

**BILL 99-08**

**ORDINANCE NO. 813**

**ZONING ORDINANCE**

**OF THE**

**CITY OF ADRIAN, MISSOURI**

**(revised)**

# ZONING ORDINANCE OF ADRIAN, MISSOURI

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## SECTION 1 - GENERAL PROVISIONS

### 1.1 PREAMBLE - There is hereby established a Zoning Ordinance for the City of Adrian, Missouri:

To protect and promote the public health, safety, convenience, comfort and general welfare of the City.

To guide the future growth and development of the City in accordance with the most beneficial, economic and efficient relationships among the residential, nonresidential and public areas within the City.

To provide adequate light, air, and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding and undue congestion of land and population.

To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of all parts of the City.

To protect and conserve the value of land throughout the City and the value of buildings appropriate to the various districts established by this Ordinance.

To bring about the gradual conformity of the uses of land and buildings throughout the City, and to minimize the conflicts among the uses of land and buildings.

To promote the most beneficial relation between the uses of land and buildings and the circulation of traffic, having a particular regard to avoiding congestion in the streets and for providing for the safe and convenient vehicular and pedestrian movements throughout the City.

To provide a guide for public policy and action relating to the uses of land and buildings throughout the City.

To limit development to an amount equal to the availability and capacity of public facilities and services.

To prevent the pollution of air, streams and ponds, and encourage the wise use and management of the natural resources throughout the City in order to preserve the integrity, stability and beauty of the City and the value of the land.

To promote the preservation of the historic character of the City and to encourage the development of uses which would add to or be in harmony with this character.

1.2 ENACTMENT CLAUSE AND SHORT TITLE

1.2-1 Enactment Clause - The City Council of Adrian, Missouri, pursuant to the authority vested by the law, hereby adopts and enacts this City ordinance known as The Zoning Ordinance of the City of Adrian, Missouri.

1.2-2 Short Title - This City ordinance may be known and cited as The Zoning Ordinance of Adrian, Missouri.

1.3 INTERPRETATION, CONFLICT AND SEPARABILITY

1.3-1 Minimum Provisions - Provisions are to be regarded as minimum provisions. In their interpretation and application, the provisions of this order shall be considered to be minimum provisions for the purpose stated above. It is hereby declared to be the legislative intent that this Ordinance shall be regarded primarily to further the public and community interests of the City.

1.3-2 Conflict With Public And Private Provisions

A. Public Provisions - The provisions of this Zoning Ordinance are not intended to interfere with, abrogate or annul any other City Ordinance, County Court Order, rule or regulation, statute or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other provision of this ordinance or any other City Ordinance, County Court Order, statute, rule, regulation or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.

B. Private Provisions - The provisions of this Zoning Ordinance are not intended to abrogate any easement, covenant or any other private agreement, or restriction, provided that where the provisions of this Zoning Ordinance are more restrictive or impose higher standards than such easement, covenant or other private agreement or restriction, the requirements of this Zoning Ordinance shall govern. Where the provisions of the easement, covenant or other private agreement or restriction are higher standards than this Zoning Ordinance or determinations made thereunder, then such private provisions shall be operative and supplemental to the provisions of this Ordinance and determinations made thereunder.

1.3-3 Separability - If any part or provision of this Ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Ordinance or the application thereof to other persons or circumstances. The

City hereby declares that it would have enacted the remainder of this Ordinance even without any such part, provision or application.

**1.4 APPLICATION OF ZONING DISTRICT REGULATIONS**

1.4-1 No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zoning district in which it is located.

1.4-2 No building or other structure shall hereafter be erected or altered

- A. To accommodate or house a greater number of families;
- B. To occupy a greater percentage of lot area; or
- C. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of these regulations.

1.5 **SAVINGS PROVISION** - This Zoning Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing zoning ordinances, or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of this ordinance, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City, except as shall be expressly provided for in this ordinance.

1.6 **RESERVATIONS AND REPEALS** - Upon adoption of this Zoning Ordinance, the Zoning Ordinance of the City of Adrian adopted August 5, 1997, as amended, is hereby repealed, except as to sections expressly retained herein.

**1.7 SCOPE OF CONTROLS**

1.7-1 **Existing Permits** - This ordinance is not intended to abrogate or annul any building permit, variance or special permit lawfully issued before the effective date of this Ordinance, except as follows:

- A. If any applicable regulations of this Ordinance or any amendments to this Ordinance after issuance of a building permit, granting of a variance or issuance of a special permit make the proposed use under such building permit, variance or special permit nonconforming, and no substantial construction or substantial operations for non-building uses have been undertaken on the structure or foundation, or conducted for the non-building uses, within one hundred twenty (120) days after the effective date of adoption of this Ordinance and any amendments thereto, the building permit, special permit or variance shall be invalid. If substantial construction or substantial operations have taken place and are continuing at

the time, the proposed use may be completed.

- B. Nothing herein shall prevent any holder of a variance from applying to the Board of Zoning Appeals for a variance, where appropriate under the currently existing law and facts.

1.7-2 New Construction or Reconstruction - All new construction or alteration of a building or structure, all new uses of buildings or land, and every change, enlargement or relocation of use, shall conform to this Ordinance. Existing nonconforming uses may continue, subject to the regulations in this Ordinance.

## SECTION 2 - DEFINITIONS

### DEFINITIONS

- 2.1 GENERAL PROVISIONS - For the purposes of this Ordinance certain terms used herein are defined as set forth in this and the following sections. All words in the present tense include the future tense; the plural number includes the singular, and all words in the singular include the plural unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory, not directory.
- 2.2 ACREAGE - Any tract or parcel of land in common ownership having an area of one acre or more which is not designated as a lot or parcel on a subdivision map.
- 2.3 ANTENNA - "Antenna" means any composition of metal, wire, fiberglass or other substance which together with its necessary supports, grounding rods, and other external components is constructed for the purpose of receiving or transmitting electronic signals.
- 2.4 ANTENNA, DISH-TYPE - "Dish-type antenna" means any antenna external to or attached to the exterior of any building or structure which is parabolic or semi-circular in cross-section.
- 2.5 ANTENNA HEIGHT - "Antenna height" means the height of the entire antenna apparatus measured from the point of mounting to the point of highest possible extension of the antenna.
- 2.6 APARTMENT - A room or suite of rooms in a multiple-family structure, which is arranged, designed or used as a single housekeeping unit and has complete kitchen facilities, permanently installed.
- 2.7 BUILDING - Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings, which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.
- 2.8 BUILDING, COMPLETELY ENCLOSED - A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls pierced only by windows and normal entrance or exit doors.
- 2.9 BUILDING, DETACHED - A building surrounded by open space on the same lot.

- 2.10 BUILDING, EXISTING - A building erected prior to the effective date of this Ordinance, or one for which a legal building permit has been issued.
- 2.11 BUILDING, NONCONFORMING - Any building which does not conform to the requirements of this Ordinance.
- 2.12 BUILDING SETBACK LINE - A line establishing the minimum allowable distance between nearest wall of building and lot line.
- 2.13 BUILDING SITE - A lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this Ordinance and having its principal frontage on a street.
- 2.14 BUSINESS - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.
- 2.15 DISTRICT - A section or part of the incorporated portion of the City for which the use regulations are uniform, as set forth herein.
- 2.16 DWELLING - A building, or portion thereof, containing one or more dwelling units. The term dwelling does not include any trailer, motel, hotel or boarding house as defined herein.
- 2.17 DWELLING, SINGLE FAMILY-DETACHED - A building designed for occupancy by one family which has no connection by a common part wall to another building or structure similarly designed.
- 2.18 DWELLING, TWO FAMILY - A building arranged or designed to be occupied by two families, the building having only two dwelling units.
- 2.19 DWELLING, MULTIPLE - A structure arranged or designed to be occupied by three or more families and structure having three or more dwelling units.
- 2.20 FAMILY:
- (a) An individual, or
  - (b) Two or more persons related by blood, marriage, adoption, or guardianship, plus not more than two unrelated persons living together as a single housekeeping unit in a single housekeeping unit in a dwelling or dwelling unit.



- 2.21 GROUP HOME - A building which provides living accommodations for the physically or mentally handicapped, or children 16 years of age or younger or abused adults or persons 65 years of age or older. The residents of such group homes shall be supervised by a resident counselor in charge of their area.
- 2.22 GUEST HOUSE - A detached accessory building containing living quarters, but no kitchen or kitchen facilities, located on the same premises with the principal building, for use by nonpaying guests of the occupants of the premises.
- 2.23 HOME OCCUPATION - Any occupations or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on wholly within a main building or accessory building by a member of the family who resides on the premises.
- 2.24 LOT - A parcel of land occupied or intended for occupancy and having its principal frontage on a street or place accepted by the city for maintenance or appearing on an officially approved and recorded subdivision plat, plot or parcel.
- 2.25 LOT FRONTAGE - That boundary of a lot along a public street.
- 2.26 LOT LINE - The boundary property line encompassing a lot. For the purposes of this Ordinance the front lot line is the boundary line which abuts a public street, the front lot line on a corner lot is the narrowest frontage facing a street, and the longest frontage facing a street is the side, irrespective of the direction in which the dwelling faces. The rear lot line is the lot line or line most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a side line in common with another lot.
- 2.27 MANUFACTURED HOME - A factory fabricated transportable building, or two or more similar units to be incorporated or joined together at the building site into a modular structure to be used for residential purposes.
- 2.28 MOBILE HOME - A one family dwelling unit, other than a travel trailer, of vehicular, portable design built on a chassis and designed to be moved from one site to another.
- 2.29 MOBILE HOME PARK OR TRAVEL TRAILER PARK - Lots and parcels of land designed for the temporary or permanent parking and occupancy of two or more travel trailers or mobile homes used for human habitation in areas zoned to permit such uses and with adequate area to provide parking spaces, access lanes, utilities and accessory buildings as herein required.
- 2.30 MOBILE HOME SUBDIVISION - A unified development where individual lots are used for the placement of mobile homes.

- 2.31 MODULAR HOME - Housing, constructed of one or more factory-built sections, which, when completed, meets or exceeds the requirements of one or more of the recognized development standards for site-built housing, and which is designed to be permanently connected to a site-built foundation.
- 2.32 NON-CONFORMING USE - Any use lawfully occupying a building or land at the effective date of this Ordinance, or of subsequent amendments thereto, which does not conform to the regulations for the district in which it is located.
- 2.33 PARKING LOT - A parking lot for automobiles which is not an accessory use to a building or structure on a lot.
- 2.34 ROOMING HOUSE - A building other than a hotel where lodging for three or more persons is provided for definite periods for compensation pursuant to previous arrangement.
- 2.35 SETBACK AREA - The space on a lot required to be left open and unoccupied by buildings or structures, either by the front and side yard requirements of this Ordinance, or by delineation on a recorded subdivision map.
- 2.36 SIGN - Every billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign or other outdoor display structure, and such term shall include any announcement declaration, demonstration display, illustrations or insignia used to advertise or promote the interest of any person or cause when placed out of doors in view of the general public.
- 2.37 SPECIAL USE - The term "Special Use" shall mean a use or occupancy of a structure, or a use of land, permitted only upon issuance of a Special Use Permit and subject to the limitations and conditions specified therein.
- 2.38 STREET - A right-of-way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted by the Council. The term "street" includes, also, the terms highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, and other such terms.
- 2.39 STRUCTURE - Anything constructed or erected, except fences not exceeding four feet in height, which requires permanent location on the ground or is attached to something having location on the ground.
- 2.40 TRAVEL TRAILER - A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "travel trailer" thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed forty-five hundred pounds, or being of any weight provided its

overall length does not exceed twenty-eight feet.

- 2.41 USE - The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, or leased.
- 2.42 YARD - An open space on the same lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the lot is located.
- 2.43 YARD, FRONT - The yard extending across the full width of the lot adjacent to the front street line.
- 2.44 YARD, REAR - The yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
- 2.45 YARD, SIDE - The yard lying between the nearest wall of the principal building and a side lot line, and extending from the front yard or the front lot line to the rear yard.
- 2.46 ZONING DISTRICT MAP - The boundaries of zoning districts are show upon a map made a part of this Ordinance, and designated as "zoning district map" dated February 4, 1991.

SECTION 3 - ESTABLISHMENT OF DISTRICTS, ZONING MAP, DISTRICT BOUNDARIES AND STREET CLASSIFICATIONS

3.1 ESTABLISHMENT OF DISTRICTS - The unincorporated area of the City of Adrian is hereby divided into the following districts, the respective symbol for each type of district being set forth opposite its title:

<u>Symbol</u>	<u>Title</u>
R-1	Residential District
R-2	Residential District
R-3	Residential District
RMHP	Residential Mobile Home Park District
B-1	Business District
B-2	Business District
B-3	Business District
B-4	Business District
M-1	Industrial District
M-2	Industrial District

Each such district may be designated on the Zoning Map and elsewhere in the text of this Ordinance by symbol only.

3.1-1 Zoning Map - The areas and boundaries of such districts are hereby established:

- A. As shown on a map entitled "Zoning Map of City of Adrian" dated February 4, 1991.
- B. As specified in 3.1-2 - Such map, referred to hereinafter as the "Zoning Map," together with everything shown thereon, is hereby made a part of this Ordinance.

3.1-2 District Boundaries on Zoning Map

- A. Where a district boundary is shown following a street, highway, road, right-of-way, interstate highway, any parkway, a public utility right-of-way, a railroad, or a stream or watercourse, the boundary is relatively the center line of such street, highway, road, right-of-way, interstate highway, parkway, public utility right-of-way, main channel of a stream or watercourse, or a line located midway between the main track of said railroad, and such boundary shall be deemed to be changed automatically whenever the center line or the main railroad tracks are changed by natural or artificial means.
- B. If such boundary is shown as separated from but approximately parallel to any such landmarked or monumental line, such district boundary shall be deemed to be parallel to the aforesaid center line, or line located midway between the main tracks of such railroad at

- such distance therefrom as shown on the Zoning Map.
- C. Where a district boundary is shown as following a property line, a plot line or a projection of any one of the same, such boundary shall be such landmarked or monumented line or projection thereof. If such boundary is shown as separated from but approximately parallel to any such landmarked or monumented line or projection thereof, such boundary shall be deemed to be parallel to any landmarked or monumented line or projection thereof, as the case may be, at such distance therefrom as shown on the Zoning Map.
  - D. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or divisional lines, or center lines of streets and highways, or railroad right-of-way, unless otherwise indicated. In the absence of a specified distance being indicated on the Zoning Map, the distance shall be determined by using the Map scale.
  - E. Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Zoning Map, the on-the-ground physical monument or marker shall control.

## SECTION 4 - RESIDENTIAL DISTRICTS

4.1 RESIDENTIAL DISTRICT R-1 - This district is established to provide for residential development of a spacious character, together with such public buildings, schools, churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings.

4.1-1 Permitted Uses By Right - The following uses shall be permitted by right in the R-1 District:

- A. Single family detached dwellings; provided, however, that residency therein shall be limited to not more than four unrelated persons. Single family detached dwelling shall be a permitted use. However, any two family dwelling which was completely constructed with all plumbing fixtures installed and the two family dwellings for which a city building permit has been issued and were at least twenty percent (20%) constructed on the site prior to February 4, 1991, shall be considered a conforming use.
- B. Parks, playgrounds, community buildings, public utility lines.
- C. Church and places of worship.
- D. Cemeteries.
- E. Home occupation or office of resident, in connection with a dwelling unit either a home occupation or the office of a resident is a permitted use; provided, that:
  - (1) No more than one person is employed for this purpose by and in addition to a member of the family who resides on the premises;
  - (2) Use of the dwelling for such purposes does not require more than one-fourth of the gross floor area of the dwelling unit, or eight hundred square feet, whichever is the lesser;
  - (3) There is no advertising other than a non-illuminated identification sign of not more than one square foot in area;
  - (4) There is no display or storage of materials or any other exterior indication of the home occupation;
  - (5) There is no exterior variation from the residential character of the main building or accessory building;
  - (6) No exterior lighting is used except that which is normally permitted and used in connection with a dwelling;
  - (7) No mechanical equipment is used other than that which is normally used for residential household purposes or for office purposes; except that, a resident may use certain equipment peculiar and customary to the practice of such occupation, so long as there is no exterior indication by noise, glare, odor or vibration of the operation of such equipment;
  - (8) Provided, that traffic generated by such an occupation shall not create a safety hazard or cause congestion.

- (9) Home day care is allowed provided that there are no more than six (6) children being cared for.
- F. Accessory building and uses - Accessory building and uses customarily incident to the above uses shall be permitted including the following:
  - (1) A private garage solely for the use by the individuals residing at that location..
  - (2) A storage building solely for the use by the individuals residing at that location.
  - (3) A tennis court serving an individual residence.
  - (4) A swimming pool or any other pool of water that is more than 24 inches deep, provided that it serves an individual residence, is kept in the back yard area, and is enclosed by a fence at least 42 inches in height with a lockable gate which will be kept locked when such pool is not in use.
  - (5) Federally licensed amateur radio antenna support structures.
  - (6) A home satellite dish provided that if it is erected in the front yard area, it must not exceed three feet in diameter.
- G. Modular homes - Modular homes are permitted provided that the home is placed on a continuous foundation. Mobile homes are not permitted.
- H. Guest House - A guest house or apartment is permitted provided that the occupant is related to the owner. A guest house cannot be rented.

4.1-2 Use Restrictions - The following restrictions shall be applied to R-1 District property:

- A. Recreational vehicles as residence - No recreational vehicle may be used as a residence for longer than thirty (30) days in one calendar year.

4.1-3 Special Permit Uses - The following uses may be permitted in the R-1 District with a Special Use Permit issued in accordance with the provisions of Section 8 herein:

- A. Main libraries, museums and colleges.
- B. Private noncommercial recreation facilities for group use, such as country clubs, tennis clubs, swimming clubs, golf courses and similar establishments.
- C. Commercial radio, television, telephone, telegraph and electric transmission towers, provided that such tower conform to the provisions and restrictions in Section 9.
- D. Private and public schools.
- E. Small group homes for not more than ten persons.

4.1-4 Site Area and Dimension Limitations

- A. Site Frontage - All lots shall maintain a minimum street frontage of not less than fifty (50) feet.
- B. Height - No dwelling or other primary structure in the R-1 District shall have a height in excess of thirty-five (35) feet, except:

1. Radio, television, telephone, telegraph and electric transmission towers, provided that such tower conform to the provisions and restrictions found in Section 9.
- C. Front Yard - The minimum depth of the front yard in the R-1 District shall be twenty (20) feet.
- D. Side Yard - The minimum width of the side yard in the R-1 District shall be ten (10) feet.
- E. Rear Yard - The minimum depth of any rear yard shall be ten (10) feet in the R-1 District.
- F. Signs - Signs are permitted as regulated in Section 10 of this ordinance.
- G. Accessory Buildings Setback - All permitted accessory buildings shall have a setback of ten (10) feet from all property lines.
- H. Corner Lots - All corner lots shall maintain a minimum setback from the street of twenty (20) feet on each street.
- I. No sign, fence, wall, shrub, or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points thirty (30) feet distance from the intersection of the street right-of-way lines.

4.2 RESIDENTIAL DISTRICT R-2 - This district is established to provide and protect medium density residential areas. Permitted uses are single family detached dwellings, two-family dwellings, and multiple dwellings. Certain additional uses may be allowed as long as the character of the district is not altered by levels of traffic, vehicular parking, lighting, noise and visual displays which are not compatible with medium density residential uses.

- 4.2-1 Permitted Uses By Right - In addition to the uses permitted by right in the R-1 District, the following uses shall be permitted by right in the R-2 District:
  - A. Two-family dwellings.
  - B. Single family attached dwellings, up to four attached dwellings, designed and constructed so as to permit the sale of individual units, provided that all dwellings are separated by firewalls.
- 4.2-2 Use Restrictions - All R-1 Residential District restrictions shall be applied to R-2 District property.
- 4.2-3 Special Permit Uses - All uses permitted in the R-1 Residential District by right or special permit may be permitted in the R-2 Residential District, subject to the same regulations and standards.



4.2-4 Site Area and Dimension Limitations

- A. Site Frontage - All lots shall maintain a minimum street frontage of not less than fifty (50) feet.
- B. Height - No dwelling or other primary structure in the R-2 District shall have a height in excess of thirty-five (35) feet, except:
  - 1. Radio, television, telephone, telegraph and electric transmission towers, provided that such tower conform to the provisions and restrictions in Section 9.
- C. Front Yard - The minimum depth of the front yard in the R-2 District shall be twenty (20) feet.
- D. Side Yard - The minimum width of the side yard in the R-2 District shall be ten (10) feet.
- E. Rear Yard - The minimum depth of any rear yard shall be ten (10) feet in the R-2 District.
- F. Signs - Signs are permitted as regulated in Section 10 of this Ordinance.
- G. Accessory Buildings Setback - All permitted accessory buildings shall have a setback of ten (10) feet.
- H. Corner Lots - All corner lots shall maintain a minimum setback from the street of twenty (20) feet.
- I. No sign, fence, wall, shrub, or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points thirty (30) feet distance from the intersection of the street right-of-way lines.

4.3 **RESIDENTIAL DISTRICT R-3** - This district is established to provide and protect high density residential areas. Permitted uses are single family detached dwellings, two-family dwellings, and multiple dwellings. Certain additional uses may be allowed as long as the character of the district is not altered by levels of traffic, vehicular parking, lighting, noise and visual displays which are not compatible with high density residential uses.

4.3-1 **Permitted Uses By Right** - The following uses shall be permitted by right in the R-3 District.

- A. Multiple dwellings
- B. Townhouses
- C. Tourist homes, rooming and boarding houses, having no more than twenty guests.
- D. Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service, customarily carried on as a business and having no more than thirty residents.
- E. Nursing homes and convalescent homes, having no more than thirty residents.
- F. Public and private schools.
- G. Day care centers, nursery, kindergartens, play school and similar establishments.
- H. Private recreational facilities for group use such as country clubs, tennis clubs, swimming clubs, golf course and similar establishments.
- I. Religious, educational and philanthropic institutions, agencies or centers, but no penal or mental institutions.
- J. Public clinics and health outreach services.
- K. Greenhouses, provided that no commercial greenhouse heating plant shall be operated within one hundred feet of any lot line.
- L. Accessory buildings and uses which are customarily incidental to any uses permitted in this district.
- M. Group homes for not more than thirty persons.

4.3-2 **Use Restrictions** - All R-2 Residential District restrictions shall be applied to R-3 District property.

4.3-3 **Special Permit Uses** - The following uses may be permitted with a special use permit in the R-3 District:

- A. Sewage treatment plants, sewer pumping stations, water treatment plants, water pumping stations, gas regulator facilities, gas distribution facilities.
- B. Funeral homes and crematoriums.
- C. Radio, television, telephone, telegraph and electricity transmission towers and stations and similar facilities.
- D. Rooming and boarding houses, with no limits to maximum number of guests.
- E. Private clubs, fraternities, sororities, and lodges excepting those the chief

activity of which is a service, customarily carried on as a business, with no limits to maximum number of residents.

- F. Nursing homes and convalescent homes, with no limit to maximum number of residents.
- G. Group homes with no limits on the maximum number of residents.
- H. All uses permitted in the R-1 and R-2 Residential districts by right or by special use permit may be permitted in the R-3 Residential District, subject to the same regulations and standards.

#### 4.3-4 Site Area and Dimension Limitations

- A. Site Frontage - All lots shall maintain a minimum street frontage of not less than fifty (50) feet.
- B. Height - No dwelling or other primary structure in the R-3 District shall have a height in excess of thirty-five (35) feet, except:
  - 1. Radio, television, telephone, telegraph and electric transmission towers, provided that such tower conform to the provisions and restriction in Section 9.
- C. Front Yard - The minimum depth of the front yard in the R-3 District shall be twenty (20) feet.
- D. Side Yard - The minimum width of the side yard in the R-3 District shall be ten (10) feet.
- E. Rear Yard - The minimum depth of any rear yard shall be ten (10) feet in the R-3 District.
- F. Signs - Signs are permitted as regulated in Section 10 of this Ordinance.
- G. Accessory Buildings Setback - All permitted accessory buildings shall have a setback of ten (10) feet.
- H. Corner Lots - All corner lots shall maintain a minimum setback from the street of twenty (20) feet.
- I. No sign, fence, wall, shrub, or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points thirty (30) feet distance from the intersection of the street right-of-way lines.

**SECTION 5 - RESIDENTIAL MOBILE HOME PARK (RMHP) DISTRICT**

**5.1 RESIDENTIAL MOBILE HOME PARK DISTRICT (RMHP) - The purpose of this district is to establish areas of the city deemed suitable for rental mobile home or travel trailer parks, to ensure a safe and healthy residential environment consistent with existing land use and density patterns and to establish standards thereof.**

**5.1-1 Permitted Uses - The following uses may be permitted in accordance with the requirements of this article:**

- A. Mobile Homes, Travel Trailers.**
- B. Accessory uses:**
  - (a) Administrative offices.**
  - (b) Playgrounds**
  - (c) Laundry facilities for residents.**
  - (d) Storage space**
  - (e) Community building.**
  - (f) Swimming pools.**
  - (g) Public telephones.**
  - (h) Refuse disposal**

**5.1-2 Site Standards and Limitations for Rental Mobile Home or Travel Trailer Parks.**

- A. The following requirements as to number, density, area, setbacks and height shall apply to mobile home spaces:**
  - (1) The minimum number of mobile home spaces in a mobile home park shall be twenty (20).**
  - (2) The maximum density per gross acre shall be six (6) units.**
  - (3) The minimum mobile home space area shall be fifty (50) feet by seventy-five (75) feet.**
  - (4) The minimum distance between mobile homes or between a mobile home and any structure within the mobile home park shall be twenty-five (25) feet.**
- B. The following requirements as to number, density, area and setback shall apply to travel trailer spaces:**
  - (1) The minimum number of travel trailer spaces in a travel trailer park shall be twenty-five (25).**
  - (2) The maximum density per gross acre shall be eight (8) units.**
  - (3) The minimum travel trailer space area shall be thirty-five (35) feet by sixty (60) feet.**
  - (4) The minimum distance between travel trailers or travel trailer and any structure within travel trailer parks shall be twenty (20) feet.**
- C. Provisions for water supply, sewer system and sanitary facilities, electrical equipment and systems, gas supply and drainage shall be provided and shall meet the minimum state requirements.**

D Streets and walkways

(1) Streets and driveways shall be provided within the park area to afford easy access to all parking spaces. Such streets and driveways shall be constructed with a hard, dustless road surface and shall provide ready means of entrance and exit to the street in an approved manner. The minimum width of streets providing for two-way traffic shall be thirty-six (36) feet when parking of cars is allowed on both sides and twenty-two feet where parking is not allowed. Satisfactory means of drainage shall be provided with all streets and lanes draining into catch basins properly connected to the storm sewer system in accordance with applicable requirements for such facilities. Walkways shall be provided as necessary to all accessory buildings and service facilities of the park. Walks shall have a non-slip impervious surface and shall comply with applicable requirements for public sidewalks. Streets and walkways shall be illuminated as required for streets.

E. Ownership - The mobile home or travel trailer park shall remain under single entity ownership; that is, spaces within the park may not be sold off to individuals.

F. Record of tenants - The operator of a trailer park or mobile homes park shall keep an accurate register of all transient tenants occupying transient trailers located in the park. The register shall show the name and permanent residence address of the owner and occupants of any travel trailer located and date of arrival and departure; and such other information as might be necessary to provide information about the occupants of the trailer. These records shall be open to city officials at all times.

G. Skirting - Skirting of each mobile home unit shall be required, but this requirement shall not apply to travel trailers.

H. Anchorage and tie-downs - Every parking space for travel trailers or mobile homes shall be provided with devices for anchoring the unit to prevent overturning or uplift. Where concrete platforms are provided for the parking of the units, anchorage may be by eyelets embedded in the concrete with adequate anchor plates or hooks; or other suitable means.

5.1-3 Permits and Fees

A. Permit - It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned or controlled by him within the city limits any mobile home park or travel trailer park without having first secured a permit issued by the zoning administrator. The zoning administrator shall issue a permit only

- if the applicant presents an approved site plan.
- B. Fee - A permit fee of one hundred dollars (\$100.00) plus five dollars (\$5.00) for each mobile home space or trailer space shall be charged for the purposes of processing the application before issuance of any permit for a mobile home park or travel trailer park.

## SECTION 6 - BUSINESS DISTRICTS

- 6.1 **BUSINESS DISTRICTS ESTABLISHED** - Certain classes of Districts, designated by the symbol "B", followed by a numeral, and referred to collectively herein as "B" or Business Districts, are established to preserve and enhance property values by protecting residential uses from non-residential uses and by providing space in suitable locations for retail stores, offices, service establishments, wholesale and other businesses necessary to the general welfare of the City in conformance with the objectives of this Ordinance.
- 6.1.1 **Limitations** - No use shall be permitted in which the nature or manner of operation shall be determined to be unduly detrimental or injurious to other properties in the vicinity or uses thereon or to the general public welfare by reason of the emission of odor, dust, smoke, noise, vibration, or electrical or other disturbances.
- 6.1.2 **Warehouses** - Business District property shall not be used for warehouses or storage. Property used for housing or storing goods must also be open for sales at least 40 hours each week.
- 6.2 **B-1 DISTRICTS** - The following regulations shall apply to all land located in any B-1 Districts and shall be subject to all general provisions of this Ordinance.
- 6.2.1 **Permitted Uses By right** - The following uses shall be permitted by right in the B-1 District:
- A. Any use permitted by right in the R-3 Residential Multiple Dwelling District, subject to the height and yard regulations of the B-1 Business District.
  - B. Offices.
  - C. Banks.
  - D. Radio and television broadcasting stations (excluding towers).
  - E. Automobile parking lots.
  - F. Health clinics
  - G. Travel agencies.
  - H. Pharmacies.
  - I. Personal service uses such as barbershops, beauty parlors and similar uses, but not restaurants.
  - J. Artists' and photographers' studios and similar uses.
  - K. Residential treatment center.
  - L. Funeral homes.
- 6.2.2 **Special Use Permit** - The following uses may be permitted in the B-1 Business District with a special use permit:
- A. Hotels or motels without restaurants.
  - B. Hospitals.

- C. Radio, television, telephone, telegraph and electricity transmission towers and stations and similar facilities.
- D. Animal hospitals without outside runs or pens.
- E. Public utility facilities.
- F. Florists, including greenhouses; provided that no commercial greenhouse heating plant shall be operated within one hundred feet of any lot line.

6.2.3 Site Area and Dimension Limitations

- A. Height - No dwelling or other primary structure in the B-1 District shall have a height in excess of forty-five (45) feet, or three stories, except:
  - 1. Radio, television, telephone, telegraph and electric transmission towers
- B. Signs - Signs are permitted as regulated in Section 10 of this Ordinance.



6.3 B-2 DISTRICTS - The following regulations shall apply to all land located in any B-2 Districts and shall be subject to all general provisions of this Ordinance.

6.3.1 Permitted Uses By right - The following uses shall be permitted by right in the B-2 District:

- A. Any uses permitted by right in the B-1 Business District.
- B. Retail stores which do not exceed 3000 square feet in gross floor area.
- C. Bakeries.
- D. Service stations.
- E. Business, dancing, music, art and similar schools.
- F. Television and household appliance repair stores.
- G. Laundromats and self-service cleaning establishments.
- H. Laundries.
- I. Dry cleaning establishments.
- J. Self-service car washes.
- K. Recreational facilities.
- L. Theaters.
- M. Restaurants.
- N. Sign painting.
- O. Hotels and motels without restaurants.
- P. Bicycle sales and service.

6.3.2 Special Use Permit - The following uses may be permitted with a special use permit in the B-2 District:

- A. Hotels or motels with restaurants.
- B. Hospitals.
- C. Radio, television, telephone, telegraph and electricity transmission towers and stations and similar facilities.
- D. Animal hospitals without outside runs or pens.
- E. Public utility facilities.
- F. Drive-in restaurants.
- G. Florists, including greenhouses.
- H. Retail stores of more than 3000 but less than 8000 square feet gross floor area.

6.3.3 Site Area and Dimension Limitations

- A. Height - No dwelling or other primary structure in the B-2 District shall have a height in excess of forty-five (45) feet, or three stories, except:
  - 1. Radio, television, telephone, telegraph and electric transmission towers
- B. Signs - Signs are permitted as regulated in Section 10 of this Ordinance.

6.4 B-3 DISTRICTS - The following regulations shall apply to all land located in any B-3 Districts and shall be subject to all general provisions of this Ordinance.

6.4.1 Permitted Uses By right - The following uses shall be permitted by right in the B-3 Business District:

- A. Any uses permitted by right in the B-2 Business District.
- B. Retail sales.
- C. Hospitals.
- D. Motels and hotels.
- E. Wholesale establishments.
- F. Auto, motorcycle, farm and industrial equipment dealers and repair.
- G. Frozen food lockers.
- H. Parking garages.
- I. Automatic car wash.
- J. Blueprinting and photographic processing.
- K. Drive-in restaurants.
- L. Drive-in theaters.
- M. Service stations.
- N. Bakeries.
- O. Mobile home sales.
- P. Plumbing, heating, electrical, air conditioning and similar establishments.
- Q. Tire sales and recapping.
- R. Mass transit terminals.
- S. Radio, television, telephone, telegraph and electricity transmission towers and stations and similar facilities.
- T. Florists; including greenhouses.

6.4.2 Special Use Permit - The following uses may be permitted in the B-3 Business District with a special use permit:

- A. Warehouses.
- B. Printing and publishing establishments.
- C. Manufacturing and processing establishments.
- D. Residential high density up to one hundred twenty dwelling units per acre in B-3 District adjacent to the B-4 District.
- E. Public utility facilities.
- F. Animal shelters.
- G. Animal hospitals.

6.4.3 Site Area and Dimension Limitations

- A. Height - No dwelling or other primary structure in the B-3 District shall have a height in excess of forty-five (45) feet, or three stories, except:
  - 1. Radio, television, telephone, telegraph and electric transmission towers

B. Signs - Signs are permitted as regulated in Section 10 of this Ordinance.

6.5 B-4 DISTRICTS - The following regulations shall apply to all land located in any B-4 Districts and shall be subject to all general provisions of this Ordinance.

6.5.1 Permitted Uses By right - The following uses shall be permitted by right in the B-4 District:

- A. Any use permitted by right in the B-3 Business District.
- B. Warehouses.
- C. Printing and publishing establishments.
- D. Manufacturing and processing establishments of craft nature.

6.5.2 Special Use Permit - The following uses may be permitted in the B-4 Business District with a special use permit:

- A. Public utility facilities.
- B. Animal shelters.
- C. Animal hospitals.

6.5.3 Site Area and Dimension Limitations

- A. Height - The building height shall be no greater than one hundred seventy-five (175) feet above the average street level.
- B. Signs - Signs are permitted as regulated in Section 10 of this Ordinance.

## SECTION 7 - INDUSTRIAL DISTRICTS

- 7.1 INDUSTRIAL DISTRICTS ESTABLISHED - Certain classes of districts, designated respectively by the symbols M or M-1 referred to herein as Industrial or M Districts, are established for the purposes hereinafter set forth.
- 7.2 PURPOSE - The purpose of this article is to provide a district for light industrial uses which have a minimum of environmental pollution in the form of traffic, noise, odors, smoke and fumes, fire and explosion hazard, glare and heat and vibration.
- 7.3 M-1 INDUSTRIAL DISTRICT
- 7.3-1 Permitted uses By right M-1 District - The following uses shall be permitted by right in the M-1 District:
- A. Any use permitted by right in the B-4 Business District.
  - B. Beverage or food processing, packaging and bottling plants.
  - C. Assembly plants.
  - D. Dry cleaning establishments.
  - E. Research and testing laboratories.
  - F. Nurseries.
  - G. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, fabrics, printing, and finishing of textiles and fibers into fabric goods.
  - H. Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
  - I. Dwellings for resident watchmen and caretakers employed on the premises.
  - J. Any light industrial use which will have a minimal adverse impact on surrounding areas on account of smoke, odor, dust, noise or gas.
- 7.3-2 Special Use Permit - The following uses may be permitted with a special use permit in the M-1 District:
- A. Open storage yard.
  - B. Animal shelters.
  - C. Animal hospitals without outside runs.
- 7.3-3 Site Area and Dimension Limitations
- A. Height - The building height shall be no greater than one hundred eighty-five (185) feet above the average street level.
  - B. Signs - Signs are permitted as regulated in Section 10 of this Ordinance.

7.4 M-2 INDUSTRIAL DISTRICT

7.4-1 Permitted uses By right M-2 District - The following uses shall be permitted by right in the M-2 District:

- A. Any use permitted by right in the M-1 Restricted Industrial District.
- B. Outside storage yards.
- C. Truck terminals.
- D. Animal shelters, boarding or breeding facilities with outside runs or pens.
- E. Animal hospitals.
- F. Grain storage and marketing (Grain elevator).
- G. Fertilizer and chemical sales for agriculture use.

7.4-2 Site Area and Dimension Limitations

- A. Height - The building height shall be no greater than one hundred eighty-five (185) feet above the average street level.
- B. Signs - Signs are permitted as regulated in Section 10 of this Ordinance.

7.5 PROHIBITED USES - The following uses shall be prohibited within the city limits:

- A. Salvage yards.
- B. Junk yards.
- C. Land fills or trash dumps.

## SECTION 8 - SPECIAL USE PERMITS

### 8.1 GENERAL CONSIDERATIONS

8.1-1 Delegation of Power - The Board of Zoning Appeals is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in this Ordinance; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with this Ordinance; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interests of this Ordinance and the health, safety and welfare of the City. The Board of Zoning Appeals shall in no event grant a special use permit where the proposed use is not authorized by the terms of this Ordinance or where the standards of this article are not found to exist.

8.1-2 Conditions and Guarantees - Prior to granting any special use permit, the Board of Zoning Appeals may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special permit use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Board of Zoning Appeals may recommend and require such evidence and guarantees as may be deemed necessary to insure that the conditions stipulated are being, and will be, fully complied with.

### 8.2 PROCEDURES

8.2-1 Application - A written application for a special use permit shall be filed with the chairman of the Board of Zoning Appeals and shall include a statement indicating the section of the Ordinance under which the permit is sought, the grounds upon which it is requested and sufficient evidence to show that the use will conform to the standards set forth. The application shall be accompanied by an area map and site plan of the subject property.

8.2-2 Fee - Every application for a special use permit shall be subject to a filing fee of fifty dollars (\$50.00) which is not refundable if the special use permit is not allowed.

#### 8.2-3 Site Plan

- A. The site plan shall show:
1. Approximate size and location of all buildings.
  2. Access from road or roads.
  3. Parking arrangements.
  4. Interior drives and any service areas.
  5. Landscaped areas.

- 6. All proposed signs, if any.
- B. Location map showing any development and the zoning of adjacent property within twelve hundred (1200) feet.
- C. The full legal description of the boundaries of said area.
- D. A description of the general character of all buildings.

8.2-4 Hearing - Upon receipt of the formal application and all accompanying material, the chairman of the Board of Zoning Appeals shall set up a Public Hearing for the next scheduled meeting of the Board of Zoning Appeals; provided, however, that the notice must be published in a newspaper of general circulation at least fourteen (14) days prior to the date set for the Public Hearing. The Board of Zoning Appeals shall submit their decision at the close of the Public Hearing.

8.2-5 Findings - In making a recommendation, the Board of Zoning Appeals shall specify the particular grounds relied upon and how their relation to the proposed use conforms with the general standards set forth in this regulation. In no case shall an exception be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the City.

8.2-6 Standards for Issuance of Special Use Permits

- A. Before any permit shall be granted, the Board of Zoning Appeals shall make written findings certifying that adequate provisions have been made for the following:
  - 1. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of the operations proposed thereon.
  - 2. Accessibility of the property to police, fire, refuse collection, adequacy of ingress and egress to and within the site, traffic flow and control and the adequacy of parking and loading areas.
  - 3. Utilities and service, including water, electricity, drainage and septic systems.
  - 4. The location, nature and height of buildings, walls, fences and other improvements; their relation to adjacent property and any need for buffering or screening.
  - 5. The general compatibility with adjacent properties, other properties in the district and the general safety, health, comfort and welfare of the City of Adrian.

8.2-7 Additional Conditions for Particular Special Uses - In granting a special use, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the area and to carry out the general purpose and intent of these regulations.

- 8.2-8 Permits - A building permit must be purchased through the City Hall before construction of any building in a special use permit.
- 8.2-9 Time Limit - A special use permit shall expire within twelve (12) months upon a Public Hearing, unless a building permit is taken to effectuate such specially permitted uses; or, if no building permit is required for this special use, the evidence of such use is filed with the Board of Zoning Appeals.
- 8.2-10 Abandonment - Once a specially permitted use ceases or is abandoned for a period of more than twelve (12) months, the special use permit shall expire upon Public Hearing or by special decision by the Board of Zoning Appeals after due consideration.



## SECTION 9 - ADDITIONAL USE REGULATIONS

### 9.1 PERFORMANCE STANDARDS FOR ALL USES

- 9.1-1 Applicability - No building permit shall be granted for any use, unless the Zoning Commission shall find that the use shall conform to the standards set forth in this section.
- 9.1-2 Compliance Required - No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards, including possible potential hazards; noise or vibration; smoke, dust odor or other form of air pollution; heat, cold, dampness, electrical or other substance, condition or element (referred herein as "dangerous or objectionable elements") in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises; provided that any use permitted or not expressly prohibited by in this Ordinance may be undertaken and maintained if it conforms to the regulations of this Section limiting dangerous and objectionable elements at the point of the determination of their existence.
- 9.1-3 Standards Applicable to All Uses - The standards of performance under this Ordinance shall apply uniformly to all uses even though nonindustrial uses are unlikely to be in conflict therewith.
- 9.1-4 Additional Performance Standards - Standards of performance imposed by any other law or ordinance which are not expressly mentioned herein shall also be complied with.
- 9.1-5 Locations Where Determinations Are to be Made for Enforcement of Performance Standards - The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent (herein referred to as "at any point"); provided, however, that the measurements necessary for enforcement of performance standards set forth in this Section shall be taken at different points in different districts in relation to the establishment or use creating the element being measured (herein referred to as "point of measurement") as follows: in any district twenty-five (25) feet from the establishment or use, or at the property line if closer to the establishment or use.
- 9.1-6 Performance Standards Required - The following provisions, standards and specifications shall apply:
- A. Fire and Explosive Hazards - All activities or storage of inflammable and explosive materials shall be protected with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-

suppression equipment and devices standard to the industry shall be provided on-site. Burning of waste materials in open fires shall be prohibited at any point unless authorized by permit of the City.

- B. Radioactivity or Electrical Disturbance - No radioactive or electrical activities shall be permitted which adversely affect the operation of any other electronic equipment.

## 9.2 SIGNS

9.2-1 Application - The regulations set forth in this article or set forth elsewhere in this ordinance and referred to in this article shall apply to all existing signs as well as to new signs and their modification.

9.2-2 Purpose - The purpose of this article is to minimize safety hazards and to facilitate the creation of an attractive and harmonious community through regulation and control of the size, location, height, number and characteristics of signs and any modifications.

### 9.2-3 Standards

- A. Any establishment may have no more than two signs per major street frontage, and one additional sign for each additional street frontage.
- B. Shopping centers shall be permitted one free standing sign per street frontage.
- C. No sign shall be located in such a manner so as to obstruct free or clear vision, or cause hazards for vehicular, bicycle or pedestrian traffic by reason of location, shape, illumination or color.
- D. The total area of all signs allowed for any building shall not exceed fifty square feet.
- E. No single sign face of any freestanding or projecting sign shall have an area greater than thirty square feet.
- F. No wall sign shall have an area greater than fifty (50) square feet.
- G. No roof sign shall have an area greater than fifty (50) square feet.
- H. No sign shall be erected, replaced or relocated so as to:
  - (1) Prevent free ingress or egress from a required door, window or fire escape, or
  - (2) Obstruct the light or ventilation required by the provisions of this Ordinance or other city ordinances from any window.
  - (3) No advertising or business sign of any kind shall be attached to a standpipe or fire escape.
- I. When exposed incandescent lamps are used to illuminate signs, they shall be equipped with goose neck reflectors or other devices arranged so as to concentrate the illumination upon the area of the sign and prevent glare. Special attention shall be given to illumination so as to avoid glare upon adjoining residential properties.

- J. Signs on marquees for establishments other than theaters shall not exceed twenty square feet on any side or front section of the marquee.
- K. Theater marquees shall not exceed five feet in the vertical dimension.

9.2-4 District Standards

- A. Residential Districts -The following regulations shall apply in the R-1 and R-2 Districts:
  - 1. Residential use: No more than one sign per dwelling unit shall be allowed. The area of such sign shall not be greater than one square foot.
  - 2. Non-residential use - No more than one sign per non-residential building or establishment shall be allowed. The area of such sign shall not be greater than twelve square feet.
- B. Business and Industrial Districts:
  - 1.. The total area of all signs permitted for any establishment permitted in the B-1 District shall not be greater than thirty (30) square feet.
  - 2. The total area of all freestanding and projecting signs permitted for any establishment permitted in the B-2, B-3, M-1 and M-2 Districts shall not be greater than fifty (50) square feet.

9.2-5 Prohibited Signs - The following signs are prohibited within the city unless otherwise stated in this article:

- A. Any sign affixed to, hung, placed, or painted on any other sign, fence, cliff, tree, public utility pole, radio or television or similar tower; provided, that this prohibition shall not affect official traffic, parking or informational signs placed on utility poles by the city government.
- B. Any sign or banner within or across a public right of way, unless specifically approved by the Mayor, Zoning Commission, or its designee.
- C. Any flashing or moving sign, except those officially erected for safety purposes.
- D. Any sign which advertises any activity, business, product or service which is not conducted, produced or sold on the premises where the sign is located. Where the owner or lessor of the premises is seeking a new tenant, signs relating to the activities of the previous tenant, may remain in place for not more than thirty days from the date of vacancy.
- E. Any sign which the Zoning Commission determines to imitate an official traffic sign or signal or conflict with traffic safety needs due to its location, coloring, movement, shape or illumination.

9.2-6 Signs Not Requiring Permit - No permit shall be required for the following signs, if they are installed in compliance with the provisions of this article. All of the following signs may be erected in any of the city zoning districts:

- A. Real estate signs not exceeding six square feet in area which advertise for sale or rental the land or building upon which such signs are located. Such

- signs shall not be illuminated and shall not be more than four feet in height.
- B. Professional name plates not exceeding one square foot in area when placed upon the wall of a building.
- C. Signs not over twenty-five square feet in area identifying municipal or governmental buildings or buildings used for religious purposes, when erected upon the building or land upon which such building is located.
- D. Monumental inscriptions, memorial signs or tablets containing names of persons or buildings or dates of erection, and similar information, when cut into any masonry surface or when constructed of bronze or other noncombustible material.
- E. Signs denoting the architect, engineer or contractor when placed at the construction site. Such signs shall not be illuminated and no such signs shall exceed an area of thirty-two square feet, nor shall they remain standing after construction have been completed.
- F. Traffic, municipal, legal notice, directional, or informational signs; railroad crossing signs, danger, safety, temporary or emergency signs and holiday decorations across a public right of way when authorized by the Mayor, Zoning Commission or its designee.
- G. Temporary directional or informational signs not over six square feet in area. Signs for temporary events, sales or special promotions may be erected not more than one month before the event or activity, and shall be removed within one week of its conclusion. There shall be no more than two such temporary signs per establishment at any time.
- H. Signs designating entrances, exits or conditions of use for parking lots. Such signs shall not exceed six square feet in area.
- I. Subdivision or housing development signs. Such signs shall not exceed six feet in height, twenty-five square feet in area and shall include only the name of the subdivision, housing development or townhouse development.
- J. Signs showing the name and address of the resident, but not to include any commercial advertising and not more than one square foot in area.
- K. Signs regulating on-premises traffic, parking or indicating other functional information such as lavatory facilities or telephone; and signs denoting functions of other sections of a building such as "fabrication," or "office," when less than six square feet in an area and bearing no commercial advertising.
- L. Signs identifying the home occupation or office of the resident, of not more than one square foot in area, and attached to the wall of the building.
- M. "No trespassing" signs of not more than one square foot in area.

#### 9.2-7 Sign Application and Permit

- A. All signs, except those exempt in Section 9.2-6 shall require a sign permit.
- B. It shall be unlawful for any person to erect, structurally alter, rehang or replace any sign or outdoor display structure within the city without first submitting an application for a sign permit to the zoning administrator. Such

application shall specify the type of sign to be constructed and the zoning district in which this sign is to be located and shall be accompanied with plans and specifications showing the location, dimensions, materials and details of construction. The application shall contain the written consent of the owner or lessee of the land or building upon which the sign is to be erected.

- C. A permit shall not be required for the mere changing or painting or the reporting of advertising copy or display matter on signs or theater marquees designed for the use of replaceable Copy, provided such change does not violate the provisions of this ordinance.
- D. The zoning administrator shall not issue a permit for any sign unless it has been determined that the proposed sign is in conformity with the requirements of this article and, if applicable, any approved site plan affecting the property upon which the sign is to be placed.
- E. A fee of five dollars (\$5.00) shall accompany each application and shall be payable to the city clerk.

9.2-8 Maintenance and Removal of Signs - Any sign which is hereafter unlawfully installed, improperly maintained or any non-conforming sign other than billboards where the premises have been vacant for two years or more, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure or land upon which such sign may be found, within ten days after written notification to do so from the zoning administrator.

### 9.3 TOWERS

9.3-1 Standards - All wireless telecommunications towers and antennas must meet or exceed current standards and regulations of the FCC, FAA, and any other agency or department of the federal government with the authority to regulate towers and antennas. These regulations also include radio frequency emissions. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

9.3-2 Fencing - Towers shall be enclosed by security fencing not less than six (6) feet in height, maintain a locked gate, and be equipped with an appropriate anti-climbing device. Signs shall be posted on each outward face of the fence indicating "No Trespassing", "High Voltage" and any other pertinent information.

9.3-3 Inspection - At least every twelve (12) months, and at other times deemed

reasonable and necessary by the Zoning Commission, the tower shall be inspected by a structural engineer registered in the State of Missouri, who is regularly involved in the maintenance, inspection, and/or erection of communication towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection checklist provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of such inspection report shall be provided to the Zoning Commission.

- 9.3-4 Height and Setback - The maximum height for all wireless telecommunication antenna support structures shall not exceed 300 total feet above ground level. No tower shall be situated within 500 feet of any residential structure. The minimum setback from all adjoining property boundaries shall be equal to one foot of setback for each foot of tower height plus 25 feet.

## SECTION 10 - BOARD OF ZONING APPEALS

### 10.1 COMPOSITION

10.1-1 The Board of Zoning Appeals shall consist of five residents of the city, appointed by the Mayor with approval of the Zoning Commission. Their terms of office shall be for two years each. The secretary of the Board shall notify the Mayor at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the Mayor promptly if any vacancy occurs. Appointments to fill vacancies on the Board shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the city.

10.1-2 A member whose term expires shall continue to serve until his successor is appointed and qualifies. Any member of the board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by the Zoning Commission, after hearing held after at least fifteen days notice.

10.1-3 The Board of Zoning Appeals shall select one of its members as chairman and one as vice-chairman and one as secretary, who shall serve in such capacity for a term of one year and until their successors have been selected. A majority of the board shall constitute a quorum for the transaction of business.

10.2 POWERS - The Board of Zoning Appeals, in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers:

10.2-1 Administrative review - To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.

10.2-2 Special exceptions - To hear and decide only such special exceptions as the Board of Zoning Appeals is specifically authorized to pass on as described herein; to decide such questions as are involved in determining whether such special exceptions should be granted; and to grant such special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny such special exceptions when not in harmony with the purpose and intent of this ordinance;

10.2-3 Variances - To grant, upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship; provided, that such variance shall only be granted if the appeal is in harmony with the purposes and intent of this ordinance.

10.2-6 Special Use Permits - The Board of Zoning Appeals shall have the power to grant Special Use Permits as provided in this Ordinance.

10.2-5 Interpretation of district map in relation to actual street layout - To interpret the provisions of this chapter where the street layout actually on the ground, varies from the street layout as shown on the district map made a part of this chapter. These interpretations shall be in harmony with the purposes and intent of this ordinance.

10.2-6 Interpretation of district boundaries - The Board of Zoning Appeals shall have the authority to interpret district boundaries of this ordinance.

### 10.3 MEETINGS AND RECORDS

10.3-1 Meetings - Meetings of the board shall be held at the call of the chairman, and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman may administer this and compel the attendance of witnesses. The board shall, except in the case of emergency meetings, give notice of its meetings by advertisement in a newspaper of general circulation in the city at least five days prior to the meeting date.

10.3-2 Records and minutes - The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions. All minutes and records shall be immediately filed in the office of the board and shall be a public record.

10.3-3 Reports to council - The Board of Zoning Appeals shall submit a report of its activities to the Zoning Commission at least once each year.

10.4 VARIANCES - The Board of Zoning Appeals may grant a variance upon a written application which demonstrates:

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- C. That the special conditions and circumstances do not result from the voluntary actions of the applicant;
- D. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- E. If the Board of Zoning Appeals finds, after hearing, that the conditions



above-enumerated have been satisfied and the board further finds that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure and that granting the variance will be in harmony with the general purposes of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, it may grant the variance. If, for any reason, any of the above findings cannot be made, the board shall deny the petition for a variance. The required findings must be made a Part of the board's order.

## 10.5 PETITIONS FOR EXCEPTIONS, VARIANCES OR INTERPRETATIONS

10.5-1 Petitions for special exceptions, variances and interpretations may be made by any property owner, tenant, or government official, department, board or bureau. Such petitions shall be made to the zoning administrator in accordance with the requirements of this chapter and the rules of the Board of Zoning Appeals. The petition and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board, who shall place the matter on the docket.

10.5-2 The Board of Zoning Appeals shall fix a reasonable time for the hearing of the petition, give public notice thereof, as well as due notice to the parties in interest, and decide the same within sixty days.

10.5-3 Hearings before the Board of Zoning Appeals: A party to a hearing may appear in person or by an agent or an attorney.

10.5-4 All parties to any proceeding before the Board of Zoning Appeals shall be notified by certified mail of the decision of the board immediately upon its adoption.

10.5-5 Each appeal to the Board of Zoning Appeals shall be accompanied by a fee of one hundred dollars (\$100.00) to defray the expense of processing such appeal. Such fee shall be paid to the city clerk.

10.6 JUDICIAL REVIEW - Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals or any taxpayer or any officer, department, board or bureau of the municipality may present to the Circuit Court of Bates County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within sixty days after the board has rendered its decision. The date of rendition shall be the date on which the board, by vote, makes its ruling and shall not depend on approval, entry or signing of the board's minutes.

## SECTION 11 - NONCONFORMING BUILDINGS AND USES

- 11.1 EXISTING NONCONFORMING BUILDINGS AND USES - The lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions hereof. Such use may be extended throughout the building; provided, that no structural alterations, except those required by law or ordinance, are made therein.
- 11.2 RESTORATION OF A NONCONFORMING BUILDING OR NONCONFORMING USE - No building which is nonconforming or which has a nonconforming use shall be restored, except in conformity with the regulations of this ordinance, after it has been damaged by fire, demolition, explosion, act of God or a public enemy or a combination of these, to the extent that the cost of restoration to the functional use existing prior to the damage exceeds fifty percent of its appraised value determined as if the building were restored.
- 11.3 DISCONTINUATION OF A NONCONFORMING USE - In the event that a nonconforming use of any building or premise is discontinued or its normal operation stopped for a period of one year or more, the use of the same shall thereafter conform to the regulations of the district in which it is located, and other applicable provisions of this ordinance.
- 11.4 ENLARGEMENT OR RECONSTRUCTION OF A NONCONFORMING BUILDING - No nonconforming building, premises, or uses except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to one permitted in the district in which such building or premises is located.

## SECTION 12 - AMENDMENTS AND CHANGES.

- 12.1 **AUTHORITY** - Whenever the public necessity, convenience, general welfare or good zoning practice justifies such action, the Zoning Commission may, by ordinance, change the regulations set forth in this ordinance and may change the zoning districts as established on the district map.
- 12.2 **INITIATION OF AMENDMENT** - A proposed change of district or text may be initiated by resolution of the Zoning Commission, or by petition of any property owner addressed to the Zoning Commission.
- 12.3 **FORM OF APPLICATION** - Such applications shall be made in writing and shall be accompanied by a fee of one hundred dollars (\$100.00), except those recommended by the Zoning Commission or Board of Zoning Appeals, and shall contain the proposed language of the zoning ordinance to be inserted, a description and map of the property affected, if affecting a change in the zoning map, together with such other information as they shall require. Such application shall contain, as shown on the most recent Tax Map, the names and addresses of all property owners of the frontage within one thousand (1000) feet to the right or left of the frontage proposed to be changed, and, the owners of the frontage directly opposite, or directly in the rear of the frontage property proposed to be altered.
- 12.4 **PROCEDURE** - The City Clerk, upon receiving an application for amendment, shall transmit one (1) copy of such application, along with all pertinent data filed therewith, to the following agencies, persons and/or legal entities for their review and written recommendations, protests or comments:
- A. Board of Zoning Appeals.
  - B. Zoning Commission
  - C. All property owners required to be named in the application.
- 12.5 **NOTICE OF HEARING** - The Zoning Commission shall hold at least one public hearing on such application, fifteen (15) days notice of the time and place of which shall be published by the City Clerk in at least one newspaper having general circulation within the City. Notice of such hearings should also be posted by the applicant at least fifteen (15) days in advance thereof in at least four (4) conspicuous places within the City. Applicant shall file an affidavit verifying the posting of such notice of public hearing with the City Clerk prior to the date of such hearing. Such affidavit should indicate the contents and location of all notices posted by the applicant.
- 12.6 **HEARING ON APPLICATION** - The Zoning Commission shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Zoning Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Zoning Commission shall, by rule, prescribe from time to time. Such hearing may be adjourned from time to time.

- 12.7 FINDINGS OF FACT AND RECOMMENDATIONS OF THE BOARD OF ZONING APPEALS -The Board of Zoning Appeals and all governmental agencies to whom the application has been submitted shall submit recommendations to the Zoning Commission within sixty (60) days after the close of the public hearing and any adjournment thereof. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Board of Zoning Appeals shall also make findings based upon the evidence presented to it in each specific case with respect to the following matters and shall submit same to the Zoning Commission simultaneously with its recommendations:
- A. Existing uses of property within the general area of the property in question.
  - B. The zoning classification of property within the general area of the property in question.
  - C. The suitability of the property in question to the uses permitted under the existing zoning classifications.
  - D. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
  - E. If the Board of Zoning Appeals or any governmental agency or a property owner to whom the application has been submitted fails to submit recommendations to the Zoning Commission within sixty (60) days after the close of the public hearing and any adjournment thereof, it shall be deemed to have been approved by those failing to so act.

12.8 ACTION BY ZONING COMMISSION

- 12.8-1 The Zoning Commission shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Board of Zoning Appeals on the proposed amendment except as hereinafter provided.
- 12.8-2 The Zoning Commission may grant by order or may deny any application for an amendment, provided, however, that in the case of written protest against any proposed change or amendment, signed and acknowledged by the owners of twenty percent (20%) of the frontage within one thousand (1,000) feet to the right or left of the frontage proposed to be changed, or by the owners of twenty percent (20%) of the frontage directly opposite, or directly in the rear of the frontage proposed to be changed, or by the owners of twenty percent (20%) of the frontage directly opposite, or directly in the rear of the frontage proposed to be altered, such amendment may not be passed, except by the favorable vote of all members of the Zoning Commission.

**12.8-3 If an application for a proposed amendment is not acted upon finally by the Zoning Commission within ninety (90) days of the date upon which such application is received by the Zoning Commission, it shall be deemed to have been denied.**

## SECTION 13 - VIOLATIONS AND PENALTIES

13.1 VIOLATIONS, CHARACTER OF - The following conduct is hereby declared to be unlawful:

- A. Violation of any provision of this ordinance or of any regulation adopted pursuant to authority conferred by it;
- B. Failure to comply with the provisions, requirements, conditions or standards contained in any approved site plan, grading plan, excavation plan or clearing plan or in any special permit, building permit, occupancy permit, variance or certificate of appropriateness;
- C. Procurement of any amendment or any required permit, certificate or approval through misrepresentation of any material fact.

### 13.2 PENALTY

13.2-1 Any person violating any provision of this ordinance commits an offense against the ordinances of the City of Adrian, Missouri. Each day such violation continues shall constitute a separate offense. Each offense may be prosecuted in any of the following ways:

- A. Failure to obey this ordinance shall be grounds for the termination of all utility service to the property that is in violation of the ordinance. All utility companies in the City shall, as a condition of their franchise, agree to discontinue utility service to an affected property upon directions from the City of Adrian. The City of Adrian may likewise discontinue any utility service to property that is in violation of this ordinance. Notice of termination of utility service shall be sent to the affected utilities and to the property owner simultaneously. The property owner may obtain a stay of any order of termination of utility service upon posting a \$500 performance bond, which shall serve as a stay of the termination of utility service for thirty (30) days. At the end of the thirty (30) days, the \$500 bond shall be forfeited to the city and the stay shall go into effect. Successive stays with successive \$500 deposits are possible.  
Upon posting of a stay, the property owner shall be entitled to a hearing before the zoning enforcement officer on the question of whether or not the property is in violation of the zoning ordinance. This hearing shall be conducted in accordance with the Administrative Procedure Act of the State of Missouri. The zoning enforcement officer shall hear the case. The city attorney shall present the City's evidence that the property is in violation of the ordinance. The property owner shall submit any evidence in rebuttal. The decision of the zoning enforcement officer shall be final and conclusive, save that the property owner may appeal that decision under the provisions of the State Administrative Procedure Act to the Circuit Court of Bates County, provided that it is done within thirty (30) days of the decision of the hearing officer.

- B. Any violation of the zoning order will be prosecuted as an offense in the Municipal Court of Adrian. Each property owner, each occupant of the property and each agent or manager of the property managing same for the benefit of an owner or occupant shall be individually responsible for compliance with this ordinance and each such person may be prosecuted in the Municipal Court for permitting the property to be used in violation of this ordinance. The offense of violating the ordinance shall not require *mens rea*, and this shall be an offense of absolute liability.
- C. The City of Adrian, Missouri may go to the appropriate Circuit Court and obtain injunctive relief against the owner(s), occupant(s) or agent(s) of owner(s) and/or occupant(s) for violating this ordinance. Such injunctive relief may include an order that the property be brought into conformance with the zoning ordinance, requirement of the posting of a performance bond to ensure that the property becomes in compliance with the zoning ordinance, and a requirement that the defendants pay the legal fees of the City of Adrian in enforcing its zoning ordinance.

## SECTION 14 - ENFORCEMENT

### 14.1 PERMITS AND LICENSES

14.1-1 General - Every department and employee of the City authorized to issue permits or licenses affecting the use or occupancy of land or of a building or structure shall comply with the provisions of this Ordinance. If the proposed use or occupancy of any building or structure for which a permit or license is sought conforms with this Ordinance in all respects, the application therefor may be approved as to zoning. Any such permit or license hereafter issued contrary to the provisions of this Ordinance shall be void.

14.1-2 Prior Permits - Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within 60 days of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may, upon completion, be occupied under a zoning certificate for the use for which originally designated.

### 14.2 ZONING CERTIFICATION

14.2-1 Requirement - Written certification that drawings comply with the requirements of this Ordinance shall be made by the Zoning Administrator prior to the issuance of a building permit for every building or structure erected or moved into any zoning district with the following exceptions:

- A. A building of a non-industrial character, owned and occupied by the City or other governmental agency; but not including a storage garage, machine shop, corporation yard or incinerator;
- B. Publicly owned park, playground, golf course;
- C. Lawful minor accessory uses, not requiring any other permit or license;
- D. Lawful signs of a type for which no building permit or sign permit is required.

14.2-2 Certification - Such written certification shall be recorded on a suitable form or may be included on a Building Permit Application Form and shall include the zoning district, required setbacks and any provisions or conditions established by the Zoning Administrator relating to the use of the property for which a Building Permit Application is made including but not limited to those set forth in any approval of a Special Use Permit or a Variance.

14.2-3 Records - Certification by the Zoning Administrator together with all notations and required information shall be made a part of the permanent records of the City.

## SECTION 15 - EFFECTIVE DATE



15.1 Date - This ordinance, including the zoning district map of the city, designated "district map," and dated February 4, 1991, together with all subsequent amendments, shall become effective as a new zoning ordinance on 7th day of September, 1999.

READ THREE TIMES, PASSED AND APPROVED THIS 7th DAY OF September, 1999.

James Becke  
Mayor

ATTEST:

Barbara Bloomfield  
CITY CLERK

THIS ORDINANCE APPROVED BY THE Mayor THIS 7th DAY OF September, 1999.

James Becke  
Mayor

ATTEST:

Barbara Bloomfield  
CITY CLERK

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