
    - C. The fire area is located on a floor other than the level of exit discharge.
6. **Section 903.2.2.** Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:
    - A. Throughout all Group E fire areas greater than 20,000 square feet (1858 m^2) in area.
    - B. Throughout every portion of education buildings below the level of exit discharge.
    - C. Where a Group E fire area is located more than two stories above grade. Exception: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.
7. **Section 903.2.3.** Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:
    - A. Where a Group F-1 fire area exceeds 12,000 square feet (1,115 m^2);

B. Where a Group F-1 fire area is located more than two stories above grade;
C. Where the combined area of all Group F-1 fire area on all floors, including any mezzanines, exceeds 24,000 square feet (2,230 m^2).

8. **Section 903.2.6.** Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exist:
   A. Where a Group M fire area exceeds 12,000 square feet (1,115 m^2);
   B. Where a Group M fire area is located more than two stories above grade;
   C. Where the combined fire area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2,230 m^2).
9. **Section 903.2.9.** Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:
   A. Where a Group S-1 fire area exceeds 12,000 square feet (1,115 m^2);
   B. Where a Group S-1 fire area is located more than two stories above grade;
   C. Where the combined fire area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2,230 m^2).
10. **Section 903.2.9.1.** Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406, as shown:
    A. Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding 3,000 square feet;
    B. Buildings with a fire area containing a repair garage exceeding 3,000 square feet;
    C. Buildings with a repair garage in the basement.
11. **Section 903.2.11.3**. Building more than two stories in height. An automatic sprinkler system shall be installed throughout buildings greater than two stories above the lowest level of fire department vehicle access. Exceptions: Airport control towers, Open parking garage
12. **Section 903.3.7**. Fire department connection. The location of fire department connections shall be approved by the fire code official. Connections shall be 4 inch Storz type fittings and located within 100 feet of a fire hydrant, or as approved by the fire code official.
13. **Section 903.4.2.** Alarms. Approved audible and visual devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm device shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Listed alarm notification devices shall be provided on the exterior and interior of the building in an approved location. Actuation of the automatic sprinkler system shall actuate the building fire alarm system. Exception: Buildings protected by sprinkler heads connected to the domestic water service per Section 903.3.5.1.
14. **Section 905.1.** General. Standpipe systems shall be provided in new buildings and structures in accordance with this Section and as required by the fire code official. Fire hose threads used in connection with standpipe systems shall comply with NFPA 1963 or as otherwise approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. In buildings used for high-piled combustible storage, fire protection shall be in accordance with Chapter 23 of the International Fire Code.

15. **Section 905.3.** Required installations. Standpipe systems shall be installed where required by Section 905.3.1 through 905.3.6 and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems are permitted to be combined with automatic sprinkler systems. Exception: Standpipe systems are not required in Group R-3 occupancies.
16. **Section 905.3.1.** Building height. Class I standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than two stories above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than two stories below the highest level of fire department vehicle access. Exceptions:
    A. Class I standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
    B. Class I manual standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet (45,720 mm) above the lowest level of fire department vehicle access.
    C. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section 905.5.
    D. Class I standpipes are allowed in basements equipped throughout with an automatic sprinkler system.

17. **Section 905.3.4.1.** Hose and cabinet. This section is hereby deleted in its entirety.
18. **Section 905.3.5.** Underground buildings. No change.
19. **Section 905.5.** Location of Class II standpipe hose connections. This section is hereby deleted in its entirety.
20. **Section 905.5.1**. Groups A-1 and A-2. This section is hereby deleted in its entirety.
21. **Section 905.5.2.** Protection. This section is hereby deleted in its entirety.
22. **Section 905.5.3.** Class II system 1-inch hose. This section is hereby deleted in its entirety.
23. **Section 907.2.7.1.** Occupant notification. During times that the building is occupied, the initiation to activate the alarm notification appliances when an alarm signal is activated at a constantly attended location form which evacuation instructions shall be initiated over an emergency voice/alarm communication system installed in accordance with 907.2.12.2 and only when approved by the fire code official. The emergency voice/alarm communication system shall be allowed to be used for other announcements, provided the manual fire alarm use take precedence over any other use.
24. **Section 907.2.9.** Group R-2. A manual fire alarm system shall be installed in group R-2 occupancies where:
    A. Any dwelling unit or sleeping unit is located two or more stories above the lowest level of exit discharge;
    B. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit serving the dwelling unit or sleeping unit; or
    C. The building contains more than 16 dwelling units or sleeping units.
    D. Exceptions:

1. A fire alarm system is not required in buildings not more than two stories in height where all dwelling units or sleeping units and contiguous attic and drawl spaces are separated from each other and public or common areas by at least 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public-way, exit court or yard.
2. Manual fire alarm boxes are not required throughout the building when the following conditions are met:
    i. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2;
    ii. The notification appliances will activate upon sprinkler water flow; and
    iii. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Sections 903.3.1.1 or 903.3.1.2., provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1022.6, Exception 4.

25. **Section 910.4.** Mechanical smoke exhaust. Where approved by the fire code official, engineered mechanical smoke exhaust shall be an acceptable alternative to smoke and heat vents. The request for the alternate method shall be presented in such detail and with such supporting information as may be required by the fire code official or the building official to permit their evaluation of the effect of the alternate design.

26. **Section 1007.6.2.** Separation. Each area of refuge shall be separated from the remainder of the story by a smoke barrier complying with Section 709 or a horizontal exit complying with Section 1021. Each are of refuge shall be designed to minimize the intrusion of smoke. Exceptions:
    A. Area of refuge located within a vertical exit enclosure.
    B. Areas of refuge where the area of refuge and areas served by the area of refuge are equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
27. **Section 1008.1.9.3.** Locks and latches. Egress doors shall be readily open able from the egress side without the use of a key or special knowledge or effort. Exceptions:
    A. Places of detention or restraint.
    B. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface-mounted hardware. The unlatching of any leaf shall not require more than one operation.
    C. Doors from individual dwelling units and guestrooms of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are open able from the inside without the use of a key or tool.

28. **Section 1013.1.** Guards. Guards shall be located along open-sided walking surfaces, mezzanines, industrial equipment platforms, stairways, ramps and landings which are located more than 30 inches (762 mm) above the floor or grade below. Guards shall be adequate in strength and attachment in accordance with Section 1607.7. Guards shall also be located along glazed sides or stairways, ramps and landings that are located more than 30 inches (762 mm) above the floor or grade below where the glazing provided does not meet the strength and attachment requirements in Section 1607.7. In addition, guards are required at retaining walls over 30 inches above grade when walking surfaces are within ten feet of the high side of the retaining wall.
29. **Table** 1505.1 is amended by deleting footnotes a, b & c from the table.
30. **Section 1505.5.** Non-classified roofing. Non-classified roofing shall not be installed unless utilized for the repair of ten percent or less of the total roof covering in any three-year period. Exceptions: Any roof replaced due to a covered insured loss prior to March 2011 may be replaced with the same class and type of roofing material which were on the roof prior to the loss.
31. **Section 1510.1.** General. Materials and methods of application used for re-covering or replacing any existing roof covering shall comply with the requirements of Chapter 15 as amended.
    - **A.** Re-roofing includes any repairs of more than 10% or less of the total roof covering in any three year period.
    - B. Any roof replaced due to a covered insured loss prior to March, 2011 may be replaced with the same class and type of roofing material which were on the roof prior to the loss.

C. National Electrical Code. The 2008 edition of the National Electrical Code as published by the National Fire Protection Association (NFPA NO. 70-2007) is hereby adopted and incorporated in this Chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as set forth below:

1. **Section 210.12**. Arc-fault circuit interrupter protection.
    - A. Definition: Arc-fault circuit interrupter. An arc-fault circuit interrupter is a device intended to provide protection from the effects of arc-faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc-fault is detected.
    - B. Dwelling unit bedrooms. All 120 volt, single-phase, 15- and 20- ampere branch circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter.
    - C. FPN: For information of types of arc-fault circuit interrupters, see UL 1999-1999, Standard for Arc-Fault circuit interrupter. Exceptions: The location of the arc-fault circuit interrupter shall be permitted to be at other than the origination of the branch circuit in compliance with (a) and (b).
        1. The arc-fault circuit interrupter installed within 1.8m (6 feet) of the branch circuit overcurrent device as measured along the branch circuit conductions.

2. The circuit conductors between the branch circuit overcurrent device and the arc-fault circuit interrupter shall be installed in a meal raceway or a cable with metallic sheath.

2. **Section 230.70(A)(1).** Location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service entrance conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect must be installed at the service cable entrance to the building structure.

D. Plumbing Code. The 2009 edition of the International Plumbing Code, including Appendix F, and its most current errata as published by the International Code Council is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as set forth below:

1. Chapter 1, Administration is hereby deleted.
2. **Section 305.6.1.** Sewer depth. Building sewers connected to public and private sewage disposal systems shall be installed a minimum of 12 inches below grade.
3. **Section 410.1.** Approval. Drinking fountains shall conform to ASME A112.19.1M, ASMEA112.19.2M or ASMEA112.19.9M, and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. Where water is served in restaurants, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, bottled water dispensers or break rooms with a kitchen sink shall be permitted to be substituted for the required drinking fountains.
4. **Section 604.9.** Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. A water-hammer arrestor shall be installed where quick-closing valves are utilized, unless otherwise approved. Water-hammers arrestors shall be installed in accordance with the manufacturer's specifications. Water-hammer arrestors shall conform to ASSE 1010. Exception: Each water supply line to a fixture, except tank type water closets, may terminate with an air chamber. All air chambers shall be placed in a vertical position in a tee opening. Each air chamber shall be not less than 12 inches in length and of a diameter not less than the branch it serves.
5. **Section 715.1.** Sewage backflow. A sewage backflow valve shall be installed per the City of Lone Jack Code of ordinances appendix on page 7.47.
6. **Section 904.1.** Roof extension. All open vent pipes that extend through a roof shall be terminated at least 6 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.
7. **Section 1002.4.** Trap seals. Each fixture trap shall have a liquid seal of not less than 2 inches (51 mm) and not more than 4 inches (102 mm), or deeper for special designs relating to accessible fixtures. Where a trap seal is subject to loss by evaporation, a deep-seal trap consisting of a 4-inch (102 mm) seal or a trap seal primer valve shall be installed. A trap seal primer valve shall conform to ASSE 1018 or ASSE 1044.
8. **Section 1101.3.** Prohibited drainage. Storm water shall not be drained into sewers intended for sewage only. Sanitary sewer systems shall be designed, built and maintained in such a manner to prevent all storm or ground water from

draining, discharging or entering into the sanitary sewer system. Connection of sump pumps, foundation drains, yard drains, gutter downspouts and any other storm water drainage receptacles(s) or system(s) are specifically prohibited from being connected to the sanitary sewer system.

E. Mechanical Code. The 2009 edition of the International Mechanical Code, and its most current errata as published by the International Code Council is hereby adopted and incorporated in this chapter as fully as if set forth herein.

F. Fuel Gas Code. The 2009 edition of the International Fuel Gas Code, and its most current errata as published by the International Code Council is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as set forth below:

1. Chapter 1, Administration is hereby deleted.
2. **Section 403.4.3.** Copper and brass. Copper and brass tubing shall not be utilized to distribute fuel gas.
3. **Section 403.4.4.** Aluminum. Aluminum or aluminum alloy tubing shall not be utilized for the distribution of fuel gas.
4. **Section 403.5.1.** Steel tubing. Steel tubing shall not be utilized to distribute natural gas nor shall it be utilized to distribute any other fuel gas within a building or structure.
5. **Section 403.5.2.** Copper and brass tubing. Copper and brass tubing shall not be utilized to distribute natural gas nor shall it be utilized to distribute any other fuel gas within a building or structure.
6. **Section 403.5.3.** Aluminum tubing. Aluminum tubing shall not be utilized to distribute natural gas nor shall it be utilized to distribute any other fuel gas within a building or structure.
7. **Section 406.4.1.** Test pressure. The test pressure to be used shall not be less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (68.9 kPa) irrespective of design pressure. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column pressure, the test pressure shall not be less than 60 psig. Where the test pressure shall not be less than 60 psig. Where the test pressure exceeds 125 psig (862 kPa), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.
8. **Section 406.4.2.** Test duration. Test duration shall not be less than 30 minutes for welding pipe or each 500 cubic feet 914m3 of pipe volume or fraction thereof. When testing a system having a volume less than 10 cubic feet (0.28m3) or a single-family dwelling, the test shall not be less than 10 minutes.

G. Residential Code. The 2009 edition of the International Residential Code, including appendices E, H, and J, and its most current errata as published by the International Code Council is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such portions thereof as are specifically added or amended as set forth below.

1. Chapter 1. Administration is hereby deleted.
2. Table R301.2(1) Climatic and geographic design criteria shall include the following data:
   A. Ground Snow Load: 20 pounds per square foot.

B. Wind Speed: 90 miles per hour.
C. Seismic Design Category: A.
D. Weathering: Severe.
E. Frost Line Depth: 36 inches.
F. Termite: Moderate to heavy.
G. Decay: Slight to moderate.
H. Winter Design Temperature: Six degrees Fahrenheit.
I. Ice Shield Underlayment Required: No.
J. Flood Hazards: See Article 6, Division 2 of the Unified Development Ordinance.
K. Air Freezing Index: 927.
L. Mean Annual Temperature: 55.5 degrees Fahrenheit

3. Table R301.5 MINIMUM UNIFORMLY DISTRUBTED LIVE LOADS (in pounds per square foot)

USE	LIVE LOAD
Attics with limited storage [b,g,h]	20
Attics without storage [b]	10
Decks [e]	40
Exterior balconies	60
Fire escapes	40
Guardrails and handrails [d]	200 [i]
Guardrails in-fill components [i]	50 [i]
Passenger vehicle garages [a]	50 [a]
Rooms other than sleeping rooms	40
Sleeping Rooms	30
Stairs	40 [c]

For SI: 1 pound per square foot = 0.0479kPa, 1 square inch = 645 mm², 1 pound = 4.45 N.

a. Elevated garage floors shall be capable of supporting a 2,000 pound load applied over a 20 square-inch area.

b. Attics without storage are those attic areas that are not accessed by a pull-down stair, or a scuttle with a dimension of less than or equal to 30 inches high by 24 inches wide.

c. Individual stair treads shall be designed for the uniformly distributed live load or a 300 pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.

d. A single concentrated load applied in any direction at any point along the top.

e. See Section R502.2.1 for decks attached to exterior walls.

f. Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an

area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.

g. For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are 2 or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high or greater by 24 inches wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member.

h. Attic spaces served by a fixed stair shall be designed to support the minimum live load specified for sleeping rooms.

i. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

4. **Section R303.3.** Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.279 m^2), one-half of which must be open able. Exception: The glazed area shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (23.6 L/s) for intermittent ventilation or 20 cfm (9.4 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or to an attic ventilated in accordance with Section R806. The point of discharge of the exhaust air shall be at least 3 feet from any opening into the building. Bathrooms which contain only a water closet or lavatory, or combination thereof, and similar rooms, may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

5. **Section R303.4.2.** Exhaust openings. Outside exhaust openings shall be located so that exhaust air is not directed onto public walkways.

6. **Section R303.6.** Stairway illumination. All interior stairways and any exterior stairways that are part of the required means of egress shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. For interior stairs the artificial light sources shall be capable of illuminating treads and landings to levels not less than one (1) foot-candle (11 lux) measured at the center of treads and landings. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway. Exception: An artificial light source is not required at the top and bottom landing, provided an artificial light source is located directly over each stairway section.

7. Section R305.1. Minimum height. Habitable rooms, hallways, corridors, the required bathroom and/or toilet room, laundry rooms and basements shall have a ceiling height of not less than 7 feet (2,134 mm). The required height shall be measured from the finish floor to the lowest projection from the ceiling.

A. Exceptions:

1. Beams and girders spaced not less than 4 feet (1,219 mm) on center may project not more than 6 inches (152 mm) below the required ceiling height. Ceilings in basements without habitable spaces may project to within 6 feet, 8 inches (2,032 mm) of the finished floor; and beams, girders, ducts or other obstructions may project to within 6 feet, 4 inches (1,931 mm) of the finished floor.
2. Ceilings in basements without habitable spaces may project to within 6 feet, 8 inches (2,032 mm) of the finished floor; and beams, girders, ducts or other obstructions may project to within 6 feet, 4 inches (1,931 mm) of the finished floor.
3. Not more than 50 percent of the required floor area of a room or space is permitted to have a sloped ceiling less than 7 feet (2,134 mm) in height with no portion of the required floor area less than 5 feet (1,524 mm) in height.
4. The required bathroom and/or toilet room shall have a minimum ceiling height of 6 feet eight 8 inches (2,036 mm) over the fixtures and at the front clearance area for fixtures as shown in Figure R307.2. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet eight 8 inches (2,036 mm) above a minimum area 30 inches (762 mm) by 30 inches (762 mm) at the showerhead.

8. **Section R302.6** Separation required. Also see Table 302.6. The garage shall be separated from the residence and its attic area by ⅝ - inch, Type X gypsum board, or equivalent materials approved for one-hour fire –resistive construction, applied to the garage side. Where the separation is a floor-ceiling assembly, the structure approved for one-hour fire-resistive construction or equivalent, applied to the garage side. Pull down stairs located within garages shall be rated or be adequately protected with materials approved for one-hour fire-resistive construction. Attic access panels located within garages shall be of ⅝ - inch, Type X gypsum board or materials approved for one-hour fire-resistive construction. Exception: Isolated concrete filled lolly columns supporting the separation shall not require a ⅝-inch, Type X gypsum board application or equivalent.

9. **Section R310.1.** Emergency escape and rescue. Any new basement or basement addition constructed on or after March 2011 and every sleeping room shall have at least one operable emergency and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1,118 mm) above the floor or adjacent interior standing surface. The adjacent interior standing surface shall be permanent in nature; the full width of the opening; consist of a minimum 10 inch tread; have a maximum rise of 7¾ inches. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure

shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way. Exception: Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m^2).

10. **Section R311.3** Landings at doors. There shall be a floor or landing on each side of each exterior door. The interior floor or landing at the exterior door shall not be more than 1.5 inches (38 mm) lower than the top of the threshold, provided the door, other than an exterior storm or screen door does not swing over the landing. The exterior floor or landing shall be permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (two percent).

A. Exception:
   1. Where a stairway of four (4) or fewer risers is located on the exterior side of a door, other than the required exit door, and the total rise measured from the threshold of the door to the exterior grade or finished surface is 30 inches or less, a landing is not required for the exterior side of the door provided the door, other than an exterior storm or screen door does not swing over the stairway.

   2. The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

11. **Section R311.7.7.2**. Continuity. Handrails for stairways shall be provided for the full length of the flight, from a point directly above the top riser of the flight to a point directly above lowest riser of the flight. Handrail ends shall be returned into a wall or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1½ inches (38 mm) between the wall and the handrail.

A. Exceptions:
   1. Handrails shall be permitted to be interrupted by a newel post.
   2. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.

12 **Section R311.7.7.3.** Handrail grip size. All required handrails shall be of one of the following types or provide equivalent grasp ability.

A. Type I. Handrails with a circular cross section shall have an outside diameter of at least one and one-quarter (1¼) inches (32 mm) and not greater than two (2) inches (51 mm). If the handrail is not circular it shall have a perimeter dimension of at least four (4) inches (102 mm) and not greater than six and one-quarter (6¼) inches (160 mm) with a maximum cross section of dimension of two and one-quarter (2¼) inches (57 mm).

B. Type II. Handrails with a perimeter greater than six and one-quarter (6¼) inches (160 mm) shall provide a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of three-fourths (¾) inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least five-sixteenths (5/16) inch (8 mm) within seven-eighths (⅞) inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least three-eighths (⅜) inch (10 mm) to a level that is not less than one and three-quarters (1¾) inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be one and one-quarter (1¼) inches (32 mm) to a maximum of two and three-quarters (2¾) inches (70 mm). Edges shall have a minimum radius of one-hundredth (0.01) inch (0.25 mm).

C. Exception: Handrails provided at other non-required exterior stairs may have a maximum horizontal cross-sectional dimension of three and one-half (3½) inches and shall be easily graspable.

13. **Section R312.3.** Guard opening limitations. Required guards on open sides of stairways, ramps, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches (102 mm) or more in diameter.

A. Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such size that a sphere 6 inches (152 mm) cannot pass through.
2. Openings for required guards on the sides of stair treads shall not allow a sphere 4⅜ inches (107 mm) to pass through.

14. **Section R313**. Automatic fire sprinkler systems.

A. A builder of single family dwellings or residences or multi-unit dwellings of four (4) or fewer units shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling, residence, or unit.

B. Notwithstanding any other provision of law to the contrary, no purchaser of such a single family dwelling, residence, or multi-unit dwelling shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or residence being purchased.

C. The provisions of this section, which are intended to mirror the requirements of §67.281, RSMo, shall expire on December 31, 2019.

15. **Section R317.1.1**. Field treatment is hereby deleted.

16. **Section R318.1.2.** Field treatment is hereby deleted.

17. **Section R320.1.** Scope. Where there are 4 or more dwelling units in a single structure, the provisions of Chapter 11 of the International Building Code for Group R-3 shall apply.

18. **Section R323** Storm Shelters is hereby deleted.

19. **Section 401.3.** Minimum Standards. Drainage.

A. Minimum standards: All drainage facilities shall be designed to carry waters to the nearest drainage way, storm sewer conveyance, or other approved point of collection and conveyance. Erosion of ground in the area of discharge shall be prevented by installation of erosive control devices. Unless specified drainage ways and swales are specifically approved by the Building Official, abutting property lines between structures shall be designed to function as drainage ways. The toe of slopes shall set back from the property line a minimum of one-foot. The area surrounding the building foundation shall have a drainage gradient as provided for in the International Residential Code, as amended from time to time with a drainage gradient thereafter of not less than 2 percent toward approved drainage facilities unless waived by the Building Official.

B. Prohibited conduct: No person shall allow or cause any:

1. Obstruction to be created, installed or maintained within any drainage way, detention facility, or engineered swale which will create ponding on adjacent property, divert water onto the adjoining property, or impede drainage. Fences may be erected in such areas provided they do not restrict the flow of water.

2. Water from intermittent sources such as discharges from sump pumps, down spouts, foundation drains, swimming pools, swimming pool back washes, or other similar sources excluding lawn sprinklers to be discharged closer than:
   i. Five (5) feet to any adjoining side or rear property line(s).
   ii. The platted right-of-way line where no public sidewalk or paved pedestrian walk way exist.
   iii. Five (5) feet to any edge of a public sidewalk or paved public walkway.

C. Enforcement: Where such conditions exist and the Code Official has given written notice of the violation, the owner of the property shall take appropriate measures to eliminate the problems caused on the adjacent property, within the period stated in the notice, and failure to do so shall be a violation of this Chapter.

20. **Section R403.1.** General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other

approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Exception: One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 sq. ft., and the structure is associated with one- or two-family dwelling units or townhouses.

21. **Section R403.1.1.** Footing reinforcement. Footings for basement foundation walls shall have a minimum reinforcement consisting of not less than 2 No. 4 bars, uniformly spaced, located a minimum of 3 inches clear from the bottom and edges of the footing. Column pads shall be a minimum of 24 inches by 24 inches and 8 inches deep (24" x 24" x 8"). Reinforcement shall consist of a minimum of three (3) No. 4 bars each way, uniformly spaced, within each column pad.

22. **Section R404.1.3.** Design required. A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the following conditions exist:

A. Walls are subject to hydrostatic pressure from ground-water.
B. Walls supporting more than forty-eight (48) inches (1,219 mm) of unbalanced backfill that do not have permanent lateral support at the top and bottom.

C. Foundation Walls over ten (10) feet in height measured from the top of the footing to the top of the wall.

23. **Section R404.1.7.** Backfill placement. Backfill shall not be placed against the wall until the wall has sufficient strength or has been sufficiently braced to prevent damage by the backfill. Exception: Such bracing is not required for walls supporting less than 4 feet (1,219 mm) of unbalanced backfill.

24. **Section R405.1.** Concrete or masonry foundations. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Drainage tiles, perforated pipe or other approved systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. The top of open joints of drain tiles shall be protected with strips of building paper, and the drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches (152 mm) of the same material.

25. **Section R506.2.1**. Fill. Fill material shall be free of vegetation and foreign material. The fill shall be compacted to assure uniform support of the slab, and except where approved, the fill depths shall not exceed 24 inches (610 mm) for clean sand or gravel and 8 inches (203 mm) for earth. Exception: Concrete floor slabs may be engineered to span soils not in compliance with the R506.2.1, however all fills under buildings shall be free from vegetation and foreign material.

26. **Section R506.2.3.** Vapor retarder. A six (6) mil (0.006 inch) polyethylene or approved vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the prepared sub-grade where no base course exists.

A. Exceptions: The vapor retarder may be omitted:

1. From garages, utility buildings and other unheated accessory structures.
2. From driveways, walks, patios and other flatwork not likely to be enclosed and heated at a later date.
3. Where approved by the Building Official, based on local site conditions.

27. **Section R506.2.5.** Interior under slab drains. Where foundations retain earth and enclose habitable or usable space located below grade, drains shall be provided below the floor slab. Drainage tiles, perforated pipe or other approved systems or materials shall be installed at or below the area(s) to be protected; shall be placed with positive or neutral slope to minimize the accumulation of deposits in the drainage system; and shall discharge by gravity or mechanical means to an approved storm water drainage system. The under slab drainage system shall be installed around the inner perimeter of the area(s) to be protected, or, in a manner that will provide adequate drainage for all area(s) to be protected and is approved by the Building Official. Interior under slab drains installed on uncompact fill material shall be supported by mechanical means which are adequately tied into the concrete slab to ensure proper drainage throughout the under slab drain(s).

28. **Section R612.5.** Window sills is hereby deleted.

29. **Section R703.6.2**. Plaster. Plastering with Portland cement plaster shall be not less than 3 coats when applied over metal lath or wire lath and shall be not less than 2 coats when applied over masonry, concrete, pressure-preservative treated wood or decay-resistant wood as specified in Section R319.1 or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only 2 coats, provided the total thickness is as set forth in Table R702.1(1). Exception: Decorative coatings consisting of a cementitious material applied to a concrete or masonry surface for cosmetic purposes only shall be approved materials and installed in accordance with the manufacturer's installation instructions.

30. **Section R801.3.** Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet from foundation walls or to an approved drainage system.

31. **Section R902.1.** Roof covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. Except where the Code requires greater protection, roof coverings for new buildings or structures or additions thereto, or roof coverings utilized for re-roofing shall be a minimum of Class C. Class A, B or C roofing shall be installed in areas designated by law as requiring their use or

when the edge of the roof is less than 3 feet (914 mm) from a property line. Classes A, B and C roofing required to be listed by this section shall be tested in accordance with UL 790 or ASTM E 108. Roof assemblies with coverings of brick, masonry, slate, clay or concrete roof tile, exposed concrete roof deck, ferrous or copper shingles or sheets, and metal sheets and shingles, shall be considered Class A roof coverings.

32. **Section R907.1**. General. Materials and methods of application used for re-covering or replacing an existing roof covering shall comply with the requirements of Chapter 9 as amended. Re-roofing includes any repairs of more than 10 percent or less of the total roof covering in any three-year period. A repair of 10 percent or less of the total roof covering in any 3 year period may utilize approved roofing materials comparable to the existing roofing materials.

A. Exceptions:
   1. Re-roofing shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (two (2) percent slope) in Section R905 for roofs that provide positive roof drainage.
   2. Any roof replacement due to a covered insured loss prior to March 2011 may be replaced with the same class and type of roofing material which were on the roof prior to the loss.

33. Chapter 11 is hereby deleted.

34. Chapter 12. Mechanical administration is hereby deleted.

35. **Section M1308.3.** Foundations and supports. Supports and foundations for the outdoor mechanical systems shall be sufficiently raised above the finished grade to permit free drainage, and shall conform to the manufacturer's installation instructions.

36. **Section M1403.2.** Foundations and supports. Supports and foundations for the outdoor unit of a heat pump shall be sufficiently raised above the ground to permit free drainage of defrost water, and shall conform to the manufacturer's installation instructions.

37. **Section M1413.1** General. Cooling equipment that utilizes evaporation of water for cooling shall be installed in accordance with the manufacturer's installation instructions. Evaporative coolers shall be installed on a level platform or base and shall be sufficiently raised above the adjoining ground. Openings in exterior walls shall be flashed in accordance with Section R703.8.

38. **Section M1501.1.** Outdoor discharge. The air removed by every mechanical exhaust system shall be discharged to the outdoors. Air shall not be exhausted into an attic, soffit, ridge vent or crawl space.

A. Exception:
   1. Whole-house ventilation-type attic fans that discharge into the attic space of dwelling units having private attics shall be permitted.

2. Bathroom exhaust fans installed in accordance with amended Section R303.3.

39. **Section M1507.2.** Recirculation of air. Exhaust air from bathrooms and toilet rooms shall not be recirculated within a residence or to another dwelling unit and shall be exhausted in accordance with amended Section R303.3.

40. **Section M1601.3.1.** Joints and seams. Joints of duct systems shall be made substantially airtight by means of tapes, mastics, gaskets or other approved closure systems. Closure systems used with rigid fibrous glass ducts shall comply with UL 181A and shall be marked "181A-P" for pressure-sensitive tape, "181 A-M" for mastic or "181 A-H" for heat-sensitive tape. Closure systems used with flexible air ducts and flexible air connectors shall comply with UL 181B and shall be marked "181B-FX" for pressure-sensitive tape or "181B-M" for mastic. Duct connections to flanges of air distribution system equipment or sheet metal fittings shall be mechanically fastened. Crimp joints for round ducts shall have a contact lap of at least one and one-half (1.5) inches (38 mm) and shall be mechanically fastened by means of at least 3 sheet metal screws or rivets equally spaced around the joint. Exception: Crimp joints for round ducts may have less than 3)screws or rivets, but shall in no case have less than one; providing the joint is supported or secured by approved means to prevent displacement of the joint.

41. **Section 1602.2.** Prohibited sources. Outside or return air for a forced-air hearing or cooling system shall not be taken from the following locations:

A. Closer than 10 feet (3,048 mm) from an appliance vent outlet, a vent opening from a plumbing drainage system or the discharge outlet of an exhaust fan, unless the outlet is 3 feet (914 mm) above the outside air inlet.

B. Where there is the presence of flammable vapors; or where located less than 10 feet (3,048 mm) above the surface of any abutting public way or driveway; or where located at grade level by a sidewalk, street, alley or driveway.

C. A room or space, the volume of which is less than 25 percent of the entire volume served by such system. Where connected by a permanent opening having an area sized in accordance with ACCA Manual D, adjoining rooms or spaces shall be considered as a single room or space for the purpose of determining the volume of such rooms or spaces.

   Exception: The minimum volume requirement shall not apply where the amount of return air taken from a room or space is less than or equal to the amount of supply air delivered to such room or space.

D. A closet, bathroom, toilet room, kitchen, garage, mechanical room, furnace room or other dwelling unit.

   Exception: Closets of such size that are provided with a supply duct(s) may have return air opening(s).

E. A room or space containing a fuel-burning appliance where such room or space serves as the sole source of return air.
    1. Exceptions:
        i. The fuel-burning appliance is a direct-vent appliance or an appliance not requiring a vent in accordance with Section M1801.1 or Chapter 24.
        ii. The room or space complies with the following requirements:
            a) The return air shall be taken from a room or space having a volume exceeding 1 cubic foot for each 10 Btu/h (9.6 L/W) of combined input rating of all fuel-burning appliances therein.
            b) The volume of supply air discharged back into the same space shall be approximately equal to the volume of return air taken from the space.
            c) Return-air inlets shall not be located within 10 feet (3,048 mm) of any appliance firebox or draft hood in the same room or space.
        iii. Rooms or spaces containing solid-fuel burning appliances, provided that return-air inlets are located not less than 10 feet (3,048 mm) from the firebox of such appliances.

42. **Section M1804.2.6.** Mechanical draft systems. Mechanical draft systems shall be installed in accordance with their listing, the manufacturer's installation instructions and, except for direct vent appliances, the following requirements:

A. The vent terminal shall be located not less than 3 feet (914 mm) above a forced air inlet located within 10 feet (3,048 mm).

B. The vent terminal shall be located not less than 4 feet (1,219 mm) below, 4 feet (1,219 mm) horizontally from, or 1 foot (305 mm) above any door, window or gravity air inlet into a dwelling.

C. The vent termination point shall not be located closer than 3 feet (914 mm) to an interior corner formed by 2 walls perpendicular to each other.

D. The bottom of the vent terminal shall be located at least 12 inches (305 mm) above finished ground level.

E. The vent termination shall not be mounted directly above or within 3 feet (914 mm) horizontally from an oil tank vent or gas meter.

F. Power exhauster terminations shall be located not less than 10 feet (3,048 mm) from adjacent buildings.

G. The discharge shall be directed away from the building.

43. **Section G2414.5.** Metallic tubing. Seamless copper, aluminum alloy or steel tubing shall not be utilized for the distribution of fuel gas. Exception: Corrugated stainless steel tubing as referenced in Section 2414.5.3.

44. **Section G2414.5.2.** Copper tubing. Copper tubing shall comply with standard Type K or L of ASTM B 88 or ASTM B 280. Copper and brass tubing shall not be utilized to distribute natural gas nor shall it be utilized to distribute any other fuel gas within a building or structure.

45. **Section G2417.4.1.** Test pressure. The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (68.9 kPa) irrespective of design pressure. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column pressure, the test pressure shall not be less than 60 psig. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

46. **Section P2501.** General is hereby deleted.

47. **Section P2601.2.1.** Prohibited drainage and connections. Sanitary sewer systems shall be designed, built and maintained in such a manner to prevent all storm or ground water from draining, discharging or entering into the sanitary sewer system. Connection of sump pumps, foundation drains, yard drains, gutter downspouts and any other storm water drainage receptacle(s) or system(s) are specifically prohibited from being connected to the sanitary sewer system.

48. **Section P2603.6.** Freezing. Water, soil or waste pipe shall not be installed outside of a building, in exterior walls, in attics or crawl spaces, or in any other place subjected to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 42 inches in depth below grade.

49. **Section P2603.6.1.** Sewer depth. Building sewers shall be a minimum of 12 inches below grade.

50. **Section P2604.5.** Inspection. Excavations required for the installation of a building drainage system shall be open trench work and shall be kept open until the piping has been inspected and approved to cover.

51. **Section P2902.5.3**. Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a device approved by the Missouri Department of Natural Resources. Backflow devices installed within structures shall be installed a minimum of 6 inches away from any wall or vertical obstruction. The backflow device shall be installed between 12 inches and 48 inches above the floor and shall be accessible.

52. **Section P2903.5.** Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. A water-hammer arrestor shall be installed where quick-closing valves are utilized. Water-hammer arrestors shall be installed in accordance with manufacturer's specifications. Water-hammer arrestors shall conform to ASSE 1010. Exception: Each water supply line to a fixture, except tank type water closets, may terminate with an air chamber. All air chambers shall be placed in a vertical position in a tee opening. Each air chamber shall be not less than 12 inches in length and of a diameter not less than the branch it serves.

53. **Section P2904.** Dwelling unit fire sprinkler system is hereby deleted.

54. **Section P2903.5.** Building sewer. Building sewer piping shall be as shown in Table P3002.2. Forced main sewer piping shall conform to one of the standards for ABS plastic pipe, cast-iron pipe, copper or copper-alloy tubing, PVC plastic pipe, or pressure-rated pipe listed in Table P3002.2. In addition, building sewer piping shall be a minimum of schedule 40 PVC/ABS or equivalent unless otherwise approved by the Building Official.

55. **Section P3005.4.2.** Building drain and sewer size and slope. Pipe sizes and slope shall be determined from Table P3005.4.2 on the basis of drainage load in fixture units (d.f.u.) computed from Table P3004.1. The minimum size of a building sewer serving a dwelling unit shall be 4 inches.

56. **Section P3008.1.** General is hereby deleted.

57. **Section P3008.2.** Construction is hereby deleted.

58. **Section P3103.1.** Roof extensions. All open vent pipes which extend through a roof shall be terminated at least 6 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2,134 mm) above the roof.

59. **Section P3114.3.** Where permitted. Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to an air admittance valve only when approved by the Administrative Authority.

60. **Section E3501.6.2.** Service disconnect location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect shall be installed at the service cable entrance to the building or structure. Service disconnecting means shall not be installed in bathrooms. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

61. **Section E3802.12.** Bedroom outlets. All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms shall be protected by a combination type or branch/feeder type arc-fault circuit interrupter installed to provide protection of the entire branch circuit.

A. Exception: The location of the arc-fault circuit interrupter shall be permitted to be at other than the origination of the branch circuit provided that:

1. The arc-fault circuit interrupter is installed within 6 feet (1.8 m) of the branch circuit overcurrent device as measured along the branch circuit conductors; and

2. The circuit conductors between the branch circuit overcurrent device and the arc-fault circuit interrupter are installed in a metal raceway of a cable with a metallic sheath.

62. Section E4002.14. Taper-resistant receptacles is here by deleted.

5.7 Flood Hazards

A. FINDINGS OF FACT.

1. Flood Losses Resulting From Periodic Inundation.

   The flood hazard areas 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.

2. General Causes of These Flood Losses.

   These flood losses are caused by (1) The cumulative effect of obstruction in floodways causing increases in flood heights and velocities; and (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.

3. Methods Used to Analyze Flood Hazards.

   This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

   a. Selection of a regulatory flood which 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 regulatory flood selected for this ordinance is representative of large floods known to have occurred in this region and which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to occur on the average once every 100 years or has a one percent (1%) chance of occurrence in any one year, as delineated
   on the preliminary draft of the Federal Insurance Administration's Flood Insurance Study, and illustrative materials (FIRM) dated June 24, 1974, as amended.

   b. Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

   c. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

d. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increases in flood height.

e. Delineation of the floodway fringes, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

B. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize those losses described in Paragraph A.2.a. by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or cause increased flood heights or velocities.

2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the Federal Flood Insurance Program.

C. GENERAL PROVISIONS.

1. LANDS TO WHICH ORDINANCE APPLIES.

This ordinance shall apply to all lands within the jurisdiction of the City identified on the flood Insurance Rate Map (F.I.R.M.) as numbered and unnumbered A Zones and within the Zoning Districts FW and FF established in Paragraph D of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon a Permit to develop granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the city and where specifically noted in paragraphs E., F., and G.

2. THE ENFORCEMENT OFFICER

The Zoning Administrator hereby designated as the Board of Aldermen's duly designated Enforcement Officer under this Ordinance.

3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the floodway and floodway fringe overlay districts are shown on the Flood Insurance Rate Map and are hereby adopted as a part of the official zoning map. Where interpretation is required as to the exact location of the boundaries of the districts as shown on the zoning map or there appears to be a conflict between a mapped boundary and actual field conditions, the Planning Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustments will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land, The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case and to submit his own technical evidence, if he so desires.

4. COMPLIANCE.

No structure, land or water shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

5. ABROGATION AND GREATER RESTRICTIONS.

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

6. INTERPRETATION.

The interpretation and application of the provisions of this ordinance shall be held to be minimum requirements and 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.

7. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study; however, larger floods may occur on rare occasions and flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such district will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the City or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

8. SEVERABILITY.

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

9. APPEAL TO BOARD OF ADJUSTMENTS.

Where a request for a Permit to develop is denied by the Zoning Administrator, the applicant may apply for such permit or variance directly to the Board of Adjustment.

The Board of Adjustment may grant or deny such request by appropriate resolution adopted within 30 days after the date of such application to the Board of Adjustment.

D. DEVELOPMENT PERMIT.

1. PERMIT REQUIRED.

No person, firm or corporation shall initiate any development within floodway and floodway fringe overlay districts or cause the same to be done without first obtaining a separate permit for development for each such building, structure or other development.

2. APPLICATION FOR PERMIT.

a. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:

(i) Identify and describe the work to be covered by the permit for which application is made.

(ii) Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.

(iii) Indicate the use or occupancy for which the proposed work is intended.

(iv) Be accompanied by plans and specifications

for proposed construction.

(v) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

(vi) Be accompanied by elevations (in relation to mean sea level) of the lowest floor (including basement) or in the case of flood proofed non-residential structures, the elevation to which it has been flood proofed. Documentation or certification of such elevations will be maintained by the Zoning Administrator.

(vii) Give such other information as reasonably may be required by the Zoning Administrator.

b. The Zoning Administrator shall review all building permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State law (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S. Code 1334) and make recommendations for development in all locations which have flood hazards.

c. The Zoning Administrator shall notify the community downstream from the development and the State Coordinator of the Division of Disaster Preparedness prior to any alterations or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration.

d. The Zoning Administrator shall require assurances from the applicant that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. ESTABLISHMENT OF ZONING DISTRICTS.

The mapped flood plain areas within the jurisdiction of this ordinance are hereby divided into the two following districts: a floodway overlay district (FW) and floodway fringe overlay district (FF) identified in the Flood Insurance Study and shown on the Flood Boundary and Floodway Maps. The boundaries of these districts shall become part of the official zoning map. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Insurance Administration:

F. STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT AND THE FLOODWAY FRINGE OVERLAY DISTRICT.

In all areas of special flood hazards, the following provisions are required:

1. All new construction and substantial improvements shall anchored to prevent flotation, collapse or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

4. That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the city's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference: Paragraph A.2.c.1) of this section.

5. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

6. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

7. Storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

8. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

9. Subdivision proposals and other proposed new development shall be 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, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) 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 the regulatory flood elevation.

10. All utility and sanitary facilities shall be flood proofed up to the regulatory flood protection elevation so that any space below the regulatory flood protection elevation is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads

and effect of buoyancy.

In all unnumbered A zones where Flood Insurance Study data is not furnished, any base flood elevation and floodway data currently available from Federal, State or other sources will be used.

G. FLOODWAY OVERLAY DISTRICT.

1. PERMITTED USES.

Only uses having a low flood-damage potential and not obstructing flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of paragraph E.

The following uses are permitted where such uses are also permitted by the appropriate zoning district.

a. Agricultural uses such as general farming, pasture, nurseries, forestry.

b. Residential uses such as lawns, gardens, parking and play areas.

c. Non-residential areas such as loading areas, parking, airport landing strips.

d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

H. FLOODWAY FRINGE OVERLAY DISTRICT.

1. PERMITTED USES.

Any use permitted in Paragraph F shall be permitted in the Floodway Fringe Overlay District. Other uses which are permitted by the appropriate zoning district shall be permitted subject to the standards set forth in Paragraph G.2. No use shall be permitted in the district unless the standards of Paragraph E. are met.

2. STANDARDS FOR THE FLOODWAY FRINGE OVERLAY DISTRICT

a. New construction or substantial improvements of residential structures shall have the lowest floor, including basement, elevated to at least one foot above

the regulatory flood elevation.

b. New construction or substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated to at least one
foot above the regulatory flood elevation or, together with attendant utility and sanitary facilities, shall be flood-proofed up to one foot above the regulatory flood elevation.

c. New manufactured homes, manufactured homes that are substantially improved, manufactured home parks, and manufactured home subdivisions or expansions of the same, shall comply with the following requirements:

(i) Specific anchoring standards to be met:

Over-the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.

Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.

All components of the anchoring system shall be capable of carrying a force of 4,800

pounds. Any additions to manufactured homes shall be similarly anchored.

(ii) All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section G, Paragraph 2.c.1).

d. New construction and substantial improvements with fully enclosed areas below the lowest floor 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 minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one 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.

I. CERTIFICATION AND INFORMATION.

1. Flood Proofing - Applicants for a development permit for a flood- proofed structure shall provide certification by a registered professional engineer or

architect that the flood proofing plans are adequate to be water tight with walls impermeable to the passage of water and withstand the hydrostatic and hydrodynamic forces associated with the 100-year flood.

2. Flood proofing of residential structures will not be allowed unless an exception is specifically granted from the provisions of this ordinance by the Administrator of the Federal Insurance Administration.

3. Elevation of Property - the applicant shall provide information identifying the elevation of the property in relation to mean sea level of the lowest floor (including the basement of the proposed structure) to which structures are flood proofed. In addition, the applicant shall provide this information for the second lowest floor when the lowest floor is below grade on one or more sides.

4. The Zoning Administrator will maintain the records of certification when issuing development permits in conformance with this section.

J. VARIANCE

1. Where by reason of exceptional narrowness, shallowness, shape of topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this ordinance would result in peculiar and exceptional hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, the Board of Adjustment may authorize a variance from strict application so as to relieve the demonstrable difficulties or hardships, provided that such a variance may only be granted if:

a. The structure is to be erected on a lot of one half acre or less in size and such lot is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood protection elevation; or

b. The structure is listed on the National Register of Historic
Places, the State Inventory of Historic Places and is to be restored or reconstructed.

2. Variances shall not be issued except upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the variance issuance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local or state laws or ordinances.

3. Variances may only be issued upon a determination that the applicant requesting a variance shall meet the minimum necessary standards of this ordinance to afford relief.

4. The applicant shall be notified in writing by the Planning Officer that the issuance of a variance to locate a structure at an elevation below the 100-year

flood level will result in increased actuarial rates for flood insurance coverage.

K. NON-CONFORMING USE.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following instructions:

a. No such use or substantial improvement of that use shall be expanded, changed, enlarged or altered in a way which increases its non-conformity.

b. If such use is discontinued for three consecutive months, any future use of the building premises shall conform to this ordinance. The Finance Department shall notify the Planning Officer in writing of instances of non-conforming uses where utility services have been discontinued for a period of three months.

c. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.

2. If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations, or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

L. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 or imprisoned for not more than
90 days, or both, 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 or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

M. AMENDMENTS:

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed or appealed 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 in interest and citizens shall have an opportunity to be heard. At least fifteen

(15) day's notice of the time and place for such hearing shall be published in a newspaper of general circulation in the. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations.

N. DEFINITIONS.

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

ACTUARIAL RATES - or "risk premium rates" are those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

CHANNEL - A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of a defined channel.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FLOOD - A temporary rise in streams flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel. An unusual and rapid accumulation of runoff or surface waters from any source.

FLOOD ELEVATION DETERMINATIONS - A determination of the water surface elevations of the 100-year flood; that is, the level of flooding that has a 1 percent change of occurrence in any given year.

FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared by the Department of Housing and Urban Development - Federal Insurance Administration for a community delineating where flood insurance may be sold and the risk premium zones applicable to such area.

FLOOD INSURANCE STUDY (FIS) - The official report provided by the Federal Insurance Administration. The report contains flood profiles and water surface elevations for various flood frequencies as well as the boundaries and water surface elevations of the
100-year flood.

FLOOD PLAIN MANAGEMENT - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plan, flood control works and flood plain

management regulations.

FLOOD PROTECTION SYSTEM - Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard". Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

FLOOD PROOFING - Any combination of structural and non-structural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

FLOODWAY - The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.

FLOODWAY FRINGE - That area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a 1 percent chance of flood occurrence in any one year).

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

LOWEST FLOOR - 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 non-elevation design requirements of this ordinance.

MANUFACTURED HOME - A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

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

NEW CONSTRUCTION - New construction means those structures where new construction or substantial improvement of which is begun after December 31, 1974, or the effective date of the F.I.R.M., whichever is later.

OVERLAY DISTRICT - A district which acts in conjunction with the underlying zoning district or districts.

REGULATORY FLOOD ELEVATION - Elevation indicated on the F.I.R.M. as the elevation of the 100-year flood.

REGULATORY FLOOD PROTECTION ELEVATION - An elevation one foot higher than the water surface elevation of the regulatory flood.

START OF CONSTRUCTION - (For other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-348]), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or 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; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE - A walled and roofed structure including a gas or liquid storage tank, that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, manufactured homes, and other similar uses.

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 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions or (2) any alteration which will not preclude the structure's continued designation as a "historic structure."

100-YEAR FLOOD - The base flood having one percent chance of annual occurrence. (Ordinance No. 329, § 13; 11-20-07).

5.8 Permitted Temporary Uses

1. Concrete and Asphalt Mixing Plants

A. Purpose and Intent. The purpose and intent of this section is to allow the temporary operation of a concrete or asphalt mixing plant in conjunction with a construction project for the benefit of the public within the City of Lone Jack, Missouri.

B. Conditions.

The Board of Aldermen may grant a temporary permit for an off-site concrete or asphalt mixing plant in any zoning district provided:

1. The concrete or asphalt mixing plant is being used in conjunction with a public construction project.
2. In order to keep all material used in conjunction with the public construction project, such as gravel and pipe, in a central location and not create health and safety issues with construction material spread throughout the City, the material used in conjunction with the public construction project shall be housed either on-site where the construction project is located or off-site where the temporary concrete or asphalt mixing plant in located.
3. The term of operation of the mixing plant shall be no longer than six (6) months, but may be extended for good cause at the discretion of the Board of Aldermen.
4. A cash or surety bond must be posted by the applicant in an amount not less than ten thousand dollars ($10,000.00), to guarantee the removal of the mixing plant within the permitted time for operation.
5. The mixing plant shall not create fumes, noise, dust, or other discharge which will be a nuisance to surrounding areas.
6. Permittee shall be responsible for repairing any City infrastructure that is damaged due to the location and use of the off-site concrete or asphalt mixing plant, for example, if roads are damaged because construction trucks are driving to and from the off-site temporary concrete/asphalt mixing plant and the construction site.
7. All other provisions of the City Code and Unified Development Ordinance shall be followed.

C. Notice. Upon receipt of an application for a permit to allow a temporary off-site concrete and/or asphalt mixing plant, the City shall provide notice to the property owners immediately adjacent to the proposed off-site temporary concrete and/or asphalt mixing plant property. Such notice shall be given at least 10 days prior to the Board of Aldermen's consideration of the temporary permit application and such notice shall be mailed by certified mail to the property owner of record. The notice shall contain the time, date and place of the Board of Aldermen's meeting and any interested person shall be given an opportunity to be heard at the meeting.

D. Compliance. If the permittee fails to maintain the mixing plant in accordance with this ordinance or the terms of the permit, the Board of Aldermen may revoke the permit and order cessation of the plant operations.

2. Christmas Tree Sales: Christmas tree sales are permitted in any commercial or industrial zoning district for a period not exceeding sixty (60) days prior to Christmas. Display must be on private

property. Trees shall not be displayed within thirty (30) feet of the intersection of any two streets.

3. Contractor offices and equipment sheds and trailers which are accessory to a construction project are permitted during the duration of such project.
4. Sales of farm produce grown on the premise is permitted in Agricultural, Commercial, and Industrial zoning districts.
5. Carnivals, circuses and fairs are permitted in commercial and industrial zoning districts for a time period not exceeding three (3) weeks.
6. Garage or yard sales are permitted in any zoning district provided that such use shall not exceed three (3) consecutive days in duration or shall occur more than two (2) times in a year at any location.
7. Storage of construction materials and equipment in conjunction with a construction project for the benefit of the public within the City of Lone Jack, Missouri.