

BILL NO. 26-1022

ORDINANCE NO. 568

AN ORDINANCE REPEALING CHAPTER 400 ZONING AND SUBDIVISION CODE OF THE MUNICIPAL CODE OF THE CITY OF KIMBERLING CITY, MISSOURI, AND REPLACING IT IN ITS ENTIRETY WITH A NEW CHAPTER 400 ZONING CODE; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF KIMBERLING CITY, MISSOURI, AS FOLLOWS

Whereas; Chapter 400 of the Municipal Code of the City of Kimberling City, Missouri, currently known as the Zoning and Subdivision Code, together with all amendments and attachments thereto, is hereby repealed in its entirety.

Whereas; Chapter 400 is hereby replaced in its entirety with the language attached hereto as Exhibit A, which is incorporated herein by reference and shall constitute the new Chapter 400 of the Municipal Code of the City of Kimberling City, Missouri.

The new Chapter 400 shall be titled and codified as provided in Exhibit A.

Whereas; Unless specifically changed by the provisions of the new Chapter 400 or by subsequent official action of the City, existing zoning classifications and the Official Zoning Map of the City of Kimberling City shall remain in effect.

Therefore; The provisions of this Ordinance shall be considered separable. Should any portion, section, subsection, sentence, clause, phrase, or provision of this Ordinance be declared invalid or unlawful by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

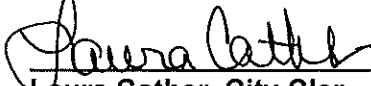
The City Clerk is authorized to cause the provisions of this Ordinance and Exhibit A to be codified and incorporated into the Municipal Code of the City of Kimberling City, Missouri, as the new Chapter 400.

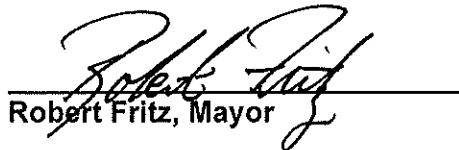
This Ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Alderman of the City of Kimberling City, Missouri.

PASSED and APPROVED by the Board of Aldermen of the City of Kimberling City this 1st day of September 2026.

APPROVED:

ATTEST:


Laura Cather, City Cler


Robert Fritz, Mayor

First Reading: August 26, 2026

Second Reading: September 1, 2026

KIMBERLING CITY CODE

Chapter 400

ZONING CODE

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Article I
Purpose And Authority

SECTION 400.110

Purpose

Section 400.111. Title. [Ord. No. 509, 8-11-2021¹]

This Title shall be known, referred to, and cited as the Zoning and Subdivision Code of Kimberling City, Missouri.

Section 400.112. Intent. [Ord. No. 509, 8-11-2021]

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

1. Editor's Note: Former Chapter 400, Zoning Regulations, containing Sections 400.010 through 400.580, was repealed 8-11-2021 by Ord. No. 509.

SECTION 400.120

Authority

Section 400.121. Authority From State Statutes. [Ord. No. 509, 8-11-2021]

The provisions set forth in these regulations have been prepared in accordance with the authority granted by Sections 89.010 to 89.250, RSMo., as well as Section 89.410, RSMo.

Section 400.122. Jurisdiction And Scope. [Ord. No. 509, 8-11-2021]

- A. The jurisdiction of these regulations shall include all land within the corporate limits. These regulations shall also apply to any land added to the corporate area after such land shall have been legally annexed.
- B. The rules and regulations governing plats of the subdivisions of land and lot splits contained herein shall be considered the minimum and shall apply within the corporate limits of the City of Kimberling City.

**Article II
Definitions****SECTION 400.210
Definitions****Section 400.211. Intent. [Ord. No. 509, 8-11-2021]**

- A. For the purpose of these regulations, words used in the present tense shall include the future tense; words in the singular number include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.
- B. For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter.
- C. Unless otherwise specifically provided, the definitions contained in this Chapter shall apply to an govern the interpretation of all terms used in both Chapter 400 and Chapter 500 of the Municipal Code.

Section 400.212. Terms Defined. [Ord. No. 509, 8-11-2021; Ord. No. 526, 8-17-2022]

For the purpose of these regulations, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise.

ACCESSORY BUILDING - A detached structure that is:

- (1) Subordinate in size or purpose of the principal structure or use which it serves;
- (2) Necessary or contributing to the comfort and convenience of the occupants or the principal structure or use served; and
- (3) Located on the same lot as the principal structure or use served.

By way of example, accessory buildings include but are not limited to a children's playhouse, garden house, and private greenhouse, a civil defense shelter serving not more than two (2) families, a detached garage, shed, carport or building for domestic storage and similar roofed structures.

ACCESSORY USE - Any use that is:

- (1) Subordinate in size or purpose of the principal structure or use which it serves;
- (2) Necessary or contributing to the comfort and convenience of the occupants or the principal structure or use served; and
- (3) Located on the same lot as the principal structure or use served.

By way of example, accessory uses include, but are not limited to, unroofed patios, terraces, decks, walkways, driveways, fire pit areas, outdoor kitchens, water fountains, private swimming pools, spas and hot tubs, playground equipment, recreational courts, ground-mounted solar energy systems, boat docks where otherwise permitted, boat and equipment trailers, the parking and storage of recreational vehicles when not under roof, and the unroofed storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by district regulations.

ACCOMMODATIONS — Any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, or any other private or commercial structure which is situated on real property and designed for occupancy by one (1) or more individuals, which is made available to the purchasers of a time-share plan.

ADDITION- New Construction that increases the floor area, height, or overall size of an existing structure.

ADMINISTRATIVE OFFICER — The Person(s) designated by the City Administrator to administer and enforce the provisions of this Chapter.

ALLEY — A passage or way affording generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

ALTERATION- Construction, renovation, or modification to an existing structure that does not add to, or increase the building's total floor area or exterior dimensions.

APARTMENT — A room or suite of rooms used for a primary dwelling, including bath and culinary accommodations, located in a building in which there are three (3) or more such rooms or suites.

APARTMENT HOUSE — See "dwelling, multiple."

AUTHORIZED REPRESENTATIVE — Any person, firm, or corporation, or employee thereof, approved or hired by the Commission (PSC) to perform inspection services.

BASEMENT — A story having one-half (1/2) or more of its height above grade and used for storage, garages for use of occupants of the building, janitor or watchman quarters, or other utilities common for the rest of the building. A basement used for the above purpose shall not be counted as a story. If three-fourths (3/4) or more of this area is finished for residential use it shall be counted as a story. See "cellar" below.

BOARD — The Board of Aldermen of Kimberling City, Missouri, unless expressly stated otherwise.

BOARD OF ADJUSTMENT — A Board created by Section 400.315 of this Code.

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

BUILDING — See "Structure."

BUILDING COVERAGE — The horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot divided by the gross area of the lot.

BUILDING, HEIGHT OF — The vertical distance from the grade to the highest point of the coping of the flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING, HEIGHT OF HILLSIDE – As applied in Section 400.521 (Hillside Residential Height & Massing Standards), the vertical distance measured from the lowest exposed grade to the highest point of the roof.

BUILDING LINE, FRONT - The line formed by the exterior wall of the principal structure closest to and generally parallel with the front lot line. For purposes of measuring building height on sloping lots, the front building line shall extend between the two outermost front corners of the principal structure, excluding unenclosed porches, decks, patios, eaves, and similar architectural projections.

CARPORT — A carport is a covered structure used to offer limited protection to vehicles, primarily cars, from the elements. The structure can either be free-standing or attached to a wall. Unlike a garage, a carport does not have four (4) complete walls extending from the ground to the roof.

CELLAR — A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement unless three-fourths (3/4) or more of the area is finished for residential purposes, whereupon it shall be counted as a story. See "basement" above.

CITY PLAN — The Sketch Plan or City Plan or Comprehensive Plan of the City of Kimberling City, whether in whole or in part, as adopted by the Planning and Zoning Commission, approved by the Board of Aldermen and duly recorded in the Office of the County Recorder of Stone County. It may consist of several maps, data, and other descriptive matter, for the physical development of the City or any portion

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thereto, including any amendment, extension, or additions thereof adopted by the Board of Aldermen indicating the general locations for major streets, parks, schools, or other public open spaces, public building sites, routes for public utilities, zoning districts, or other similar information.

CLINIC, MEDICAL — An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

CODE — Chapter 400 of the Kimberling City Code of Ordinances, together with all amendments thereto, unless the context clearly indicates otherwise.

COMMISSION — The Planning and Zoning Commission of Kimberling City, Missouri, unless expressly stated otherwise.

CONDOMINIUMS (or CONDO) — A legal arrangement in which a dwelling unit in an apartment or other shared building is individually owned but to which the common areas are owned, controlled, and maintained through an organization controlled by their individual owners. A condominium with three (3) or more residential units shall be treated as a multi-family structure.

CUL-DE-SAC — A short street having one (1) end open to traffic and which is terminated at the other end by a vehicular turn-around.

DESTRUCTION — Damage to an extent of sixty percent (60%) or more of the replacement cost at the time of destruction.

DEVELOPER — Any person, firm or corporation engaged in the dividing, or subdividing of land into lots or parcels for the purpose of conveyance within the scope and application of these regulations.

DISTRICT — A section or sections of the City of Kimberling City for which the Regulations, governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

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

DWELLING, MULTIPLE — A building designed for or occupied exclusively by more than two (2) families as a primary dwelling.

DWELLING, SINGLE-FAMILY — A building designed for and occupied by one (1) family. DWELLING,

TWO-FAMILY — A building designed for or occupied exclusively by two (2) families.

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

ENCROACH — To permanently occupy space within the physical boundaries of public or privately-owned land without ownership of such land.

EXCHANGE PROGRAM — Any opportunity or procedure for the assignment or exchange of time-share periods among purchases in the same or other time-share plans.

EXPOSED WALL HEIGHT - The vertical distance between the ground surface and the top of a wall plane on any single building façade.

FACILITIES — Any structure, service, improvement, campground, recreational vehicle park, or real property, improved or unimproved, which is made available to the purchasers of a time-share plan.

FAMILY — One (1) or more persons residing together as a single housekeeping unit of a permanent and domestic character, and not as a temporary expedient rendered necessary or desirable by reason of temporary conditions.

FLOOD RELATED — Any condition that can be attributed to the damage or occurrence of a flood or accidental inundation of water.

FLOODPLAIN — 100-year flood hazard areas as determined by the National Flood Insurance Agency.

FRONTAGE — That part of a lot or premises immediately adjacent to a public right-of-way without regard to access to, or elevation of, any public improvements.

GARAGE, PRIVATE — An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two-ton capacity. It may be an integral part of the main building. Unlike a carport, a garage has four (4) complete walls.

GARAGE, PUBLIC — A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

GARAGE, STORAGE OR PARKING — A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired, or sold.

GRADE — The elevation of the undisturbed ground surface prior to any grading or development.

1. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk or ground level at the center of the wall adjoining the street.
2. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalks or ground level at the centers of all walls adjoining the streets.
3. For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
4. Any wall approximately parallel to and not more than five (5) feet from a street line shall be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the Administrative Officer.

GRADE, LOWEST EXPOSED - The lowest point of natural or finished grade adjoining any exterior wall of a building.

HOME UNIT — The manufactured home.

HOME UNIT STAND — That part of an individual lot within a Manufactured Home Community District that has been reserved for placement of one (1) single-wide or one (1) double-wide manufactured home unit.

HOTEL — A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public as opposed to a boarding house, a lodging house, or an apartment which are herein separately defined.

IMPERVIOUS SURFACE — Any non-porous area covered by a substance that does not, by its physical qualities, permit inundation by water, including but not limited to asphalt, slate, brick, aluminum, and concrete.

INSTITUTION — A building occupied by a non-profit corporation or a non-profit establishment for public use.

KENNEL — A building, facility, cage, or other structure intended to house and contain dogs or cats. The collection of such structures on a single lot or lot combination when containing more than three (3) dogs and/or cats over the age of four (4) months.

LAUNDROMAT — A business that provides home-type washing, drying, or ironing machines for hire to be used by customers on the premises.

LICENSE — A written license issued by the Kimberling City Clerk.

LOADING SPACE — A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

LODGING HOUSE — A building other than a hotel where lodging only is provided for three (3) or more but not more than twenty (20) persons.

LOT — A parcel of land occupied or intended for occupancy by a use permitted in this Chapter, including one (1) main building together with any accessory buildings, open spaces and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place.

LOT OF RECORD — A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Stone County, or a parcel of land, the deed of which was recorded in the office of the County Recorder of Deeds prior to March 4, 1974. The terms "lot," "parcel," "plot," or "tract" shall be considered synonymous for the purpose of this Title.

LOT, CORNER — A lot abutting upon two (2) or more streets at their intersection, or upon one (1) street that curves around two (2) or more sides of the lot.

LOT, DOUBLE FRONTAGE — A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

MAJOR REPAIR- Extensive structural restoration, overhauling core systems, or changing the size and extent of a facility.

MANUFACTURED HOME — A dwelling meeting the definition of a manufactured home contained in Section 700.010, RSMo., as amended from time to time, and constructed and certified in accordance with Chapter 700, RSMo. A manufactured home shall be constructed in accordance with applicable federal manufactured housing standards and shall bear the certification label and seal required pursuant to Chapter 700, RSMo., including Sections 700.015 and 700.021, RSMo., as administered by the Missouri Public Service Commission.

MANUFACTURED HOME COMMUNITY-DISTRICT — A zoning district intended to accommodate manufactured home communities as defined by this Code.

MANUFACTURED HOME UNIT LOT — A designated parcel, lot, or space within a manufactured home community district intended for the placement of one (1) manufactured home and its associated accessory structures, utilities, and improvements for the exclusive use of the occupants.

MINOR REPAIR- The renewal or fixing of existing parts in a building for basic upkeep or repair.

MOBILE HOME — A transportable residential dwelling unit constructed prior to June 15, 1976, the effective date of the Federal Manufactured Home Construction and Safety Standards (HUD Code), and not bearing a federal HUD certification label. For purposes of this Code, the term "mobile home" shall be distinct from a "manufactured home" as defined in Section 700.010, RSMo. Also see "Manufactured Home".

MODULAR UNIT — A dwelling composed of one (1) or more modular units meeting the definition of a modular unit contained in Section 700.010, RSMo., as amended from time to time, and constructed and certified in accordance with Chapter 700, RSMo. Further, modular homes shall have all of the following characteristics:

1. Bear a label, insignia, or seal indicating compliance with the standards and regulations for modular units adopted and administered by the Missouri Public Service Commission pursuant to Chapter 700, RSMo.
2. Comply with the City Building Code (see Chapter 500, Building Codes) and City Zoning District dimension requirements (see Section 400.518 of this Chapter).

MODULAR HOUSING - See "Modular Home"

NON-CONFORMANCE — A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include but is not limited to failure to conform to use, height, area, coverage, or off-street parking requirements.

NON-CONFORMING USE — A structure or land lawfully used that does not conform to the regulations of the district in which it is located.

NON-POINT POLLUTION — Waterborne substances that can have adverse impacts on fish, wildlife, habitats, and water quality and that enter the groundwater via a diffuse number of points, possibly from the same source, as opposed to one (1) particular point of entrance.

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

OPEN SPACE-PUBLIC — Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreation areas, school sites, community or public building sites, and other lands.

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

PARKING LOT — An open prepared surface used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but on which no vehicle may be equipped, repaired, rented, or sold.

PARKING SPACE — A prepared surface, that of which may be enclosed or unenclosed along with the main building or with an accessory building, having an area of not less than two hundred (200) square feet per automobile exclusive of driveways, regularly used for the temporary storage of one (1) or more automobiles and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

PARKING ENVELOPE — As applicable within the R-1A, R-1B, R-2 and R-HMC zoning districts, a designated area on a lot intended for the parking or storage of vehicles, trailers, boats, recreational vehicles, and similar equipment that is surfaced with an approved all-weather material and complies with the dimensional requirements of this Code.

PERMIT — A written permit issued by the Kimberling City Administrative Officer or other authorized person, permitting the construction, alteration, and extension of a manufactured home under the provisions of this Chapter.

PERSON — Any individual, firm, trust, partnership, public or private association, or corporation.

PHYSICAL OBSTACLE — Any structure or piece of structure that prevents visual or physical contact.

PIER — A structure that encroaches on a body of water specifically for the purpose of providing the general public with access for recreational fishing.

PLACE — An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

PLANNED DEVELOPMENT DISTRICT — A Planned Development District ("PDD") is a unique zoning classification that allows an integration of multiple land uses in a specified area. The purpose of the "PDD" classification is to encourage more creative and imaginative land use designs that are generally possible under conventional zoning regulations.

PLANNING AND ZONING COMMISSION — The Kimberling City Planning and Zoning Commission, a board created by Chapter 420 of this Code.

PREPARED SURFACE — A surface consisting of asphalt, concrete, or crushed stone not graded or compacted dirt.

PRINCIPAL BUILDING — A main building on a lot or subdivision thereof in which the primary use of the lot on which the building is located is conducted.

PUBLIC BUILDING — A building facility, regularly open to the general public, which may contain private, public, utility, and governmental offices; and other facilities such as public libraries and public meeting halls.

PUBLIC SEWAGE SYSTEM — A system serving two (2) or more dwelling units and approved by the Missouri Department of Health and the Missouri Water Pollution Board.

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

RECREATIONAL PARK TRAILERS — A recreational vehicle that is primarily designed to provide temporary living quarters for recreation, camping, or seasonal use. Built on a single chassis mounted on wheels which has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode and is certified by the manufacturer as complying with ANSI A 119.5.

RECREATIONAL VEHICLE — Any motor vehicle or trailer designed or intended for dwelling purposes; travel trailer; camper; motor home; tent trailer; boat; boat trailer; house or vacation trailer; camping trailer; farm, construction or commercial machinery, equipment, or trailer.

REMODEL- Construction, alteration, or interior renovation work done within the original structural footprint of an existing building.

RENT — A stated return or payment for the temporary possession or use of a house, land, apartment, or condo, made usually at fixed intervals, by the tenant or user to the owner for not less than thirty (30) days.

ROADWAY WIDTH or SURFACE WIDTH or MINIMUM PAVEMENT WIDTH — That portion of any street designed for vehicular traffic and, where curbs are paved, that portion of the street between the curbs.

ROOMING HOUSE — See "lodging house."

SCOPE OF WORK- A written description of the exact construction tasks, building methods, and materials planned for a project.

SEAL — A device, label, or insignia issued by the Missouri Public Service Commission, U.S. Department of Housing and Urban Development, or its agent, to be displayed on the exterior of the manufactured home to evidence compliance with the Code.

SERVICE BUILDING — A permanent building such as a management office, laundry, nursery, etc., and shall be used exclusively by occupants of the district.

SERVICE STATION — Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.

SETBACK — The minimum or maximum distance that a structure may be located from the property line.

SETUP — The operations performed at the occupancy site which renders a manufactured home fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting individual, and assembling multiple or expandable units.

SEWER CONNECTION — The connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the manufactured home to the inlet of the corresponding sewer riser pipes of the sewage system serving the manufactured home community.

SEWER RISER PIPE — That portion of the sewer lateral that extends vertically to the ground elevation

and terminates at each manufactured home lot.

SHIPPING/STORAGE CONTAINER — Any metal or primarily metal container designed or constructed to ship, store, or handle bulk goods or items, or which appears substantially similar to such containers in appearance such containers include reusable steel boxes, freight containers, and bulk shipping containers; originally, a standardized reusable vessel that was designed for an used in the parking, shipping, movement, transportation or storage of freight, articles of goods or commodities; generally capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.

SHORELINE — The point at which land and water meet as determined by the mean high-water mark of a body of water.

SITE BUILT HOME — A dwelling unit that has the following characteristics:

1. A unit that is fabricated and constructed on a permanent, perimeter foundation at the premise of a City platted lot.
2. That is fabricated and constructed of dimension lumber, supplies of other construction materials, and certain factory-built structures and fixtures, such as trusses, doors, windows, and electrical and plumbing fixtures.
3. That complies with the City Building Code (see Chapter 500, Building Codes) and City Zoning District dimension requirements (see Section 400.518 of this Chapter).

SPECIAL DISTRICT — All organized local entities (other than Counties, municipalities, townships, or school districts) authorized by State law to provide only one (1) or a limited number of designated functions, and with sufficient administrative and fiscal autonomy to qualify as separate governments; known by a variety of titles, including districts, authorities, boards, and commissions.

STORMWATER MANAGEMENT — The intentional containment, chemical treatment, or alteration of flow of water that results from precipitation specifically for the purpose of preventing flooding, erosion, or non-point pollution.

STORY — That portion of a building, other than a basement or cellar not meeting those standards as identified in the definitions of this Section, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF — A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes other than for a janitor or caretaker or his/her family or by a family occupying the floor immediately below it, shall be deemed a full story.

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

STREETS — The full width between the property lines bounding every way whatever nature when any part thereof is open to use by the public as a matter of right, for the purpose of vehicular traffic and whether designated as a street, highway, freeway, expressway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, circle, court or however otherwise designated.

STRUCTURAL ALTERATIONS — Any change in the supporting members of a building, such as bearing walls, or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls excepting such repair or replacement as may be required for the safety of the building, but not including openings in bearing walls as permitted by existing ordinances.

STRUCTURE — Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the general inclusiveness of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

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Section 400.212

SUBDIVISION — The division of a parcel of land into two (2) or more lots, or other divisions of land; it includes resubdivision and, when appropriate to the context, relates to the process of subdividing, or to the land or territory subdivided.

SUBSTANTIAL REHABILITATION — The investment of more than fifty percent (50%) of a structure's assessed value in repairs or improvements other than physical expansion.

TEMPORARY OR PORTABLE STORAGE CONTAINER — A portable or movable, weather-resistant receptacle designed and used for the storage and shipment of household goods, wares, valuables, or merchandise (typically known as PODS®, MODS etc.), and which is leased on a short-term basis for temporary storage purposes.

THOROUGHFARE PLAN — The official plan of highways, primary and secondary thoroughfares, parkways, and other major streets, including collector streets, adopted by the Planning and Zoning Commission, approved by the Board of Aldermen, and duly recorded in the Office of the County Recorder of Stone County. This may be incorporated as a part of the City Plan.

THOROUGHFARE-PRIMARY, SECONDARY — A major street so designated in the official Thoroughfare Plan. See 410.020. Definitions (Streets) and 410.100 (Classifications Of City Streets).

TIEDOWN — A device designed for the purpose of anchoring a manufactured home to ground anchors.

TIME-SHARE PERIOD — That period of time when a purchaser of a time-share plan is entitled to the possession and use of the accommodations or facilities, or both, of a time-share plan.

TIME-SHARE PLAN — Any arrangement, plan, scheme, or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, right-to-use agreement or any other means, whereby a purchaser, in exchange for a consideration, receives ownership rights in or a right-to-use accommodations or facilities, or both.

TIME-SHARE PROPERTY — One (1) or more time-share plan units subject to the same time-share instrument, to such units; provided that for the purposes of Chapter 137, RSMo., such property shall be defined as a cooperative housing association and valued without regard to time-share periods.

TIME-SHARE UNIT — An accommodation or facility of a time-share plan which is divided into time-share periods.

TOURIST OR TRAILER CAMP — An area where one (1) or more tents or auto trailers can be or are intended to be parked, designed, or intended to be used as temporary living facilities of one (1) or more families and intended primarily for automobile transients.

TRAILER — A vehicle, other than a motor vehicle, designed or intended for use for dwelling purposes, whether or not such vehicle is attached to or resting on the ground or something having a location on the ground. See "recreational vehicle" hereof.

WATER CONNECTION — The connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the manufactured home.

WATER RISER PIPE — That portion of the water supply system serving the manufactured home that extends vertically to the ground elevation and terminates at the manufactured home lot.

WATER-DEPENDENT USES — Activities that require a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity. Examples of water-dependent uses include public and private marinas, yacht clubs, boat yards, commercial and recreational fishing facilities, tour boat and charter boat facilities, unloading and aggregate transshipping facilities, waterborne commerce, ferries, marine educational or laboratory facilities, and water-related public and quasi-public utilities.

WATER-ENHANCED USES — Activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to the public enjoyment and use of the

water's edge, if properly designed and sited. Water-enhanced uses are generally of a recreational, cultural, commercial, or retail nature.

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

YARD, FRONT — That portion of a lot that extends across the designated front elevation of the main building, and which extends from the closest projection of the front elevation to the street or road right-of-way. Minimal projections, such as roof overhangs, balconies, uncovered steps, or ramps, which do not alter the in-line elevations with other dwellings are excluded. Front yard dimensions shall be in compliance with Section 400.518 of this Chapter.

YARD, REAR — That portion of a lot that extends across the designated rear elevation of the main building, and which extends from the closest projection of the rear elevation to the rear lot line for an alley. Minimal projections, such as roof overhangs, balconies, uncovered steps, or ramps, which do not alter the in-line elevations with other dwellings are excluded. Rear yard dimensions shall be in compliance with Section 400.518 (Dimensional Requirements) of this Chapter.

YARD, SIDE — That portion of a lot that extends from the required front yard to the required rear yard and extends from the closest projection of each side elevation to the lot line or street or road right-of-way. Minimal projections, such as roof overhangs, balconies, uncovered steps, or ramps are excluded. Side yard dimensions shall be in compliance with Section 400.518 of this Chapter, except on corner lots, the side yard paralleling and intersecting street shall be a minimum of twenty-five (25) feet from the closest projection of the side elevation. On non-conforming lots, the twenty-five-foot setback requirement for corner lots may be waived at the discretion of the Planning and Zoning Commission.

ZONING MAP — The official, most recently adopted Revised Zoning Map of Kimberling City, Missouri, located in the office of the City Clerk.

Article III
Administration And Enforcement

SECTION 400.310
Intent And General Provisions

Section 400.311. Intent. [Ord. No. 509, 8-11-2021]

This Section shall provide regulations generally applicable to the administrative functions and enforcement of this Chapter.

Section 400.312. General Zoning Regulations. [Ord. No. 509, 8-11-2021]

A. Except as hereinafter specifically provided:

1. No land shall be used except for a purpose permitted in the zoning district in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the zoning district in which such building is located and in conformity with the use regulations of the zoning district in which such building is located.
3. No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the zoning district in which such building is located.
4. The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Chapter for each and every building existing on March 4, 1974, or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Chapter for the zoning district in which such lot is located.
5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as specifically provided hereinafter.

Section 400.313. Reserved

Section 400.314. Powers And Duties Of Administrative Officer. [Ord. No. 509, 8-11-2021]

A. The powers and duties of the Administrative Officer shall be as follows:

1. Issue all Building Permits and make and maintain records thereof.
2. Issue all Certificates of Occupancy and make and maintain records thereof.
3. Conduct inspections of buildings, structures, and the use of land to determine compliance with the terms of this Chapter.
4. Require that all construction or work of any type be stopped when such work is not in compliance with this Chapter.
5. Revoke any permit which was unlawfully issued or any permit wherein defective work has been performed, and when such work has not been corrected within ninety (90) days of notification.
6. Maintain permanent and current records of this Chapter, including, but not limited to, all maps,

amendments, variances, appeals, and applications.

7. Provide and maintain a public information bureau relative to all matters arising out of this Chapter.
8. Forward to the Planning and Zoning Commission all applications for amendments to this Chapter.
9. Forward to the Board of Adjustment, applications for appeals, zoning variances, or other matters on which the Board of Adjustment is required to pass under this Chapter.
10. Initiate, direct, and review, from time to time, a study of the provisions of this Chapter, and to make such reports available to the Planning and Zoning Commission not less than once a year.

Section 400.315. Board Of Adjustment. [Ord. No. 509, 8-11-2021]

- A. Creation. There is hereby created a Board of Adjustment to implement the provisions of this Chapter, where powers are duly expressed.
- B. Membership.
 1. The Board of Adjustment shall consist of five (5) members who shall be residents and who shall be appointed by the Mayor with the consent of the Board of Aldermen. The membership of the first Board appointed shall serve respectively, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Thereafter, members shall be appointed for terms of five (5) years each. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of regular members. All members and alternates shall be removable for cause by the Board of Aldermen upon written charges and notice of same to the members and after holding or providing the opportunity to hold a public hearing on said removal.
 2. Vacancies shall be filled by appointment by the Mayor with the consent of the Board of Aldermen for the unexpired term of any member or alternate whose position becomes vacant.
 3. The Board of Adjustment shall elect its own Chairman who shall serve for one (1) year.
- C. Meetings. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. All testimony, objections thereto, and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.
- D. Powers. The Board of Adjustment shall have the following powers:
 1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Chapter 400 of this Title or of any ordinance adopted pursuant thereto;
 2. To hear and decide all matters referred to it or upon which is required to pass under this Title;
 3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Title, to vary or modify the application of any of the regulations or provisions of this Title relating to the use, construction, or alteration of buildings or structures or the use of land so that the spirit of the Title shall be observed, public safety and

welfare secured, and substantial justice done.

- E. Authority. In exercising the above-mentioned powers such Board of Adjustment, may, in conformity with the provisions of Sections 89.010 to 89.140, RSMo., reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

Section 400.316. Separability And Saving. [Ord. No. 509, 8-11-2021]

- A. Separability. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Board of Aldermen hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application that is judged to be invalid.
- B. Savings Provision. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any Section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the municipality except as shall be expressly provided for in these regulations.

SECTION 400.320

District Boundaries And Street Classifications**Section 400.321. Interpretation Of District Boundaries. [Ord. No. 509, 8-11-2021]**

- A. The boundaries of the zoning districts shall be shown upon the most recently adopted Revised Zoning Map which is a part of this Chapter. The most recently adopted Revised Zoning Map shall be located in the office of the City Clerk of Kimberling City, Missouri. The most recently adopted Revised Zoning Map and all notations, references, and other information shown thereon are all set forth or described herein or contained in the map located in the City Clerk's office.
- B. Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the most recently adopted Revised Zoning Map, the following rules shall apply:
 - 1. The zoning district boundaries shall be streets or alleys unless otherwise shown. Where the districts designated on the map accompanying and made a part of this Chapter are bounded approximately by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of the district.
 - 2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the zoning district boundaries shall be construed to be the lot lines. Where the districts designated on the most recently adopted Revised Zoning Map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of the zoning districts unless the boundaries are otherwise indicated on the most recently adopted Revised Zoning Map.
 - 3. In unsubdivided property, the zoning district boundary lines on the most recently adopted Revised Zoning Map, accompanying and made a part of this Chapter shall be determined by the use of the graphic scale appearing on the Zoning Map.
- C. All territory which may hereafter be annexed to the City of Kimberling City, Missouri, shall be classified as an "A-1" General Agriculture District, until, within a period not to exceed ninety (90) days following the date of annexation, the Planning and Zoning Commission shall appropriately reclassify such territory in accordance with Section 400.410 (Rezoning And Text Amendments) of this Chapter.

Section 400.322. Classifications Of City Streets; Speed Limit Change. [Ord. No. 509, 8-11-2021; Ord. No. 538, 6-21-2023]

- A. The classification of streets within the City limits shall be used to determine the use, right-of-way, maintenance, and speed limit. Refer to the City of Kimberling City's Comprehensive Plan Figure 5-1,² Road Classifications, for the most up-to-date roadway classifications adopted by the Planning and Zoning Commission and the Board of Aldermen.
- B. Speed Limit. In the event the City does not have a City Engineer on staff, the Administrative Officer, in consultation with the Chief of Police and the guidelines set forth in the Manual Uniform on Traffic Control Devices (MUTCD), shall recommend any speed limit change to the Board of Aldermen.

2. Editor's Note: Figure 5-1 is on file in the City offices.

SECTION 400.330

Non-Conformities**Section 400.331. General Provisions Affecting Non-Conformities. [Ord. No. 509, 8-11-2021]**

- A. Within the districts established by this Chapter or by amendments that may later be adopted, there exist lots, premises, structures, and uses of land which were lawful before March 4, 1974 was effective or amended, but which would be prohibited, regulated, or restricted under the provisions of this Chapter or future amendment. These are designated as non-conformities.
- B. It is the intent of this Chapter to permit these non-conformities to continue until they are removed (except as otherwise herein provided). It is further the intent of this Chapter that such non-conformities shall have all the rights of a conforming use or structure, except that they shall not be enlarged upon, expanded, or extended except as provided for herein, nor to be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- C. A non-conforming use of land, premises, or structure shall not be modified in any way which increases the degree or quantity of the existing non-conformance after March 4, 1974.
- D. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, or other destruction, and said structure is declared by an authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of this Chapter as it applies to the district in which it is located, with the exception that if the only non-conformity is setback requirements the structure may be restored, repaired, or rebuilt on the site of the original foundation.
- E. Whenever a building or use constructed or established after March 4, 1974, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to March 4, 1974, is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- F. A non-conforming use or a non-conforming building or structure which is non-conforming only because of failure to provide required off-street parking spaces or loading berths shall have all the rights of a conforming use or structure.
- G. In the event of the destruction of a non-conforming owner-occupied single-family detached dwelling unit, such structure may be reconstructed within the associated structure's original setbacks and original use through written approval of the Administrative Officer, so long as it is reconstructed in a manner that does not increase the non-conformity with regards to Sections 400.515, Land Use Matrix and 400.518, Dimensional Tables and is built in conformance with all other applicable regulations.

Section 400.332. Non-Conforming Uses Of Land. [Ord. No. 509, 8-11-2021]

- A. Where, on the effective date of March 4, 1974, a lawful use of land exists that is no longer permissible under the regulations and standards of this Chapter, as adopted, or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:
 - 1. No such non-conforming use of land shall be enlarged, increased, or extended to occupy a

greater area of land than was occupied on the effective date March 4, 1974.

2. No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of March 4, 1974.
3. If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) consecutive days, any subsequent use of such land shall conform to the resolutions and standards set by this Chapter for the district in which such land is located.

Section 400.333. Non-Conforming Structures. [Ord. No. 509, 8-11-2021]

- A. Where, on the effective date of March 4, 1974, a lawful structure exists that could not be built under the regulations and standards of this Chapter as adopted or amended, by reasons of restrictions on lot area, lot coverage, floor area ratio, heights, yards, spacing between buildings, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains lawful subject to the following provisions:
 1. Such structure may be improved, enlarged, maintained, and repaired as if it were a conforming structure, so long as such improvement, enlargement, maintenance, or repair will:
 - a. Be a substantial rehabilitation as defined in this Chapter;
 - b. Include structural alterations, as defined in this Chapter, of sixty percent (60%) or more of the existing structure; or
 - c. Result in the expansion of sixty percent (60%) or more of the structure's existing size.
 2. This Section shall not be construed to prevent any structure or portion thereof may be altered to decrease its non-conformity.
 3. Application of paint, siding, or enclosing of existing structures or portions thereof shall not be considered an increase in non-conformity so long as the painting, siding, or area enclosed does not increase the area of the non-conforming structure or non-conforming portion thereof.
 4. Transfer of ownership shall not result in the loss of non-conformance status for any residential structure.
 5. Should any such structure be moved for any reason for any distance whatever it shall thereafter conform to the regulations and standards for the district in which it is located after it is moved.

Section 400.334. Non-Conforming Uses Of Structures. [Ord. No. 509, 8-11-2021]

- A. Where, on the effective date of March 4, 1974, a lawful use of a structure, or a premises, exists that is no longer permissible under the regulations and standards of this Chapter as adopted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 1. No existing building or structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or altered except in changing the use of such building or structure to a use permitted in the district in which it is located. A structure devoted to a non-conforming use may be maintained or repaired as if it were a conforming building or structure, provided that the volume of such building or the size of such structure as it existed at the effective date of March 4, 1974 shall not be increased.
 2. Any non-conforming use may be extended throughout any parts of the building or structure

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which were manifestly arranged or designed for such use at the effective date of March 4, 1974, but no such use shall be extended to occupy land outside of such building or structure.

3. Any non-conforming use of a building or structure, or of any premises, may be changed to another non-conforming use provided that the Planning and Zoning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such changes, the Planning and Zoning Commission may require appropriate conditions and safeguards in accord with the provisions of this Chapter.
4. Any building or structure, or any premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations and standards of the district in which such building, structure, or premises is located, and the non-conforming use shall not be resumed.
5. When a non-conforming use of a building or structure, or of a premises, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period, the building or structure, or the premises, shall not thereafter be used except in conformance with the regulations and standards of the district in which it is located.
6. Where non-conforming use status applies to the use of a building, removal or destruction of the building or structure shall eliminate the non-conforming use status, and any use of a new building or structure must be a use permitted in the district in which it is located.

SECTION 400.340

Building Permits And Fees

- A. Building permits and remittance of any associated fees for these permits in association with any building or structure erected, moved, added to, or structurally altered in the City of Kimberling shall be issued by the Administrative Officer in accordance with the provisions of Title IV (Building and Construction). See Sections 500.010 to 500.400.
- B. Prior to issuance of building permits, the requirements and provisions of Title IV (Land Use) including those related to zoning and subdivision of property shall have been adequately met as determined by the City Administrator or designee.

**Article IV
Process****SECTION 400.410
Rezoning And Text Amendments****Section 400.411. Board Of Aldermen May Amend. [Ord. No. 509, 8-11-2021]**

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

Section 400.412. Manner Of Amending. [Ord. No. 509, 8-11-2021; Ord. No. 536, 6-21-2023]

A. This Chapter or district boundary lines shall be amended in the following manner:

1. Amendments may be proposed by any citizen, organization, or governmental body.
2. An application for an amendment to this Chapter shall be filed with the Administrative Officer in such form and accompanied by such information as required by the Administrative Officer. The Administrative Officer, upon requiring an application for amendment, shall transmit one (1) copy of such application along with all pertinent data filed therewith, to the following agencies and/or legal entities for their review and written recommendations, protests or comments:
 - a. Planning and Zoning Commission.
 - b. Board of Aldermen.
3. A fee, according to a Schedule of Fees as originally adopted and amended from time to time by the Board of Aldermen shall be paid to the City of Kimberling City, Missouri, for each application for an amendment, to cover the costs of advertising and other administrative expenses involved. The Board of Aldermen, Planning and Zoning Commission, and Board of Adjustment shall be exempt from this fee when initiating an amendment. If the costs of publication and notices exceed the deposit, the applicant shall pay the balance. A survey of residents may be required, whose property is located at a distance of no more than one hundred eighty-five (185) feet from the property involved in the proposed amendment. If such a survey is required by the Planning and Zoning Commission or Board of Aldermen, the certified mailing expense shall be paid by the petitioner to the City Clerk prior to further consideration or action by the City Government.
4. The Planning and Zoning Commission shall present written findings of fact and shall submit the same together with its recommendations to the Board of Aldermen. Written findings will be given prior to the Board's public hearing. A voting member of the Planning and Zoning Commission will present written findings at the Board's public meeting, and findings will be recorded within the public meeting minutes. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- a. Relatedness of the proposed amendment to goals and outlines of the long-range comprehensive plan of the City of Kimberling City, Missouri.
 - b. Existing uses of property in the general vicinity of the property in question.
 - c. The zoning classification of property within the general vicinity of the property in question.
 - d. The suitability of the property in relation to the uses permitted under the existing zoning classification.
 - e. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
5. The Board of Aldermen shall not act upon a proposed amendment to this Chapter until it has received a written report and recommendation from the Planning and Zoning Commission on the proposed amendment.
6. The Board of Aldermen shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Board of Aldermen. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Board of Aldermen shall, by rule, prescribe from time to time.
7. Notice of time and place of such hearing shall be published at least once in a newspaper of local distribution not less than fifteen (15) days before such hearing. Supplemental or additional notices may be published or distributed as the Board of Aldermen may, by rule, prescribe from time to time.
8. The Board of Aldermen shall approve or deny the proposed amendment. If any application for such an amendment is not acted upon by the Board of Aldermen within a ninety (90) day period following its initial submission, it shall be deemed to have been approved.
9. If the Board of Aldermen approves a change in zoning, the Zoning Map shall be updated and a new map shall be published as soon as practicable.

SECTION 400.420
Conditional Use Permit

Section 400.421. Process. [Ord. No. 509, 8-11-2021]

- A. Any of the uses identified as a conditional use in Section 400.515, Land Use Matrix, may be permitted by this Section.
- B. A written application for a conditional use permit shall be filed with the Administrative Officer and shall include a statement indicating in detail the proposed use, the basis upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth in the Code of Ordinances and the standards herein. Applications for conditional use permits shall be accompanied by a fee, as required by the Schedule of Fees as adopted and amended from time to time by the Board of Aldermen. The application shall be accompanied by an ownership list listing the legal description of the property for which the permit is requested and the name and address of the owners of any real property located within one hundred eighty-five (185) feet of the boundaries of the property for which the permit is requested.
- C. The Administrative Officer shall forward the application to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 - 1. Relatedness of the proposed amendment to goals and outlines of the long-range comprehensive plan of the City of Kimberling City, Missouri.
 - 2. Existing uses of property in the general vicinity of the property in question.
 - 3. The zoning classification of property within the general vicinity of the property in question.
 - 4. The suitability of the property in relation to the uses permitted under the existing zoning classification.
 - 5. 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.
 - 6. Whether the proposed use will:
 - a. Substantially increase traffic hazards or congestion.
 - b. Substantially increase fire hazards.
 - c. Adversely affect property values.
 - d. Adversely affect the character of the neighborhood.
 - e. Adversely affect public health, safety, and the general welfare of the community.
 - f. Overtax public utilities.
 - 7. If specific conditions are set forth for the granting of a permit, the Planning and Zoning Commission will make a finding that those conditions have been satisfied.
- D. The conditional use permit may be granted provided the use is in compliance with all other provisions of the Code of Ordinances and any other conditions as to operation, site development, signage and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of the neighboring property and will conform to the general intent and purposes of these

regulations and shall comply with the height and area regulations of the district in which they may be located, unless otherwise granted.

- E. A conditional use permit may be granted by the Board of Aldermen of the City of Kimberling City, Missouri, after the recommendation of the Planning and Zoning Commission and after notice and public hearing. Upon receipt of the application and recommendation by the Planning and Zoning Commission, the Board of Aldermen shall call a public hearing for the next scheduled meeting of the Board of Aldermen; provided, however, that notice must be published in a newspaper of general circulation at least fifteen (15) days prior to the date set for hearing.
- F. Applications shall be granted or denied within thirty (30) days of the close of the public hearing. The Board's decision shall be based solely on the facts made part of the record at the public hearing. When denying a request, the Board shall make written findings of facts and conclusions of law specifying the particular grounds relied upon. When approving a proposed use, the Board shall make affirmative findings that the proposed use conforms with the general standards set forth in this Section. In no case shall a use be permitted which is not authorized by this Chapter.
- G. If the Board of Aldermen approves the application, it shall adopt an ordinance to that effect.

Section 400.422. Approval Criteria. [Ord. No. 509, 8-11-2021]

- A. The Board shall determine the impacts of the proposed use as identified in Subsection 400.421(C)(6). If the findings of the Board are negative as to all of the aforementioned criteria, then the application shall be granted, provided there is compliance with all other requirements of this Section; if affirmative as to any of the aforementioned criteria, then such permit shall be denied or the Board of Aldermen may stipulate additional conditions and restrictions.
- B. The Board of Aldermen may stipulate such additional conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use permit as is deemed reasonably necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein, and to correlate the proposed use to other property and uses in the vicinity. The Board of Aldermen may require such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will be, fully complied with.

KIMBERLING CITY CODE

SECTION 400.430

Subdivision Procedures. All property within the corporate limits of the City of Kimberling City is subject to the Subdivision Procedures as contained in Chapter 410

Section 400.434. Special Districts For New Development. [Ord. No. 509, 8-11-2021]

- A. Notwithstanding any other provisions of this Article or any other ordinances of the City to the contrary, where it is intended that all of the costs of new development construction will be specially assessed by the City against properties benefited by the improvement, with the City to collect the special assessments so levied to reimburse the City for the amount paid or to be paid by it on the bonds, and to otherwise pay for the costs of construction, engineering fees, and attorney fees billed to the City for assessments on the project should the bonds issued not pay for all of the costs, by observing the following procedures:
1. Establishment Of Special District And Authorization Of Improvements. Upon receipt of the information for new development, the Board of Aldermen shall establish and define the special district or joint district in which the project will be constructed; authorize acquisition of necessary right-of-way, for City utilities and streets, in accordance with the laws of the State.
 2. Upon receipt of initial new development plans, the City Administrator shall contract with the City Engineer, City Attorney, and City Building Inspector for plan review and approval. At that time, the City Administrator shall administer, in writing, an estimated cost of all City engineering, legal, and inspector fees that will be incurred by the City. The City Administrator shall file a copy of the fee estimate with the City Clerk after estimates have been received. The estimate, after being certified by the City Clerk, will be sent electronically and by mail to the developer.
 3. All the costs and expenses, including any costs or expenses incurred by the City, plus the charges for connection fees as required by City ordinance, shall be specially assessed, and an itemized billing of all costs will be sent electronically and by mail to the developer. All fees incurred by, or due to, the City, if not covered by the bond on record, shall be paid in full by the development company.
 4. Notwithstanding any other provisions of any other ordinances of the City to the contrary, Special Districts shall be subject to the provisions of Chapter 400 (Zoning Code) and Chapter 410 (Subdivision Regulations).

Section 400.435. Reserved

SECTION 400.440

Appeals And Zoning Variances**Section 400.441. Appeals. [Ord. No. 509, 8-11-2021]**

- A. Appeal from action taken by the Administrative Officer shall be taken in the following manner:
1. All appeals shall be taken within sixty (60) days of the date of the action which is appealed.
 2. Appeals from the enforcement and interpretation of this Chapter, signed by the appellant, shall be addressed to the Board of Adjustment and presented to the Administrative Office. As required by the Schedule of Fees as adopted and amended from time to time by the Board of Aldermen, a deposit shall be paid to the City of Kimberling City for each appeal to cover costs of processing the application for legal notices, postage, and administrative/professional wages and fees. If the actual costs exceed the deposit, the applicant shall pay the balance of the costs prior to the hearing. The appeal shall contain or be accompanied by such legal descriptions, maps, plans, and other information so as to completely describe the decisions or interpretation being appealed and the reasons for such appeal.
 3. The Administrative Officer shall transmit to the Board of Adjustment the appeal and all papers constituting the record upon which the action appealed was taken. The Chairman of the Board of Adjustment shall schedule a hearing to be held within sixty (60) days from the filing of the appeal. Public notice of the hearing shall be published in a newspaper of general circulation in the City at least once each week for two (2) successive weeks prior to the hearing. The Administrative Officer shall post a notice on the property involved for a period of one (1) week prior to the hearing.
 4. An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Officer certifies to the Board of Adjustment that by reason of facts in the record a stay would, in his/her opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a court order.

Section 400.442. Zoning Variances. [Ord. No. 509, 8-11-2021]

- A. Applications for zoning variances to this Chapter shall be processed in the following manner:
1. An application for a zoning variance from the terms of this Chapter signed by the applicant shall be addressed to the Board of Adjustment and presented to the Administrative Officer.
 2. As required by the Schedule of Fees as adopted and amended from time to time by the Board of Aldermen, a deposit shall be paid to the City of Kimberling City for each application, to cover the costs of processing the application, for legal notices, postage, and administrative/professional wages and fees. If the actual costs exceed the deposit, the applicant shall pay the balance of the costs prior to the hearing. The application shall contain or be accompanied by such legal descriptions, maps, plans, and other information so as to completely describe the proposed use and existing conditions.
 3. The Administrative Officer shall review the application and determine that sufficient data is contained to adequately describe the situation to the Board of Adjustment. If the data is not adequate, the Administrative Officer shall return the application to the applicant for additional information. Completed applications shall be forwarded to the Board of Adjustment.

Section 400.443. Zoning Variance Process. [Ord. No. 509, 8-11-2021]

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

1. The Chairman of the Board of Adjustment shall schedule a public hearing to be held within sixty (60) days after an application is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the City at least once each week for two (2) successive weeks prior to the hearing. The City Clerk shall post a notice on the property involved for a period of one (1) week prior to the hearing.
2. The Board of Adjustment shall approve or deny the application for a zoning variance following the public hearing. Before any variance is granted, the Board of Adjustment must find that all of the following criteria are met:
 - a. Special circumstances exist which are peculiar to the applicant's land, structure, or building and do not generally apply to the neighboring lands, structures, or buildings in the same district or vicinity.
 - b. The strict application of the provisions of this Chapter would deprive the applicant of reasonable use of the land, structure, or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures, or buildings in the same district.
 - c. The special circumstances are not the result of the actions of the applicant taken subsequent to March 4, 1974.
 - d. Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Chapter.

Section 400.444. Approval Criteria. [Ord. No. 509, 8-11-2021]

A. The following rules will be considered by the Board of Adjustment when approving or denying a zoning variance:

1. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning.
2. In granting a zoning variance the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Chapter. Violation of any of these conditions or safeguards shall be deemed a violation of this Chapter.
3. Unless otherwise specified at the time the zoning variance is granted, the variance applies to the subject property and not to the individual who applied. Consequently, the zoning variance is transferable to any further owner of the subject property but cannot be transferred by the applicant to a different site.
4. A zoning variance shall continue for an indefinite period of time unless otherwise specified at the time the variance is granted, except that when a zoning variance has not been used within one (1) year after the date it was granted, the variance shall be canceled by the Building Inspector and written notices shall be given to the property owner.

SECTION 400.450

Planned Development Districts**Section 400.451. Preliminary Development Plan. [Ord. No. 509, 8-11-2021]**

- A. Submittal Requirements. The applicant shall have a preliminary development plan for a Planned Development District prepared and submit it to the City Clerk. The plan will be reviewed by the Administrative Officer, and the applicant will pay all associated costs, as required by the Schedule of Fees as adopted and amended from time to time by the Board of Aldermen. The application for the preliminary development plan must adhere to the provisions of Section 400.529 ("PDD" Planned Development District) and include the following:
1. ALTA survey of the tract that is to be developed, showing streets, alleys, easements, utility lines, and topographic and physical features.
 2. A site plan showing the location and arrangement of existing and proposed structures, proposed traffic circulation within the development, parking and loading areas, ingress and egress points, proposed and existing land uses, zoning districts, proposed lots and blocks, public and common open spaces, parks, playgrounds, school sites, and recreational facilities.
 3. A statement that includes the anticipated residential density (when applicable), proposed total gross floor area (floor area of all floors added together), and the percentage of the development to be occupied by structures.
 4. Preliminary sketches of proposed structures and landscaping.
 5. A schedule of development; for each phase or unit if the development is to be constructed in phases or units.
 6. Evidence that the applicant has sufficient control over the tract of land to effectuate the plan, including a statement of all ownership and beneficial interests in the parcel.
 7. A survey of the impact of the Planned Development District on traffic circulation and number of trips in the vicinity of the proposed development.
 8. A statement showing the relationship of the Planned Development District to the Comprehensive Plan.
 9. In Mixed-Use Planned Development Districts, a statement indicating the types of business and/or industries to be included in the development.
 10. A statement describing the provisions for maintaining common open space, common recreational facilities, or common public facilities. If a non-governmental authority will be responsible for common areas, copies of that entity's proposed articles of incorporation or bylaws must be included.
 11. Statement of proposed restrictive covenants that are to be recorded with respect to the property included in the Planned Development District. The proposed restrictive covenants, shall include, at a minimum, the following provisions:
 - a. The developer shall remain responsible for all common areas until at least sixty percent (60%) of all lots are sold. The developer may transfer interest in and to the common areas of the planned development after at least sixty percent (60%) of the lots are sold, but said developer shall remain responsible for the common areas until all lots in the development

are sold, should the homeowners' association fail to do so.

- b. There shall be established a homeowners' association, which shall be responsible for the common areas of the planned development.
- c. The homeowners' association shall establish a Board of Directors, and the Board of Directors shall have the responsibility of collecting the assessment and maintaining the common areas.
- d. Responsibility for the planned development's common areas shall include maintenance, repairs, regular mowing, cleanup, and any other action necessary to maintain and keep in proper condition all common areas in the development.
- e. The homeowners' association shall be required to establish an annual assessment for each lot, which assessment shall be a lien on each lot owner's property, and which accumulatively shall be in sufficient amounts to pay for the costs of all maintenance of the common areas.
- f. The City shall have the right, but not the duty, to enforce the maintenance of the common areas.
- g. Any proposed dissolution of the homeowners' association shall be subject to the approval of the City and shall include a proposal for continued maintenance of the common areas.

B. Process.

- 1. The Planning and Zoning Commission shall hold a public hearing on the preliminary development plan in accordance with this Chapter within thirty (30) days after the preliminary development plan application has been reviewed by City staff. The deadline for submitting the application and plan to schedule the public hearing is forty-five (45) days before the hearing. This will provide for the Planning and Zoning Commission to have the plan the month before the hearing for a review period.
- 2. The Planning and Zoning Commission shall determine its findings regarding the compliance of the preliminary development plan and transmit those findings with its recommendations regarding approval, disapproval, approval with amendments, conditions, or restrictions of the preliminary development to the Board of Aldermen and the applicant within forty-five (45) days of the public hearing of the preliminary development plan.
- 3. The Board of Aldermen shall hold a public meeting and approve or disapprove the preliminary development plan within thirty (30) days after it received the findings and recommendations of the Planning and Zoning Commission concerning the preliminary development plan. Approving the preliminary development plan by ordinance establishes the zoning for the district.
- 4. The Board of Aldermen may alter the preliminary development plan and impose such restrictions and conditions on the planned development as it may deem necessary to ensure that the development will be in harmony with the general purpose and intent of this Chapter and with the Comprehensive Plan.
- 5. When the Board of Aldermen alters the preliminary development plan or imposes any restrictions or conditions on such plan, the applicant shall have fifteen (15) days within which to file an acceptance of such alteration, restriction, or condition with the Board of Aldermen.

6. When an acceptance is required by this Section, no ordinance approving a preliminary development plan and establishing a Planned Development District shall be adopted until such acceptance had been filed with the Planning and Zoning Commission and an ordinance approving the preliminary development plan establishes the zoning for the district.

C. Approval.

1. A Planned Development District shall be considered an amendment to the zoning regulations. Any ordinance approving the planned development shall specify the zoning regulations and restrictions that will apply to the Planned Development District pursuant to the preliminary development plan and shall set such boundaries on a map that is incorporated and published as a part of such ordinance with the designation "RPD" for Residential Planned Development Districts and "MPD" for Mixed-Use Planned Development Districts.
2. Any such ordinance shall also specify the conditions and restrictions that have been imposed by the Planning and Zoning Commission on the planned development and the extent to which the otherwise applicable district regulations have been varied or modified. When the Planning and Zoning Commission has designated divisible geographic sections of the development that may be developed as a unit, the ordinance shall authorize the Planning and Zoning Commission to modify the schedule of development to the extent set out under the general provisions.
3. When the preliminary development plan is approved, and the applicant has accepted any restrictions, conditions, or alterations to the plan, Planning and Zoning shall specify the zoning regulations and restrictions that apply in the Planned Development District, pursuant to the preliminary development plan, or set such boundaries out on a map that is incorporated as a part of such ordinance.
4. The City Clerk shall transmit a copy of the ordinance approving and adopting the Planned Development District to the applicant. The Planned Development District will also be noted on the Official Zoning Map maintained at City Hall.
5. Approval of a preliminary development plan shall not qualify as a final plat of the planned development for recording.
6. A preliminary development plan which has been approved or approved with modifications that have been accepted by the applicant shall not be modified, revoked, or otherwise impaired, pending the application for approval of a final development plan or plans by any action of the City without the consent of the applicant. However, such a plan may be modified if the applicant fails to meet time schedules for filing a final development plan, fails to proceed with development in accordance with the plans as approved, or fails to comply with any condition of this Section or any approval granted pursuant to it in any other manner.
7. If no time is specified in the ordinance approving the preliminary development plan, then an application for approval of a final development plan, or of each of its phases, shall be filed within two (2) years. The applicant may ask for one (1) extension for up to two (2) years on a plan that has been started and is ongoing.

D. Revocation And Denial.

1. If the preliminary development plan is disapproved, the City shall provide the applicant with a written statement of the reasons for disapproval of the plan.
2. Any portion or total of the planned development not given final approval shall be subject to all

provisions of the zoning regulations as amended and any other ordinance as amended that was applicable prior to the approval of the preliminary plan. The Board of Aldermen shall adopt an ordinance repealing the Planned Development District for that portion not given final approval and reestablishing the zoning and other ordinances applicable to the land immediately prior to the Planned Development District. Any such revocation shall be noted on the Official Zoning Map.

3. The preliminary development plan may be revoked after the approval of the preliminary development plan but before the approval of the final development plan if the applicant:
 - a. Chooses to abandon the development plan and provide written notification to the Planning and Zoning Commission of such action.
 - b. Fails to file an application(s) for approval of a final plan within the required time period.

Section 400.452. Final Development Plan. [Ord. No. 509, 8-11-2021]

- A. An application for the approval of a final development plan must be filed for all the land in the planned development or one (1) of its phases. Such application shall be filed by the applicant with the City Clerk and shall be in substantial compliance with the preliminary development plan as approved. The final development plan application shall be filed at least thirty (30) days prior to the Planning and Zoning Commission meeting at which the development plan will be considered. The applicant shall not submit a final development plan for approval until the Board of Aldermen has approved the preliminary plat for the development. The applicant shall also submit a final plat within two (2) years of approval of the preliminary plat per Statutes, if applicable, in conformance with the requirements of this Chapter, concurrent with the final development plan. Substantial compliance of the final development plan with the preliminary development plan shall mean that the final plan does not:
 1. Vary the proposed gross residential density or intensity of use by more than ten percent (10%).
 2. Increase the floor area of non-residential uses by more than ten percent (10%).
 3. Increase the total ground area covered by buildings more than ten percent (10%).
 4. Involve a reduction of the area set aside for common open space.
- B. Submittal Requirements. The application for approval of a final development plan shall include:
 1. A site plan in conformance with the requirements of this Chapter and the administration Section of the adopted Building Code.
 2. Preliminary building plans, including floor plans and exterior elevations.
 3. Landscaping plans in accordance with this Chapter and Section 510.040 (Landscaping) of the Kimberling City Building Regulations.
 4. Copies of any easements and restrictive covenants.
 - a. Proof of the establishment and activation of any entity that is to be responsible for the management and maintenance of any common open space or facilities.
 - b. Evidence that no lots, parcels or tracts, or dwelling units in such development have been conveyed or leased prior to the recording of any restrictive covenants applicable to such planned development.

C. Process.

1. The applicant may elect to apply for the final approval of a portion or unit of a phased development, provided that the applicant is in accordance with the schedule approved in the preliminary plan and the time limits in the ordinance adopting the final development plan.
2. Although no public hearing is required on a final development plan that is in substantial compliance with the preliminary development plan as approved, the applicant shall have the burden to show the Planning and Zoning Commission good cause for any variation between the preliminary and final development plans.
3. A final development plan, or any unit thereof, that has been approved by the Planning and Zoning Commission shall be so certified by the City Clerk and shall be filed in City Hall, and a resolution shall be prepared for approval by the Board of Aldermen. The final development plan and, if needed, the final plat shall be recorded by the Stone County Recorder of Deeds. No final development plan shall be recorded nor shall any lot be sold or transferred until all public improvements have been installed in accordance with the final development plan and final plat, if applicable. A final plat is required to be approved and recorded within two (2) years of approval of a preliminary plan. Final plats must be done before the transfer of ownership of any lots or property can take place. In the event the Planning and Zoning Commission fails to act, either by grant or by denial of final approval within the prescribed time, the final plan shall be deemed to be approved.

D. Approval. The Planning and Zoning Commission shall grant the final development plan approval within thirty (30) days of the Planning and Zoning meeting at which the final development plan is considered, if the following conditions are met:

1. The final development plan is in substantial compliance with the preliminary development plan.
2. No public hearing is required for the final development plan.
3. The application for final development plan approval has been submitted with all required components to the Planning and Zoning Commission.
4. If there is an ownership change, including a change in corporation or LLC with the same members, or there is a sale of the project and site, a new application with ownership information must be submitted to the City Clerk for Planning and Zoning review and approval. This application must be submitted to the City Clerk sixty (60) days prior to the sale. Once the sale has concluded and ownership has been transferred, the City Clerk must be notified that the sale has been finalized.
5. A final development plan, or any unit thereof, that has been approved by the Planning and Zoning Commission shall be so certified by the City Clerk and shall be filed in City Hall, and a resolution shall be prepared for approval by the Board of Aldermen. The final development plan and, if needed, final plat shall be recorded by the Stone County Recorder of Deeds. No final development plan shall be recorded, nor shall any lot be sold or transferred until all public improvements have been installed in accordance with the final development plan and final plat, if applicable.
6. Pending the completion of the planned development within a reasonable time, any approved final development plan, as approved, shall be immune to modification except with the consent of the applicant.

E. Denial And Revocation.

1. In the interest of the public's safety, health and welfare, the Planning and Zoning Commission may, after a meeting with the applicant, refuse a final development plan that has variations from the preliminary plan but still is in substantial compliance with the preliminary plan.
 - a. The Planning and Zoning Commission must take such action within thirty (30) days from the filing of the application for final approval and advise the applicant, in writing, the reasons of such refusal.
 - b. The applicant shall have the opportunity to reapply for approval of the final development plan with a reverted version that does not include the objectionable variations from the preliminary plan.
 - c. If the Planning and Zoning Commission informs the applicant of the refusal after the time limit for reapplication has expired, the applicant may have sixty (60) additional days to file the final development plan without the objectionable variations.
 - d. If the applicant fails to file within this time period, it will be presumed that the applicant has refused to accept the requirements set forth by the Planning and Zoning Commission, and final approval is deemed to be denied.
2. Should the final development plan not be in substantial compliance with the preliminary development plan as approved by ordinance, the Planning and Zoning Commission shall notify the applicant, in writing, of this fact within ten (10) working days of the date the decision was made, specifying the reasons why the final development plan is not in substantial compliance with the preliminary development plan.
 - a. The applicant may make the changes required by the Planning and Zoning Commission to bring the final development plan into compliance, or the applicant may request that the Planning and Zoning Commission hold a public hearing on the application for final approval.
 - b. Any such public hearing shall be conducted in the manner prescribed in Section 400.452 (B) (Final Development Plan) of this Chapter. The fee for this hearing is calculated as required by the Schedule of Fees as adopted and amended from time to time by the Board of Aldermen.
 - c. Within thirty (30) days of the conclusion of the public hearing, the Planning and Zoning Commission shall by resolution either grant or deny approval of the final development plan.
 - d. The grant or denial of approval of the final development plan shall follow the form and contain the findings of the preliminary development plan as set out in this Chapter.
 - (1) The applicant must take either alternative action within the time period specified for final approval. In the event that the Planning and Zoning Commission informs the applicant of the matter when the time to request for final approval has expired, the applicant shall have sixty (60) additional days to apply for final approval.
 - (2) If the applicant takes no action, it will be presumed that the applicant has abandoned the plan.
3. If a final development plan or one (1) of its phases is approved, and the applicant abandons part

or all of the development plan and notifies the City, in writing, or fails to complete the planned development or one (1) of its phases within a reasonable period of time after final approval has been granted, then no further development shall take place on the property until that property has been reclassified by the enactment of an amendment to this Chapter as prescribed in Section 400.411 (Board of Aldermen May Amend) of this Chapter.

Section 400.453. Manner Of Amending. [Ord. No. 509, 8-11-2021]

- A. A Planned Development District ordinance or an approved preliminary or final development plan may be amended by the Board of Aldermen, but only after a finding of fact and recommendations have been prepared by the Planning and Zoning Commission and transmitted to the Board of Aldermen in the manner required by this Chapter. The Planning and Zoning Commission shall hold public hearings on any such amendment before taking action on the amendment in accordance with the provisions of this Chapter.

Article V
Zoning Districts and Uses

SECTION 400.510
Zoning Districts And Uses

Section 400.511. Intent. [Ord. No. 509, 8-11-2021]

The use table below lists the uses allowed within each zoning district. Approval of a use listed in the table and compliance with the applicable use-specific standards for that use authorizes that use only.

Section 400.512. Districts Established. [Ord. No. 509, 8-11-2021]

A. For the purposes of this Chapter the City of Kimberling City, Missouri, is divided into the following districts:

1. "A-1" General Agricultural District. Primarily undeveloped land usually found on the periphery of the City. Such lands are usually restricted to agriculture and limited residential use.
2. "R-1" Single-Family District. Low-density residential district where related recreational, religious, and educational facilities may be provided.
3. "R-1B" Urban Neighborhood District. Moderately low-density mixed residential district where related recreational, religious, and educational facilities may be provided. This district is intended to promote increased density while maintaining the traditional architectural character of single-family neighborhoods.
4. "R-2" Two-Family District. Moderately high-density residential district. Such districts should create a smooth transition between "R-1" and "R-3" Districts.
5. "R-3" Multi-Family District. High-density residential areas served by common facilities and open space.
6. "R-MHC" Residential-Manufactured Home District. Intended to provide a location for the placement of manufactured homes as defined in 400.212 (Terms Defined).
7. "C-1" Neighborhood Commercial District. Pedestrian-oriented commercial district primarily comprising the City center. This district should offer personal services and retail outlets.
8. "C-2" General Commercial District. Automobile-oriented commercial district providing a wide variety of business services and retail outlets.
9. "C-3" Lakefront Overlay District. Intended to promote commercial development capitalizing on properties' lake frontage. This district is oriented for higher-intensity commercial uses for recreation and tourism, as well as high-quality residential development.
10. "I-1" Light Industrial District. An industrial district intended primarily for light manufacturing, assembling, fabrication or warehousing, wholesale and service uses. This area may require access to street transportation.
11. Intended to provide for professional, management, research, and other offices.
12. "P" Park District. Intended to provide for public and recreational use. This includes the existing

park and its entire leased area as defined by the Corps of Engineers

13. "PDD" Planned Development District. Intended to enable greater flexibility, creativity, and innovation in land development and design than is normally possible under traditional zoning regulations. Planned Development Districts must meet specific criteria to ensure the protection of health, safety, and welfare, and be in accordance with the intent and purposes of the Comprehensive Plan.

Section 400.513. Explanation Of Use Table. [Ord. No. 509, 8-11-2021]

- A. Permitted By-Right Uses. P in a cell indicates that the use is permitted by right in the zoning district.
- B. Conditional Uses. C in a cell indicates that use is allowed in the zoning district only if reviewed and approved as a conditional use in accordance with the procedures of Section 400.420 (Conditional Use Permits). Conditional uses are subject to all other applicable regulations of this Code, including the use-specific standards.
- C. Prohibited Uses. A blank cell indicates that the use is prohibited in the zoning district.

Section 400.514. New And Unlisted Uses. [Ord. No. 509, 8-11-2021]

- A. If the Administrative Officer determines that a proposed use is not a listed use or there is some ambiguity of its proper classification under the Land Use Matrix, the Administrative Officer will consider the proposed use and its compatibility with the other uses permitted in the various districts and make a determination as to the district or districts within which the use should be located. In making a determination on the proposed use and appropriate district or districts where the use should be located, the Administrative Officer will take into account elements such as:
 1. The intensity of the use;
 2. Uses that are similar to the proposed use and districts allowing those uses; and
 3. Operations of the proposed use and its impacts on surrounding areas.
- B. An applicant may appeal the Administrative Officer's determination to the Zoning Board of Adjustment.

Section 400.515. Land Use Matrix. [Ord. No. 509, 8-11-2021]

Editor's Note: The Land Use Matrix can be found as Attachment 1 to this Chapter.

Section 400.516. Specific Use Regulations. [Ord. No. 509, 8-11-2021]

- A. Short-Term Rentals.
 1. No property within any district zoned "R-1" nor "R-1B" shall be leased, rented, or exchanged for any remuneration or compensation as a nightly, weekly, vacation, or lake rental, nor shall it be leased, rented, or exchanged for any remuneration or compensation when the term of occupancy will be less than thirty (30) days or within thirty (30) days of the first day of occupancy of the previous agreement. Any property located in an "R-1" District that has been consistently leased, rented, or exchanged as a nightly, weekly, vacation, or lake rental prior to January 1, 2017, shall be allowed to continue to do so; however, in the event such property is sold, any subsequent purchasers of the property must abide by this Section.

2. "R-2" property shall not be leased, rented, or exchanged for any other remuneration or compensation as a vacation location nor shall it be leased, rented, or exchanged for any other remuneration or compensation when the term of occupancy will be less than thirty (30) days or within thirty (30) days of the first day of occupancy of the previous agreement.
 3. "R-3" property shall not be leased, rented, or exchanged for any other remuneration or compensation as a vacation location nor shall it be leased, rented, or exchanged for any other remuneration or compensation when the term of occupancy will be less than thirty (30) days or within thirty (30) days of the first day of occupancy of the previous agreement.
- B. Temporary Uses. The Administrative Officer shall issue permits regulating the erection and use of tents for periods not to exceed ten (10) days for specific purposes such as temporary carnivals, churches, charities, or charitable uses, and revival meetings, such uses not being detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided, however, that said tents or operations are in conformance with all other ordinances of the City of Kimberling City.
- C. Adult-Oriented Uses. See Chapter 620.
- D. Manufactured Homes. See Section 400.523 ("R-MHC" Manufactured Home Community District)
- E. Storage Of Recreational Vehicles. Any owner, lessee, or bailee of recreational vehicles, as described herein, may park and store such recreational vehicles on a single lot with a residential structure in a residential district or on a commonly owned fractional lot immediately adjacent to such a lot subject the following:
1. Such recreational vehicle shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area.
 2. If such recreational vehicle is equipped with liquified petroleum gas containers, such containers shall meet the standards of either the Interstate Commerce Commission or the Federal Department of Transportation or the American Society of Mechanical Engineers, as such standards exist on March 4, 1974. Further, the valves of such liquified petroleum gas containers must be closed when the recreation vessel is not being readied for immediate use, and in the event that leakage is detected from such liquified petroleum gas containers immediate corrective action must be taken.
 3. At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping, or housekeeping purposes, except as provided in Subsection (E)(4) of this Section.
 4. It shall be lawful for only non-paying guests at a residence in a residential district to occupy one (1) recreational vehicle parked or stored subject to the provisions of this Chapter, as a visitor for temporary sleeping purposes only and only for a period of fourteen (14) days in a rolling twelve-month period.
 5. Such recreational vehicle may be parked or stored in the following manner:
 - a. Parking is permitted inside any enclosed structure which structure otherwise conforms to the zoning requirements of the particular zone where located.
 - b. Parking is permitted in the side yard if a ten-foot setback between the recreational vehicle and the lot line is maintained, or in the rear yards, behind the required front yard setback. See Section 400.617 (Parking)
 - c. Parking of two (2) recreational vehicles is permitted outside within the required front yard setback on a prepared surface driveway or on a prepared surface pad adjacent to the driveway provided:

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- (1) Space is not available in the side yard, behind the required front yard, or where there is not reasonable access to either the side or rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and an access can be had without substantial damage to existing large trees or major landscaping. A fence shall not necessarily be deemed to prevent reasonable access. A corner lot shall normally be deemed to have reasonable access to the rear yard.
 - (2) Inside parking is not possible.
 - (3) The recreational vehicle is parked perpendicular to the front property line.
 - (4) The recreational vehicle must be at least five (5) feet from the property line and may not obscure the view of traffic.
 - (5) The recreational vehicle may not extend over a public sidewalk or public right-of-way.
 - (6) Automotive vehicles or trailers of any kind or type, excepting boat trailers, without current license plates or registration shall not be parked or stored on any residential zoned property other than in completely enclosed buildings.
 6. Total recreational vehicles not to exceed two (2) per residential structure on a residential lot or combination of residential lot and commonly owned adjacent lot.
 7. Nothing contained in this Section shall be deemed or construed to allow the use of property situated in a residential zone for any commercial parking or storage purpose, and it shall be unlawful for any person to use property in a residential zone for parking purposes except in connection with, or as an accessory use to, the use of such property for residential purposes or other permitted uses. Nothing in this Section shall be interpreted to repeal any off-street parking regulation imposed elsewhere in this Chapter or in Title III of this Code.
- F. Vehicle Storage. Vehicles and trailers designed for use on farms, construction equipment of any type, vehicles larger than one-and-one-half-ton capacity, and trailers for commercial or business use shall not remain parked on any residential zoned property for more than twelve (12) continuous hours.
- G. Condominiums. Condominiums shall be considered as multi-family structures with respect to regulations under this Chapter. Condominiums shall be developed in conformance with all applicable provisions as outlined in the Missouri Uniform Condominium Act at Sections 448.1-101 through 448.4-120, RSMo.
- H. Medical Marijuana Facilities.
 1. Types Of Marijuana Medical Marijuana Facilities.
 - a. A medical marijuana cultivation facility is a facility as defined by Rule 19 CSR 30-95.010. Medical marijuana cultivation facilities are a permitted use in "AG" Zoning Districts, subject to the following:
 - (1) Such a facility may not be located within one thousand (1,000) feet from any school, child day care, or church. The terms school, day care, and church will be defined as in 19 CSR 30-95.010.
 - (2) No such facility may be located adjacent to or across the street from any residential zoning district unless the applicant first obtains a conditional use permit.
 - (3) A conditional use permit process will provide residents notification if they are within five hundred (500) feet of the property and the ability to protest the establishment of the use if within one hundred eighty-five (185) feet of the property.

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- b. A medical marijuana testing facility is a facility as defined by Rule 19 CSR 30-95.010. Medical marijuana testing facilities are a permitted use in the "C-1" and "C-2" Zoning Districts, subject to the following:
 - (1) Such a facility may not be located within one thousand (1,000) feet from any school, child day care, or church. The terms school, day care, and church will be defined as in 19 CSR 30-95.010.
 - (2) No such facility may be located adjacent to or across the street from any residential zoning district unless the applicant first obtains a conditional use permit.
 - (3) A conditional use permit process will provide residents notification if they are within five hundred (500) feet of the property and the ability to protest the establishment of the use if within one hundred eighty-five (185) feet of the property.
- c. A medical marijuana-infused manufacturing facility is a facility as defined by Rule 19 CSR 30-95.010. Medical marijuana-infused manufacturing facilities are a permitted use in the "C-2" Zoning District, subject to the following:
 - (1) Such a facility may not be located within one thousand (1,000) feet from any school, child day care, or church. The terms school, day care, and church will be defined as in 19 CSR 30-95.010.
 - (2) No such facility may be located adjacent to or across the street from any residential zoning district unless the applicant first obtains a conditional use permit.
 - (3) A conditional use permit process will provide residents notification if they are within five hundred (500) feet of the property and the ability to protest the establishment of the use if within one hundred eighty-five (185) feet of the property.
- d. A medical marijuana dispensary is a facility as defined by Rule 19 CSR 30-95.010. Medical marijuana-infused manufacturing facilities are a permitted use in the "C-1" Zoning District, subject to the following:
 - (1) Such a facility may not be located within three hundred (300) feet from any school, child day care, or church. The terms school, day care, and church will be defined as in 19 CSR 30-95.010.

- e. **Manner Of Measuring Separation Distance.** Separation measurements between facilities and then-existing elementary or secondary school, child day care center, or church uses shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, day care, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church. For purposes of this Section a "child day care center" is a facility licensed by the City or State.
2. **General Facility Requirements.** The following general standards shall apply to all medical marijuana facilities:
- a. A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
 - b. Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices, including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of the City Code.
 - c. **Site Plan Review Required.** A site plan shall be submitted for review and approval by the City of Kimberling City Administrative Officer. The site plan shall include a description of the ventilation system to be used to contain odors within the building. The site plan shall also show distances between the nearest school, childcare center, or church to the medical marijuana facility.
 - d. No medical marijuana business shall be located in a building that contains a residence.
 - e. Retail medical marijuana businesses shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M.; no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
 - f. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
 - g. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
 - h. If multiple licenses are issued for one (1) location, then restrictions for the highest intensity use shall apply.

Section 400.517. Fences. [Ord. No. 509, 8-11-2021]

A. **Residential Districts.** Erection of fences within residential districts will be permitted as follows:

- 1. **Side Yards.** A fence of the chain link, wood or wrought iron may be constructed to enclose the side yards of an improved lot if said fence shall have a minimum of thirty percent (30%) open

area when viewed at right angles and if said fence is not more than four (4) feet in height.

2. **Front Yards.** A fence of decorative rock, wrought iron, wooden rustic (such as split rail) or hedges or shrubs may be constructed in the front yard of an improved lot if said fence is not more than three (3) feet in height and if said fence does not obstruct the view of vehicular traffic from any street adjacent to said lot along side street or to any other street adjacent to said lot.
 3. **Rear Yards.** Solid wood or vinyl privacy fences, chain link, hedges or shrubs may be constructed around the rear yard of a residence and shall not exceed six (6) feet in height.
- B. **Fencing Materials.** Accepted materials for wood fences and the location of the structural and/or supporting members, and the location of rear fences.
1. Wooden fences shall be constructed only from solid wood or from engineered wood products and not by-products such as plywood, particleboard or similar products.
 2. All fencing shall be constructed with the structural and/or supporting members located within or toward the interior of the area being enclosed.
 3. Rear yard fence under this Section may not be set in front of the rear most point of the home on the side of the house in question.

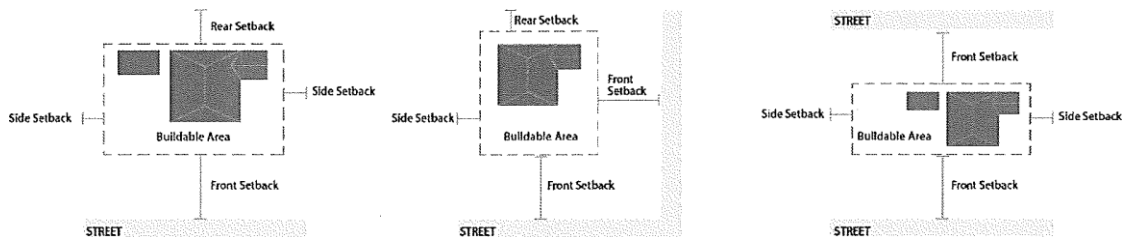
Section 400.518. Dimensional Tables. [Ord. No. 509, 8-11-2021]

- A. The table below identifies the dimensional table for principal structures within each zoning district. All measurements are in feet, unless otherwise stated. The graphic below provides a visual diagram for clarifying various setbacks based on the context of each property. **[Ord. No. 523, 2-16-2022]**

	Setbacks				Max. Building Coverage	Min. Lot Size Per Unit (sq. ft.)	Min. Lot Width	Min. Lot Size (sq. ft.)
	District	Front	Side	Rear				
"A-1"	General Agriculture	35	20	35	40%	1 ac.	150	1 ac.
"R-1"	Single-Family	25	10	25	40%	10,000	80	10,000
"R-1B"	Urban Neighborhood	15	5	25	50%	6,000	60	6,000
"R-2"	Two-Family	25	10	20	40%	6,000	100	12,000
"R-3"	Multi-Family	25	10	25	40%	4,000	100	12,000
"C-1"	Neighborhood Commercial	See Section 400.525 (Neighborhood Commercial)	0	0	100%	N/A	None	None
"C-2"	General Commercial	5	0	5	50%	N/A	None	None

	Setbacks				Max. Building Coverage	Min. Lot Size Per Unit (sq. ft.)	Min. Lot Width	Min. Lot Size (sq. ft.)
	District	Front	Side	Rear				
"C-3"	Lakefront Overlay	Determined by underlying zoning district, see Section 400.527			75%	N/A	None	None
"I-1"	Light Industrial	35	20	35	50%	N/A	100	1 ac.
"O"	Office	25	10	25	50%	N/A	80	10,000

District		Lot Setbacks			Lot Area (sq. ft.)	Lot Width (sq. ft.)	Min. District Area	Max. Density
		Front	Side	Rear				
"R-MHC"	Manu- factured Home	15	10	15	5,000	50	5 ac.	6 units/acre



- B. Minimum Living Space. The table below identifies the minimum living space per unit by residential use. These minimums do not include carport or garages as living space.

Use	Minimum Living Space (square feet)
Single-Family Dwelling	1,000
Two-Family	720
Multi-Family	720

SECTION 400.520

District Design And Development Standards**Section 400.521. General Design Standards. [Ord. No. 509, 8-11-2021]**

- A. One (1) Principal Building Only. Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, commercial or industrial buildings in an appropriate zoning district, i.e., school campus, cluster housing, shopping center, industrial park, and so forth.
- B. Building Materials.
1. Principal structures in any residential district may utilize exterior wall materials including wood, masonry, stone, brick, fiber cement, engineered wood products, stucco, and similar durable residential-grade materials.
 2. If architectural metal panels are used, metal siding commonly utilized for agricultural, industrial, warehouse, or utility structures, including those with corrugated, unfinished, galvanized, or exposed mill-finish, shall be permitted only when incorporated into a principal residential structure designed and constructed for residential occupancy. If used, exterior metal wall panels shall be finished in colors commonly associated with residential construction, including earth tones, grays, whites, beiges, greens, blues, and similar subdued colors with matte, low-gloss, or non-reflective finishes. Where metal siding comprises more than fifty percent (50%) of the exterior wall area, at least fifteen percent (15%) of the street-facing façade shall consist of stone, brick, masonry veneer, wood, fiber cement, or comparable accent materials.
- C. Residential Corner Lots. On a corner in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.
- D. Building Heights.
1. Except as may be allowed in Subsection F (Hillside Residential Height & Massing Standards), no building shall be erected which is more than two (2) stories above grade and not to exceed thirty-five (35) feet as defined in Article II of this Chapter within "R-1" and "R-2" zoned areas. "R-3" will be limited to three (3) stories above grade, and "C-1," "C-2," and Industrial zoned areas limited to four (4) stories above grade.
 2. All construction in any zoning classification over two (2) stories above grade will be reviewed by Planning and Zoning to take into account loss of view, traffic changes, utilities, and impact of water runoff before approval of permits.
 3. Any request for a zoning variance from these regulations shall comply with Section 400.442 (Zoning Variances) of these regulations.
- E. Lot and Yard Standards. The following standards shall apply to all lots within the City of Kimberling City
1. Minimum lot width shall be measured at the building setback line.
 2. Corner Lots.
 - a. Corner lots shall have a width that is fifteen (15) feet greater than the minimum width to allow

for increased building sideyard setbacks from the street.

- b. Orientation And Access. A corner lot shall require orientation of the front facade of the structure to and vehicular access from the abutted street with a lower classification; the structure shall be oriented to and take access from the same property line.
 - c. Setback Determination. The property line from which access is taken and to which the structure is oriented shall be considered the front lot line for the purposes of determining setbacks; frontage to a right-of-way intersecting that right-of-way abutting the front lot line shall be considered side lot lines for the purposes of determining setbacks.
 - 2. For non-rectangular lots such as those located along cul-de-sac bulbs or lots with long stems with only driveways accessing the developable area of the long (commonly known as “flag lots” or “stem lots”), the setback measurement for placement of the principal structure shall begin when the lot width meets the minimum lot width requirement as applicable within the underlying zoning district classification (See 400.518 Dimensional Tables)
 - 3. Minimum lot depth shall be measured through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.
- F. Mobile Homes. Mobile homes as defined in Section 400.212 (Terms Defined) shall not be permitted within the City except when in transit.
- G. Hillside Residential Height & Massing Standards
 - a. Intent. The City of Kimberling City seeks to preserve the community’s natural topography and scenic character of hillside and lakefront areas, prevent excessive building mass and scale on sloping lots, ensure that residential structures are compatible with surrounding development when viewed from public rights-of-way and adjacent properties, and protect viewsheds while allowing reasonable development of property. In locations where these conditions are present, the provisions of this subsection shall apply.
 - b. Applicability. The standards in this subsection shall apply to all principal residential structures in the R-1 District where:
 - a. the average slope of the building footprint exceeds 15 percent, or
 - b. The vertical elevation difference across the building foundation exceeds ten (10) feet.
 - 3. Standards for Hillside Residential principal structures
 - a. Maximum Building Height Standard. For principal residential structures to which this subsection applies, the maximum building height shall not exceed thirty-five (35) feet as measured from the average existing grade at the front building line, between the two front corners of the structure, to the highest point of the roof.
 - b. Downhill Measurement Requirement. The maximum building height shall be measured from the lowest exposed grade at the front building line.
 - c. Absolute Height Cap. For building façades which are not the front building line (e.g. sides and rear of the structure), under no circumstances shall the total vertical distance from the lowest point of the structure to the highest point exceed fifty-five (55) feet.
 - d. Exposed Wall Limitations. No individual wall plane shall exceed thirty (30) feet in vertical height.
 - e. Required Articulation. Where the exposed wall height exceeds 20 feet, the wall shall incorporate at least one of the following:

- i. A horizontal building step-back of at least six (6) feet, or
 - ii. A change in wall plane of at least four (4) feet, or
 - iii. A terrace, deck, or architectural offset that reduces perceived mass.
- f. No grading, filling, excavation, or retaining walls shall be used to artificially increase the elevation from which building height is measured. Height shall be measured from the existing natural grade unless otherwise approved by the City Administrator as part of a grading plan.

4. STEPPED BUILDING REQUIREMENTS. For lots with slopes greater than 20 percent, structures shall be designed to follow the natural terrain utilizing the following standards:

- a. Segmented Structure Requirement. Buildings shall be divided into no fewer than two (2) stepped segments where the vertical drop across the building footprint exceeds twenty (20) feet.
- b. Segment Height Limit. Each segment shall not exceed thirty (30) feet in height.
- c. Vertical Offset Between Segments. Each segment shall step down the slope a minimum of four (4) feet in elevation.

5. GRADE AND MEASUREMENT STANDARDS. All height measurements shall be based on natural grade, except where a grading plan has been previously approved by the City of Kimberling City.

- a. Prohibition on Grade Manipulation. Grading, filling, or excavation shall not be used to artificially increase building height.
- b. A topographic survey prepared by a licensed professional may be required to verify compliance.

6. DESIGN REVIEW. As applicable to this subsection, the following shall require review by the City Administrator:

- a. Any structure exceeding 30 feet in height.
- b. Any structure on slopes exceeding 20 percent.
- c. Review criteria by the City Administrator shall include:
 - i. Visual mass and scale from adjacent properties
 - ii. Compatibility with surrounding development
 - iii. Relationship of structure to natural topography
 - iv. Impact on scenic views and public vantage points

7. EXCEPTIONS. The following may exceed height limits:

- i. Chimneys, vents, and similar appurtenances (maximum 5 feet above roofline).
- ii. Antennas and utility structures, subject to separate regulations.

Section 400.522. Accessory Structures. [Ord. No. 509, 8-11-2021; Ord. No. 525, 5-3-2022; Ord. No. 531, 6-21-2023]

A. The following regulations shall apply to all zoning districts, exclusive of the "A-1" Agriculture District.

B. Conformance. All accessory structures shall conform to Building Codes included in Title V, Chapter

500 of the Municipal Code of Kimberling City and require approval and permitting by the Building Inspector.

C. Placement.

1. No more than one (1) accessory structure shall be permitted on any lot unless specifically authorized by the City through an approved variance or other applicable zoning approval.
2. Accessory structures shall be placed within the rear yard whenever a conforming and usable rear yard area is available. Placement of an accessory structure within a side yard shall only be permitted when the rear yard area is determined to be ineligible or unsuitable for placement due to site conditions, including but not limited to lot configuration, topography, drainage, easements, utility conflicts, or other physical limitations. Accessory structures shall not be located within the front yard of any residential property.
3. Accessory structures shall be placed no closer than ten (10) feet from the primary structure or from other accessory structures. Accessory structure shall conform to the setback requirements listed in Section 400.518, Dimensional Tables. Accessory structures shall
4. Attachment of Accessory Structures. For purposes of this Code, a structure connected to a principal building by a breezeway, covered walkway, roof extension, or similar connection shall be considered a detached accessory structure when located more than fifteen (15) feet from the principal structure.

D. Height. Accessory structures shall not exceed fifteen (15) feet in height from finished floor grade to the top of the structure.

E. Time Of Placement. No accessory building shall be constructed or placed upon a lot until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building on a lot is completed and used.

F. Temporary Portable Structures. Any accessory building that does not meet the definition of a temporary portable structure must be permanently affixed to the ground in accordance with applicable Building Codes. No more than one (1) temporary portable building shall be allowed per lot.

G. Carports Without Walls Are Prohibited. Carports built prior to May 2023 will be grandfathered in and will not be required to conform to the current Chapter unless:

1. A change in the placement of the structure is made.
2. More than sixty percent (60%) of the value of the structure is expended for repair in any twelve-month period.
3. In the event of total destruction of a non-conforming structure or damage in excess of sixty percent (60%) of its value as determined by accepted appraisal methods by any cause, then said structure may not be repaired, replaced, or re-erected in the original non-conforming manner.

H. Accessory structures shall be included in the lot's maximum building coverage calculation.

I. Shipping/Storage Containers.

1. Shipping/storage containers are not permitted to be used in residentially zoned districts or on property the primary use of which is residential. The placement of shipping containers is limited to "I-1" Light Industrial and "A-1" General Agricultural District.
2. When allowed by zoning, shipping/storage containers may be permanently placed on a property if all applicable building regulations are followed, and the property owner first obtains an active

building permit.

3. Shipping/storage containers shall not be used for any advertising purposes and shall be kept clean of all alphanumeric writing.
4. A solid foundation (road base material or better) is required for permanent accessory storage uses.
5. Shipping/storage containers shall not be stacked.
6. No electricity or plumbing may be run or connected to a shipping/storage container.
7. Shipping/storage containers must be placed in such a way that minimizes its visibility from roadways and overhead views from nearby buildings.
8. Materials stored in shipping/storage containers are subject to review and approval by Code enforcement.
9. All shipping/storage containers must be secured from entry by children and the public when not attended.
10. No shipping/storage container may be used as living quarters.

Section 400.523. "R-MHC" Manufactured Home Community District. [Ord. No. 509, 8-11-2021]

- A. Purpose and Intent. The purpose of this Section is to set forth standards for the placement and architectural appearance of manufactured homes located within the R-MHC Manufactured Home Community District within the City of Kimberling City. The intent of this Section is to ensure that manufactured homes are compatible with other dwellings within the R-MHC district and meet a minimum placement and architectural standard while providing an alternative means of affordable home ownership for the residents of the community.
- B. Location Outside The "R-MHC" District. It shall be unlawful within the limits of Kimberling City to park or place a manufactured home, as defined in Section 400.212 (Terms Defined), except in a licensed "R-MHC" District.
- C. Applicability. The provisions of this Section shall apply to all manufactured homes, manufactured home spaces, manufactured home communities, additions thereto, and expansions thereof located within the corporate limits of Kimberling City.
- D. Manufactured Home Community Requirements
 1. No person shall construct, establish, alter, expand, or extend a Manufactured Home Community without receiving all required approvals and permits from the City.
 2. Applications for a Manufactured Home Community shall include:
 - a. Identification of the applicant and property owner.
 - b. Legal description of the property.
 - c. Documentation of ownership or authority to develop the property.
 - d. A site plan prepared to scale showing all proposed manufactured home spaces, internal streets, parking areas, sidewalks, utility infrastructure, drainage facilities, service buildings, recreational facilities, lighting, and other improvements.
 3. The Planning and Zoning Commission shall review all applications and make a recommendation to the Board of Aldermen.
 4. Final approval authorizing a Manufactured Home Community shall be granted by the Board of Aldermen.

5. No permit shall be issued until all required approvals have been obtained.

E. Occupancy Restrictions

1. Manufactured homes shall not be placed or occupied on an individual lot without a building permit issued under these regulations. Provided, however, that if a manufactured home carries a seal as provided in Sections 700.010 to 700.115, RSMo., such manufactured home shall not be required to comply with any other building, plumbing, heating or electrical code other than the code established by Sections 700.010 to 700.115, RSMo.
2. These regulations apply to manufactured homes, which shall be subject to the zoning dimensional and setback regulations as found in 400.518 (Dimensional Tables) as applied in the R-MHC district and which shall be, per the provisions of Sections 700.010 to 700.115, RSMo as enforced by the Missouri Public Service Commission, constructed in compliance with National Manufactured Housing Construction and Safety Act or any successor Statute.

F. Permits. It shall be unlawful for any person to construct, alter, or extend any manufactured home community within the corporate limits of Kimberling City unless he/she holds a valid permit issued by the Administrative Officer or other authorized person. All applications for a permit shall be made to the Kimberling City Clerk and shall include the following detail:

1. Complete identification of the applicant.
2. A legal description of the tract of land involved in the proposed "R-MHC" District.
3. A conveyance of ownership of the land in the proposed "R-MHC" District.
4. A plan, drawn to scale of not more than one (1) inch equals thirty (30) feet and prepared by a registered engineer or equivalent land use planner and filed with the County, showing, but not limited to, the following:
 - a. The platting of lots, including number of locations, dimensions, and including the dimensions and location of the home unit stand on each lot.
 - b. The location of service buildings and any other permanent structures.
 - c. The layout of roadways and walkways, including width dimensions.
 - d. The location of sewer lines, riser pipes and sewer treatment facilities, if required.
 - e. The location of water mains, riser pipes, and waterworks facilities, if required.
 - f. Plans and specifications of all permanent buildings to be constructed within the "R-MHC."
 - g. The location and details of all lighting and electrical systems.
 - h. The plan of LPG systems for individual lots or a central system.
 - i. The location and size of recreational areas.
5. A fee, as required by the Schedule of Fees as adopted and amended from time to time by the Board of Aldermen shall accompany the permit application in payment to the City for administration costs.
6. The permit application shall be submitted to the Planning and Zoning Commission for review, and to the Board of Aldermen for final approval.
7. Upon approval by the Board of Aldermen, the Administrative Officer or other authorized person shall issue a permit for construction.
8. The City may suspend or revoke any permit issued under this Section for failure to comply with

the requirements of this Code, the conditions of approval, or any applicable State or Federal law.

G. Licenses. It shall be unlawful for any person to operate an "R-MHC" within the corporate limits of Kimberling City, Missouri, unless he/she holds a valid license, issued annually by the City Clerk in the name of such person and for a specific "R-MHC." Application for the original license shall be in writing, signed by the operator and notarized. The approved site plan shall accompany this application, along with a license fee, according to the Schedule of Fees as adopted and amended from time to time by the Board of Aldermen, this annual renewal applications shall be made, in writing, by the holder of the license and accompanied by a fee per the Schedule of Fees as adopted and amended from time to time by the Board of Aldermen and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.

H. Siting Requirements

1. Each manufactured home placed on an individual lot shall:

- a. Be occupied only as a single-family dwelling ~~and be permitted in the same districts as single-family dwellings~~, unless the manufactured home is intended for a different purpose, in such a case the structure shall be evaluated for its intended purpose. All structures shall meet the footing requirements below.
- b. Be placed in conformance with all zoning and setback requirements established for the district in which located. (See 400.518 (Dimensional Tables)) as applied in the R-MHC district).
- c. Accessory structures shall be placed in conformance with setback, dimensional and Building Code requirements established for the district in which located.
- d. Have a minimum width of not less than twenty-four (24) feet as measured at all points perpendicular to the length of the manufactured home. This standard is intended to restrict units to the type which are brought to the site in parts, typically two (2) halves, and have a minimum combined square footage of one thousand (1,000) square feet. The manufactured home ~~or modular home~~ to be placed on the individual lot must have been manufactured within two (2) years prior to the date of placement of the same.
- e. Roof must be gable or hip roof of at least three (3) in twelve (12) or greater in pitch and covered with material that is residential in appearance, including, but not limited to, approved wood, asphalt composition or fiberglass shingles but excluding corrugated aluminum, corrugated fiberglass, rolled roofing of any type, or metal roofs. Except for permitted deck areas, all roof structures shall provide an eave project.
- f. Have the main entry door facing the street on which the manufactured home is located. A sidewalk shall be installed from the street, driveway or sidewalk adjoining neighboring lots to the front door. The unit must be oriented on the lot so that its front entry is parallel with the street.
- g. Be placed on a parcel according to a pre-submitted and approved plot plan as described on the permit. In addition, an illustration of the finished appearance of the unit shall be provided.
- h. Units shall be attached to a permanent perimeter foundation or footing which meets all local Building Codes, meets all manufacturer's specifications for support, and be placed on the lot as stated in the permit.
- i. A vapor barrier shall be in place in accordance with the Uniform Building Code.
- j. The exterior foundation or footing material shall consist of continuous concrete, block,

brick, flagstone, natural rock, poured concrete or masonry suitable for the outer portion of a finished residence.

- k. Have the tongue and running gear including axles permanently removed.
 - l. Maintain a minimum of eighteen (18) inches of crawl space under the entire manufactured home. All facades and foundations shall have permanently installed venting in accordance with the manufacturer's requirements. Deletions or omissions of vents is not allowed and homes will not be approved for occupancy without appropriate venting.
 - m. Have permanent steps as defined below, set at all exits.
 - n. Be served by a water supply and sewage disposal system meeting the established City requirements.
 - o. Underground public utilities shall be required where available. All utility attachment shall be completed per Building Code.
 - p. Property owner shall declare the manufactured home as real property and must so record with the Stone County Assessor.
- I. Inspections.
- 1. The City Inspector shall have the power to enter, at reasonable times, any "R-MHC" for the purpose of inspecting and investigating conditions relating to the enforcement of this Section. If upon inspection, any violation of this Section is found, the City Inspector shall give written notice to the operator of the "R-MHC," of any violations along with a time frame for correction. At the end of this period a reinspection shall be made by the City Inspector. If the violation or violations have not been corrected he/she shall suspend the license of the operator and provide that operator with a detail of reasons for the suspension and remedial action required. If, however, the City Inspector believes the violation to be an emergency, he/she shall take immediate action for ordinance enforcement.
 - 2. Foundation Inspection. A foundation inspection prior to placement of the manufactured home shall be required to check the foundation's conformity with the City Building Codes, placement of vapor barrier, depth of crawl space, and proposed vent placement.
 - 3. Foundation anchors and utility connections or landings shall meet the City Building Codes.
 - 4. Temporary or permanent steps shall be required at all doors prior to occupancy. Permanent steps shall be placed within ninety (90) days of occupancy. "Permanent steps" shall be defined as a means of egress that is anchored or permanently attached to the ground in accordance with the Building Code.
 - 5. A final inspection shall be conducted prior to permanent occupancy and prior to the expiration of the building permit. Final approval to occupy the dwelling shall not occur until the final inspection is complete. Failure to receive a final inspection is a per se violation of this Section subject to a fine and imprisonment.
 - 6. E. The permittee shall give the Building Official notice when the premises are ready for inspection in the same manner as notice is set forth in the Building Code and shall not proceed further until approval has been given by the official pursuant to each inspection.
- J. Appeals And Orders. The operator of an "R-MHC" who has received a notice of license suspension may request and shall be granted a public hearing on the matter before the Kimberling City, Missouri, Board of Adjustment; provided that such operator file a written notice to the Chairman of the Board of Adjustment, requesting such a hearing and including a statement of grounds therefore, within ten (10) days of the suspension. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension. After such hearing the Chairman of the Board of Adjustment shall provide the operator with the written findings; sustaining, modifying, or withdrawing the notice of license suspension. Upon failure to comply with any order sustaining or modifying the notice, the license of

the operator of the "R-MHC" shall be revoked.

K. Design Standards — District Area. The district area shall conform to the following land use and facility requirements:

1. Site Location. Conditions of soil, ground water level, drainage and topography shall not create hazards to the property, the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences. No portion, subject to flash flooding, subsidence, or erosion shall be used for any purpose that would expose persons or property to hazards.
2. Site Planning. Site planning should adapt to individual site conditions. The manufactured home lots and all permanent structures shall be fitted to the terrain with a minimum disturbance of the land, trees, rock formations and other natural site features.
3. Ground Cover Requirements. Exposed ground surfaces in all areas of the district shall be paved, or covered with stone screening, other solid material, or covered with vegetation growth that is capable of preventing soil erosion and of eliminating objectionable dust.
4. Surface Water Drainage. Provision for surface water drainage for the protection of all manufactured home lots, service areas, and permanent buildings in the district, and areas surrounding the district, shall be provided.
5. Buffer Areas. The district shall be bordered by a well maintained "green" space of no less than twenty-five (25) feet along any street or highway frontage; and a well maintained, heavily planted area of shrubs and trees in a "green" space of no less than fifteen (15) feet wide along all other property lines.
6. Screening Areas. All districts located adjacent to industrial or commercial land uses shall be provided with vegetative screening and a minimum of six-foot high fences.
7. District Street System. The district shall be provided with a convenient and safe street system with the following requirements:
 - a. Entrance Street. The entrance shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the entrance street for a distance of one hundred (100) feet from its point of beginning, unless the entrance is at least thirty-four (34) feet wide. If a divider is used at the entrance the width shall be thirty-four (34) feet, plus the width of the divider. Entrance to the district shall be in accordance with the design standards of the Missouri State Highway Department.
 - b. Interior Streets. Interior streets shall be two-way and have a minimum width of forty (40) feet right-of-way, and a paved riding surface of twenty (20) feet. An additional paved surface of ten (10) feet shall be added to each side where parking is permitted. Interior streets shall have a direct connection with the entrance street, with intersections of one hundred fifty (150) feet apart, and turnarounds with a minimum turning radius of sixty (60) feet at dead end streets of over one hundred (100) feet in length.
 - c. The NFPA, Fire Prevention Code requires a minimum of thirteen (13) feet six (6) inches height be required for Fire Department access.
8. Interior Walkways. All season walkways for both pedestrians and wheelchair traffic shall be provided between lots, streets, and all community facilities for resident.
9. Street And Walkway Illumination. Lighting units shall be provided for night traffic on all streets and walkways; so spaced and elevated as to provide an average level of illumination of a

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minimum of one-tenths (0.1) foot-candle in all areas, and in potentially hazardous areas, such as major street intersections, steps and ramps of an average level of illumination of three-tenths (0.3) foot-candle. All lighting shall be directed away from surrounding areas of the district.

10. Recreational Space. A minimum of two hundred (200) square feet per platted lot shall be reserved as common recreational space for residents of the district only.
11. Home Unit Stand. The home unit stand shall be designed and constructed to provide an adequate foundation for the placement and tie down of the manufactured home unit in accordance with the following:
 - a. The home unit stand shall not heave, shift or settle unevenly under the weight of the home unit, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
 - b. The home unit stand shall be provided with anchors or tiedowns such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or runways, screw augers, arrow-head anchors, or other devices adequately securing the stability of the manufactured home unit.
12. Sewage Disposal System. The district shall be connected to the City Sewer System where provided. If the City Sewer System is not available, to the district, a central waste treatment facility shall be designed, constructed and maintained in accordance with all State and Municipal regulations and requirements. The sewage system shall be connected to all lots, buildings, and other facilities requiring sewage disposal. Sewage connections to lots shall be constructed as follows:
 - a. The sewer riser pipe shall have a minimum of four-inch diameter, shall be trapped below the ground surface, and shall be so located at the home unit stand so that the sewer connection drain outlet will approximate a vertical position.
 - b. The sewer connection from the home unit shall have an inside diameter of at least three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot.
 - c. Provision shall be made for plugging the sewer riser pipe when a home unit stand is vacant.
13. Water Supply Distribution System. The district shall be connected to the City Water Supply System, where provided. If a City Water System is not available, the district must provide a drinking water system that is designed and constructed in accordance with all State and Municipal regulations and requirements. If a fire-flow system is provided, the placement of hydrants shall be at five-hundred-foot intervals, with a six-inch main. The water system shall be connected to all lots and other buildings and facilities requiring water. Water connections to all lots shall be as follows:
 - a. The water riser pipe shall be located within two (2) feet of the unit stand.
 - b. The water riser pipe shall extend at least four (4) inches above the ground elevation. The pipe size shall be at least three-fourths (3/4) of an inch.
 - c. The water outlet shall be capped when the unit stand is vacant.
14. Electrical Distribution System. The district shall provide electric power to all lots, service areas, and buildings requiring electrical power service, in accordance with all applicable codes and regulations, including those of the service provider, and the following:
 - a. Main power lines not located underground shall be suspended a minimum of eighteen (18)

feet above the ground surface. There shall be a minimum of three-foot clearance between overhead power wire and any home unit or permanent structure.

- b. All buried power wire shall be buried at a minimum of eighteen (18) inches below the surface of the ground and shall have buried wire insulation. Such power conductors shall be buried a minimum of two (2) feet from water, sewage, gas or communication lines.
 - c. Each lot shall be provided with an approved disconnecting device and overload protective equipment. The minimum service per lot outlet shall be one hundred twenty-two hundred forty (120/240) volts A.C. with a capacity of one hundred (100) amperes.
 - d. Outlet receptacles shall be weatherproof and located not more than twenty-five (25) feet from the overload protective equipment in the home unit. Receptacles shall be grounded; a three (3) pole, four (4) wire grounding device shall be used.
 - e. All exposed, non-current carrying metal parts of the home unit shall be grounded. All electrical equipment, grounding equipment and wiring configurations shall be installed and maintained in accordance with the NFPA 70 National Electrical Code.
15. Service Buildings. All service buildings such as management offices, laundries, etc., shall be constructed in accordance with the Kimberling City, Missouri, Building Code.
16. Permanent Dwellings. Site-built or modular housing (as defined in 400.212 Terms Defined) may be constructed in the district R-MHC, provided that these shall be single-family dwellings and conform to coverage, parking regulations, dimensional requirements, and time share restrictions as outlined for the "R-1" Zoning District.
17. Refuse Handling. The storage, collection, and disposal of refuse in the district shall be so conducted as to prevent health hazards, rodent harborage, insect breeding areas, accident or fire hazards in accordance with the following:
- a. All refuse shall be stored in fly-tight, watertight, rodent proof containers.
 - b. If refuse collection areas are used in the district, they shall be located no more than one hundred fifty (150) feet from any lot.
 - c. All refuse, containing garbage, shall be collected weekly by the City franchised refuse collection company.
18. Insect And Rodent Control. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage infestation. All extermination activity shall be performed by licensed exterminators.
19. Fuel Supply And Storage. Liquified petroleum gas (LPG) systems shall be installed and maintained in accordance with NFPA 58, 1992 Edition, regulations including the following:
- a. Systems shall be provided with safety devices to relieve excessive pressure and shall be arranged so that the discharge terminates at a safe location.
 - b. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall not be located beneath a home unit and shall be maintained in a effective operating condition.
 - c. All LPG piping outside the home unit shall be well supported and protected against mechanical damage. A flexible service line shall be used to connect the supply line to the home unit (per Fire Marshal). Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping systems in the home unit.

- d. No LPG vessel shall be stored or located inside, or beneath any storage cabinet, carport, home unit, or any other structure.
 20. Fire Protection. "R-MHC" Districts shall be subject to the rules and regulations of the Southern Stone County Fire Protection District.
 21. "R-MHC" District Management Responsibilities. The person to whom a license has been issued, shall operate the district in compliance with this Section and shall provide adequate supervision to maintain the district, its facilities and equipment in good repair and in a clean and sanitary condition. District management shall also assume the following responsibilities:
 - a. Notify all district occupants of all applicable provisions of this Section.
 - b. Supervise the set-up of the home unit on its stand, which includes securing its stability and installing all utility connections.
 - c. Maintain a register containing the names and location of all district occupants. This register shall be made available to any Kimberling City person authorized to perform inspections in the district.
 - d. Establish covenants for the district which may exceed but not be in conflict with the provisions of the Kimberling City Title IV, Zoning Code.
- L. Design Standards — Lots And Manufactured Home Units. The platted lots and manufactured home units shall conform to the following requirements:
 1. Manufactured Home Unit Construction. Each home unit placed in the district shall be manufactured under the Missouri State Public Service Commission Code and contain a seal of certification. (See Chapter 700.010 RSMo.)
 2. Anchoring The Home Unit. The home unit shall be secured by anchors to the stand in accordance with Subsection (F)(11) of this Section.
 3. Utility Connections. All utility connections shall comply with construction and safety standards in accordance with Kimberling City Building Codes and special provisions of Subsection (F)(12) through (15) of this Section.
 4. Alterations And Additions To Home Units. Any alteration of a home unit, or the addition of structures permanently attached to the home unit require a building permit issued by the Kimberling City Administrative Officer or other authorized person. All such alterations or additions shall be in accordance with the Kimberling City Building Codes. Any alterations to the home unit that would invalidate the certification seal is prohibited and will be referred to the Missouri State Public Service Commission.
 5. Storage Of Material Or Equipment. Storage of material or equipment beneath home units is prohibited. Such material or equipment shall be stored in accessory buildings on individual lots or facilities provided by the "R-MHC" District.
- M. Non-Conformities.
 1. Existing mobile or manufactured home parks, which pre-date this "R-MHC" Zoning District Section will be subject to the provisions of Section 400.330 (Non-Conformities) of this Chapter. Any proposed expansion of such facilities must comply with this "R-MHC" Zoning District Section.
 2. All legal existing occupied mobile and/or manufactured homes located on an individual lot shall be permitted to remain in place so long as occupied, but provided that they may not be replaced

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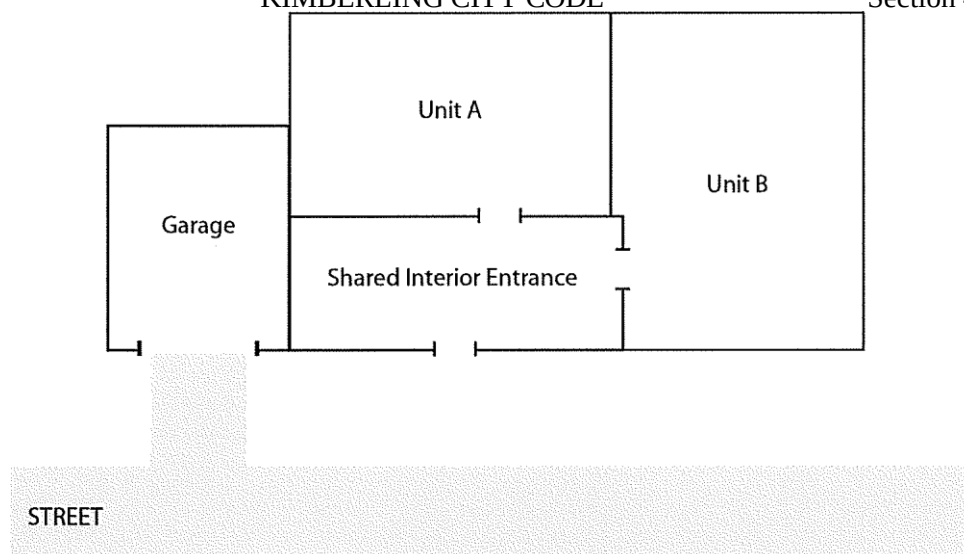
unless made to conform with the requirements of this Section. Any such existing mobile and/or manufactured home shall be removed when unoccupied for a period in excess of six (6) months.

N. "R-MHC" Zoning District Approval By The Kimberling City Government. The Governing Body will allow the establishment of a "R-MHC" zoned district only if the plans clearly indicate compliance with the provisions of this Section and only after determination that the district will:

1. Not be detrimental to, or endanger the public health, safety, comfort, or general welfare;
2. Not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. Not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
4. Take adequate measures to minimize traffic congestion; and
5. Demonstrate that there is a public necessity for this use.

Section 400.524. "R-1B" Urban Neighborhood District. [Ord. No. 509, 8-11-2021]

- A. Intent The R-1B Urban Neighborhood District is intended to accommodate compact residential neighborhoods characterized by smaller lots, interconnected streets, pedestrian-oriented development patterns, and a mixture of housing types compatible with traditional neighborhood development. The district is intended to encourage infill development, efficient use of public infrastructure, walkability, and neighborhood cohesion while maintaining a residential scale compatible with surrounding development. Buildings should be oriented toward public streets and contribute to an attractive and active neighborhood environment.
- B. Uses in R-1B, generally. Unless otherwise further regulated by the requirements of this Chapter, uses permitted in R-1B are identified in Table 405.515, Use Table.
- C. Where two (2) units are included on one (1) lot, the following design regulations shall apply.
 1. Internal Division. Both units shall be located wholly within the principal structure. Units may be located on separate floors or combined across both floors of the structure. Such division shall not be visually apparent from the exterior of the structure.
 2. Unit Access. External access for both units shall be oriented towards the front lot line. Where feasible, one (1) entrance into the principal structure should be used, entering into a common area with each unit taking access from such shared common area.



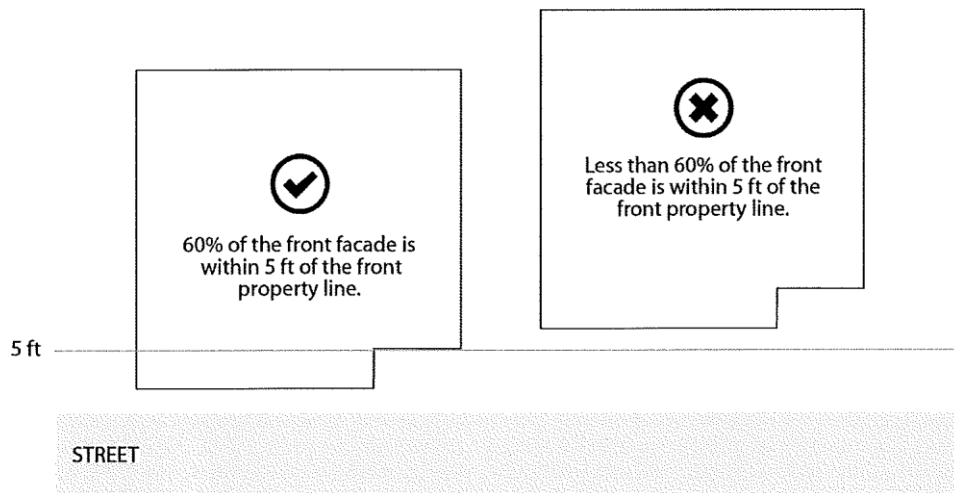
3. Character. Principal structures should generally conform to the established building widths and depths, as well as other architectural features, of surrounding properties.



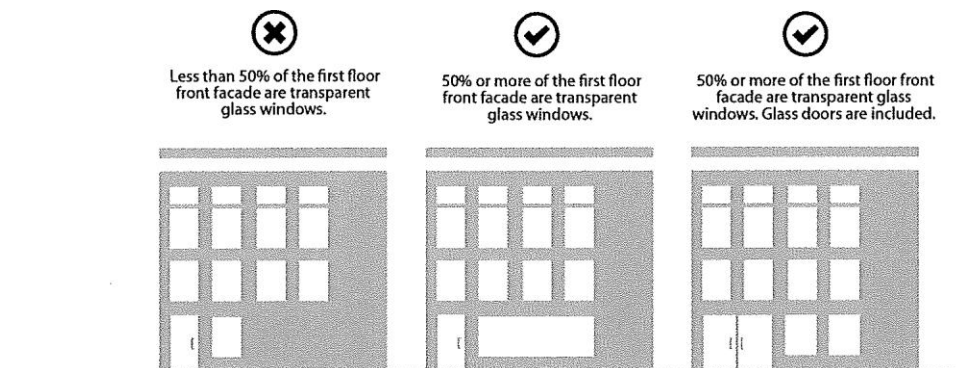
Section 400.525. "C-1" Neighborhood Commercial District. [Ord. No. 509, 8-11-2021]

- A. Intent. The C-1 Neighborhood Commercial District is intended to accommodate neighborhood-oriented commercial services including lodging, post offices, day cares, medical and dental offices, animal hospitals, and civic uses that serve residents and visitors in a convenient, pedestrian-friendly environment. The district is intended to encourage walkability, active storefronts, coordinated site design, and attractive public spaces. Buildings should generally be oriented toward streets and sidewalks, with parking and service areas located to the side or rear unless otherwise impractical.
- B. Uses in C-1, Generally. Unless otherwise further regulated by the requirements of this Chapter, uses permitted in C-1 are identified in Table 405.515, Use Table.
- C. Residential Uses in C-1. All residential uses within the "C-1" District shall conform to the following standards:
1. Location. Residential uses shall not be located on the first floor of the structure.
 2. Minimum Floor Area. Each dwelling unit shall have a minimum floor area of six hundred fifty (650) square feet.
- D. Commercial Uses in C-1. All commercial uses within the "C-1" District shall conform to the following standards:

1. All commercial floor space should have a minimum floor-to-ceiling height of eleven (11) feet.
 2. Each commercial unit provided on the ground floor shall have a minimum floor area of eight hundred (800) square feet.
 3. Retail and service uses shall conduct all business within an enclosed structure; no drive-in or drive-through.
- E. Maximum Front Setback. A minimum of sixty percent (60%) of the front facade of a structure shall not be set back more than five (5) feet from the front property line.
- F. Off-Street Parking Location. Off-street parking shall be provided for within the lot outside of the maximum front setback area.



- G. Transparency. A minimum of fifty percent (50%) of the first floor front facade of a structure must be transparent glass windows.



Section 400.526. C-2 General Commercial District

- A. Intent. The C-2 General Commercial District is intended to accommodate a broad range of retail, service, office, lodging, entertainment, and commercial activities serving both local residents and regional markets. The district is designed for locations with direct access to arterial and collector streets where

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higher traffic volumes, larger commercial buildings, and automobile-oriented development patterns can be appropriately accommodated. The district supports economic development and investment opportunities while ensuring that commercial development is designed to minimize adverse impacts on adjacent residential areas and public infrastructure.

- B. Uses in C-2, Generally. Unless otherwise further regulated by the requirements of this Chapter, uses permitted in C-2 are identified in Table 405.515, Use Table.
- C. Maximum Front Setback. A minimum of sixty percent (60%) of the front facade of a structure shall not be set back more than five (5) feet from the front property line.
- D. Off-Street Parking Location. Off-street parking shall be provided for within the lot outside of the maximum front setback area.

Section 400.527. "C-3" Lakefront Overlay District. [Ord. No. 509, 8-11-2021]

- A. Purpose. The purpose of the Lakefront Overlay District is to allow additional protections to all lakefront districts when an alteration to existing conditions occurs. The Lakefront Overlay District provisions have the following purposes:
 - 1. To preserve natural, recreational, scenic and historic values along the City of Kimberling City's Lakefronts on the Table Rock Lake.
 - 2. To preserve, provide and enhance recreation areas and other green space.
 - 3. To strengthen the vitality of the district and capitalize on the asset of the Lakefronts.
 - 4. To promote the Table Rock Lake Lakefront as a unique destination place.
 - 5. To maximize the potential utility and enjoyment of the Table Rock Lake Lakefront through active and passive uses, such as lakefront dining, public walkways and seating areas.
 - 6. To protect the public health and safety.
 - 7. To regulate uses and structures along the lakefront to avoid increased erosion and sedimentation.
 - 8. To allow reasonable uses of land on the lakefront while directing more intensive and non-water-related development to the most appropriate areas of the community.
- B. Uses. Uses permitted in the "LOD" District are identified in Table 405.515, Use Table.
- C. Dimensions. Development in the "LOD" shall conform to the dimensions applicable in the underlying base zone district as identified in Section 400.518 along with any supplemental regulations provided in this Chapter, except as follows:
 - 1. Visual And Physical Access. Any new development that creates a visual or physical obstacle to public access on land that was previously accessible to the public shall mitigate the impact to ensure that physical and visual access is provided in another form.
 - 2. Lakefront Setback. Properties adjacent to the Table Rock Lake shall have a setback of as required by the US Army Corps of Engineers, as defined by the Administrative Officer on a site-by-site basis.
- D. District Regulations. Development otherwise permitted in the underlying zone shall meet the following standards:
 - 1. Water-Dependent Uses. Any applicant proposing development adjacent to a water-dependent use will be required to notify the owner of the water-dependent use and submit his/her comments

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with the site plan, if comments were received. New development that permanently interferes with existing use of the water or will permanently inhibit the continued operation of a water-dependent use is prohibited.

2. Residential Uses. All habitable space within dwelling units in the "LOD" shall be located above the 100-year floodplain.
3. Water-Enhanced Uses. Any proposed water-enhanced use that will have a significant negative environmental or economic impact on existing water-dependent uses [more than one (1)] will not be permitted.
4. Marinas. All site plans for new marinas or expansion of existing ones must include a stormwater management plan signed and prepared by a Missouri licensed engineer and must include a pump out.
5. Hazards To Water Quality. No structure or building shall be used in such a way as to significantly threaten or cause significant pollution to the water quality of the Table Rock Lake.

Section 400.528. "I-1" Light Industrial District. [Ord. No. 509, 8-11-2021]

- A. Intent. The I-1 Light Industrial District is intended to provide locations for manufacturing, assembly, warehousing, wholesale distribution, contractor facilities, and similar employment-generating activities that can operate without creating significant impacts on surrounding properties. The district is intended to promote economic development while ensuring that industrial activities are conducted in a manner compatible with nearby commercial and residential areas.
- B. Type Of Development. All of the uses permitted under this Section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke or noxious odor of fumes outside the building housing the operation, or produce a noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level.

Section 400.529. "PDD" Planned Development District. [Ord. No. 509, 8-11-2021]

- A. Purpose. The purpose of Planned Development Districts is to enable greater flexibility, creativity, and innovation in land development and design than is normally possible under traditional zoning regulations. Planned Development Districts must meet specific criteria to ensure the protection of health, safety, and welfare, and be in accordance with the intent and purposes of the Comprehensive Plan. Specifically, it is the purpose of Planned Development Districts to achieve one (1) or more of the following goals:
 1. Careful, creative design that is architecturally harmonious and maintains a positive visual impact on the community and that creates a sense of place.
 2. More efficient use of land, public services and infrastructure.
 3. Preservation and protection of significant natural features such as streams, trees, topographic features, and significant cultural features.
- B. Authority. Planning and Zoning is authorized to establish Planned Development Districts that may differ from the provisions of the other zoning districts of this Chapter, but are congruent with the spirit and intent of this Chapter and the Comprehensive Plan. Once approved by the Planning and Zoning Commission it shall be presented to the Board of Aldermen for final approval.

- C. General Provisions. All Planned Development Districts shall comply with the following guidelines:

1. In addition to the requirements of this subsection, the PDD application submittal and review process is found in Sections 400.450 to 400.453. (Planned Development Districts).
 2. The Planned Development District should not have an adverse impact on the property value of adjacent land, nor should it hinder the implementation of the Comprehensive Plan.
 3. Planned Development Districts must provide for adequate traffic circulation within the development, and must provide adequate connectivity with all modes of the City-wide transportation network.
 4. No Planned Development District should impose an undue burden on public services, facilities and infrastructure.
 5. The location of structures, parking areas, walks, lighting, and streets shall be compatible with surrounding land uses; landscaping should be used where there are no structures, parking and loading areas, or accessways.
 6. A Planned Development District may be developed in phases, provided that no phase or unit of development shall be constructed without proportional development of common open space. The residential density at any phase shall not exceed more than twenty percent (20%) of the proposed residential density of the entire development without first developing a proportional amount of common open space. Example: If total residential density allowed is one hundred sixty (160) dwelling units, at no phase of the development would more than thirty-two (32) dwelling units (one hundred sixty (160) by twenty percent (20%) equals thirty-two (32)) be allowed until the required open space is developed.
 7. The Planning and Zoning Commission may modify the period of time for completing the entire development and commencement date for each phase of the planned development if the applicant can show good cause for doing so, provided that in no case shall any extension exceed twelve (12) months.
 8. The applicant shall provide and record easements and covenants and furnish bonds deemed necessary by the Board of Aldermen to assure performance in accordance with the final development plan and to protect the public interest in the event of abandonment before the development's completion.
 9. Planned Development Districts shall comply with the off-street parking and loading area requirements of Section 400.610.
 10. Specifications for the design of streets and highways, alleys, public utilities, curbs, sidewalks, streetlights, public playgrounds and parks, stormwater drainage, water supply and distribution, and sanitary sewers and collection shall comply with the provisions of this Chapter.
 11. The Planning and Zoning Commission may waive or modify such requirements if the Committee finds that the specifications will not harm the health, safety and welfare of the residents, and that amended specifications would conform to the Comprehensive Plan and the intent of this Chapter.
- D. Residential Planned Development Districts. Residential Planned Development Districts include dwelling units in detached, semi-detached, and attached dwelling units, and cultural or recreational uses intended to serve residents of the neighborhood. The purpose of a Residential Planned Development District is to allow for creativity in residential design, allow for a mixture of residential density within the same development, and encourage the conservation of significant natural or cultural features.
- E. Mixed-Use Planned Development Districts. The purpose of a Mixed-Use Planned Development District is to promote greater convenience and innovative use of land within the same planned development. Mixed-Use Planned Development Districts may include a combination of residential,

office, commercial, and light industrial uses. A mixed-use planned development must include a commercial or light industrial use; any development including only residential uses must be developed as a Residential Planned Development District. Mixed-Use Planned Development Districts are also subject to the following provisions:

1. Key Issues. Mixed-Use "PDD"s should specifically promote design that addresses the following:
 - a. Unified character.
 - b. High-quality construction.
 - c. Longevity of system.
 - d. Disparity between land uses.
 - e. Visibility of undesirable elements.
2. Buffers And Screens. Proper use of buffers and screens shall be incorporated into site plans in order to lessen the difference between land uses and diminish the visual impact of undesirable elements.
 - a. Architectural screens should be an extension of the development's architectural treatment and consistent in color and design.
 - b. Screening walls should be constructed of low-maintenance, high-quality materials which are consistent with the building facade material.
 - c. Painted or coated screening walls should be avoided.
3. The Planning and Zoning Commission may restrict or require restrictive covenants prohibiting certain uses normally permitted in any of the above districts and then hours of operation if those uses will have an adverse impact on other properties located in or adjacent to the planned development. Considerations for the limitations of such uses include:
 - a. The impact of dust, chemicals, noise, and other pollutants on surrounding properties.
 - b. The impact of the hours of operation of a use and the enjoyment of surrounding property.
 - c. The impact of traffic, freight pickup or deliveries, and lighting on surrounding uses.
 - d. Outdoor storage and the storage or manufacturing of hazardous materials.
4. Residential uses may share the same multistory structure with a commercial use, provided that residential dwelling units are limited to the secondary floors of the structure, and that the Board of Aldermen determines that any such arrangement will not adversely affect the health, safety, and welfare of the residents of any such units.

F. "PDD" Requirements.

1. The "PDD" development plan may establish density, height, setback, lot size, wetlands and floodplain buffer areas, parking lot design standards, architectural, signage and landscaping standards that differ from those in the underlying zone or in this Chapter, provided that the standards further the objectives of the "PDD" regulations, the Comprehensive Plan, and the specific "PDD" development plan.
2. All requirements of the underlying zone and those set forth in this Code otherwise applicable to the area of land proposed for a "PDD" shall govern, except to the extent that the approved "PDD" development plan provides exceptions as allowed herein.

G. Development Standards.

1. Minimum Site Size. There shall be no minimum number of units or acres which may constitute a "PDD." A "PDD" may be established on any sized parcel, provided that it has an adequate building site and can meet the objectives of this Article.
2. Compatibility With Neighborhood. The City shall evaluate the relationship of the "PDD" to its surroundings in order to consider adverse effects concerning traffic circulation, building height or bulk, visual impact or intrusion into privacy of neighboring properties. The evaluation criteria, will include, but not be limited to, the following:
 - a. Size and location of site.
 - b. Street capacities in the area, and ingress and egress to adjoining streets.
 - c. Location and amount of off-street parking.
 - d. Internal traffic circulation.
 - e. Fencing, screening and landscaping.
 - f. Building bulk and location on site.
 - g. Usable open space.
 - h. Signs and lighting.
 - i. Environmental impacts.
 - j. Impacts to facilities and utility systems.
 - k. Hours and size of operation.
3. Side Setback. A periphery yard adjacent to the exterior boundaries of the "PDD" shall be at least as deep as those required by the yard regulations of the underlying zoning district unless the Planning and Zoning Commission and the Board find that equal protection will be accorded to adjacent parcels through specific features of the approved plan.
4. Open Space. Open space shall be adequate in terms of location, area and type for the recreational and leisure use of the visitors and the population occupying the "PDD" and shall be designed to enhance the present and future value of the development. "PDD"s that overlay a residential district may cluster the required percentage of open lot area or required open space in common public or private open space.
 - a. The development plan shall include provisions for the ownership and maintenance of common open space as is necessary to ensure its continued care and conservation. The development plan shall also provide for remedial measures that will be available to the City should the common open space deteriorate or not be maintained in a manner consistent with the interests of the residents of the Planned Development District or the residents of Kimberling City.
 - b. Open Space. Open space in a "PDD" means the land area to be used for scenic or open recreational purposes within the development.
 - c. Open space does not include street rights-of-way, driveways, parking areas, required setbacks or public service easements unless these areas have some special recreational design or purpose.

- d. To the maximum extent possible, the "PDD" plan and program shall ensure that natural features of the land are preserved and landscaping is provided.
 - e. In order to ensure that open space will be permanent, dedication of development rights to the City for open space use may be required.
- 5. Residential Density. Density allowed within a "PDD" shall generally be consistent with the underlying zone, but may be increased by the City based on a finding that the project implements the goals of the Comprehensive Plan and does not create undue hardships, safety issues or nuisances within the community. In the event a property is being voluntarily annexed

as a planned development and has no underlying zoning, the same rules will apply as if the property were zoned for the most similar zone to the proposed use, such as "R-3" Multi-Family zoning if the proposed plan were condominiums or apartments, or "R-1B" Single-Family if the proposed development were predominantly single-family detached dwellings. The density of dwelling units in a Planned Development District shall also conform with the lot and general regulations of Section 400.450 (Planned Development Districts) of the City of Kimberling City Zoning Regulations unless the Planning and Zoning Commission approves a development plan that includes design and infrastructure elements to accommodate greater densities in localized areas of the development using these guidelines:

- a. Any reduction in minimum lot size shall be compensated by equivalent common open space in the balance of the development.
 - b. The Planning and Zoning Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in a particular location.
 - c. The total ground area occupied by buildings and structures shall not exceed thirty-five percent (35%) of the total ground area of the planned development. If previous development in the neighborhood exceeds coverage of thirty-five percent (35%), the coverage area of the Planned Development District may be increased to correspond with that of the neighborhood as a whole.
6. Street Circulation System. The "PDD" shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, convenience and access. Private internal streets or circulation may be permitted, provided that adequate access for police, fire and emergency vehicles is maintained; streets are named in a logical fashion to avoid confusion; and provisions for using and maintaining such streets are imposed upon the private users and approved by the City. Bicycle pathways and bicycle storage shall be provided in accordance with this Chapter.

Article VI
Site Development Regulations

SECTION 400.610
Parking

Section 400.611. Intent. [Ord. No. 509, 8-11-2021]

- A. The regulations of this Section are intended to ensure provision of off-street parking and loading facilities in rough proportion to the generalized parking, loading, and transportation demands of different land uses. By requiring such facilities, it is the intent of the Section to help avoid the negative impacts associated with spillover parking into adjacent neighborhoods, while at the same time avoiding the negative environmental and urban design impacts that can result from parking lots and other vehicular use areas. The provisions of this Section are also intended to help protect the public health, safety, and general welfare by:
1. Helping avoid and mitigate traffic congestion;
 2. Encouraging multi-modal transportation options and enhanced pedestrian safety;
 3. Providing methods to help reduce stormwater runoff and the heat island effect of large paved parking areas; and
 4. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the City.

Section 400.612. General Provisions. [Ord. No. 509, 8-11-2021]

- A. In all districts in connection with ever use, sufficient off-street parking spaces shall be provided to accomplish the principles set forth in this Chapter and to meet the parking demands generated by residents, employees, company officials, company vehicles and customers. Required parking spaces shall be located on the lot on which the principal use is located except as provided in this Chapter.
- B. Each application for a building permit, zoning permit or zoning variance shall include plans for at least the minimum number of parking spaces as herein required. Plans shall include information as to location and dimensions of off-street parking spaces and the means of access to the spaces. The Administrative Official shall not approve any application until he/she determines that the requirements if this Chapter are met in the plans.
- C. Each off-street parking space shall contain not less than two hundred (200) square feet in area with a minimum width of ten (10) feet and a minimum length of twenty (20) feet exclusive of access and circulation aisles. Areas normally used for drive-in customer service such as drive-in windows and gas pump service areas shall not be counted in computing required parking spaces.

Section 400.613. Minimum Number Of Spaces Required. [Ord. No. 509, 8-11-2021]

- A. The minimum number of required spaces shall be determined by the following criteria: Parking spaces shall be arranged, whenever practical, so that tandem parking of vehicles is not necessary except for a short period of time. Sufficient spaces shall be provided for parallel parking of vehicles off street. In addition, a developer shall evaluate his/her own needs to determine if they are greater than the minimum specified in this Chapter. According to the table below:

Use Category	Use Type	Parking Requirement (number of spaces)
Household Living		
	Single-family dwellings	2 per dwelling unit
	Two-family dwellings	2 per dwelling unit
	Multi-family dwellings	1.5 per bedroom
	Condominiums	2 per dwelling unit
	Residential-Manufactured Home Community	2 per dwelling unit
Group Living		
	Rooming houses and boarding houses	1 for each 2 employees and 1 per 2 beds
	Motels and hotels	1 for each 2 employees and 1 per room
Community Services		
	Churches	1 for 3 seats in the principal place of assembly
	Community centers and libraries	10 parking spaces, plus 1 additional space for each 300 square feet of floor area in excess of 2,000 square feet
	Funeral homes	1 for every 4 seats
	Cultural facilities, including art galleries, museums, or planetariums	1 per 400 square feet of gross floor area
Educational Facilities		
Health Care Facilities		
	Hospitals	2 for each 3 employees and 1 for 4 patient beds
Offices		
	Home occupation	1 parking spaces in addition to residential requirements
	Office buildings, banks and similar institutions	3 per 1,000 square feet of floor area
Recreation and Entertainment, Outdoor		
	Stadium	1 for every 4 spectator seats
	Golf courses	20 parking spaces
Recreation and Entertainment, Indoor		

Use Category	Use Type	Parking Requirement (number of spaces)
	Pool halls, bowling alleys and similar recreational facilities	1 per 300 square feet of gross floor area
	Theatres	1 for every 2 seats
Retail/Commercial Services		
	Retail business and service establishments	1 for each business vehicle and 1 for each 250 square feet of gross floor area
	Restaurant and cafe	1 per 3.5 seats, plus 1 for each 2 employee
	Night club or similar establishment	1 for every 3 persons of capacity
	Wholesale, retail and commercial storage	1 for each 2 employees based upon the largest working shift in any 24 hour period and 1 for each company vehicle stored at site
Vehicles and Equipment		
	Service stations	2 for gas pump and 2 for each grease rack
	Auto sales and garages	1.5 per employee, 1 per maintenance stall
Industrial Service		

Section 400.614. Flexible Parking Where Fractional Spaces Result, The Parking Spaces Required Shall Be Construed To Be The Nearest Whole Number. [Ord. No. 509, 8-11-2021]

- A. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Planning and Zoning Commission.
- B. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, unless provided for in Section 400.615 below.
 1. **Parking Spaces — Requirements.** All parking spaces, parking lots and parking areas required herein shall be located on the same lot with the building or use served; except that, within "C," "I" and "O" zoning only, where an increase in the number of parking spaces is required by a change or enlargement of use, or where such parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required parking spaces may then be located and maintained no more than four hundred (400) feet from the building(s), establishment(s) or use served, in the same "C," "I" and "O" zoning, and owned by the same party(ies) as the owner(s) or leasee(s) of the lot, building(s), establishment(s) or use served.
 2. In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and executed by the City Attorney and

shall be filed with the application for a building permit.

3. **Parking In Front Yards.** No off-street parking shall be permitted in the required front yard of any "C-1" District. Off-street parking space may be located within the required front yard of a "C-2" or "C-3" or "I" Zoning District. No off-street parking shall be permitted in any "R" Zoning District except upon a driveway providing access to a garage, carport or a parking space for the dwelling. No community parking shall be allowed in any "R" Zoning District except for those designed for City-approved public parks or playgrounds and other City-designated place(s).

Section 400.615. Shared Parking. [Ord. No. 509, 8-11-2021]

- A. **The Administrative Officer May Allow Shared Parking.** Shared parking shall mean that the required spaces provided for one (1) use may also be credited as required spaces for a complementary use. A permanent and irrevocable easement of the parking facilities in favor of the use to be benefited thereby shall be dedicated and recorded in the Stone County records as a condition of such use. Shared parking shall meet the following conditions:
 1. **Proximity To Use.** Shared parking spaces shall be located within six hundred (600) linear feet of the primary entrance of all uses served as measured along the shortest legal, practical walking route. This route may include crossing a right-of-way, provided that it uses a legal crosswalk. Such distance shall not apply if a remote parking shuttle bus service is provided and approved as part of a development approval. Shared parking spaces shall not be separated from the use they serve by an arterial or collector street with a right-of-way greater than or equal to fifty (50) feet. In addition, adequate and safe pedestrian access must be provided from and to the shared parking areas.
 2. **Same Or More Intensive Use.** A shared parking area shall be located on a site with the same or more intensive zone district classification than required for the primary uses served.
 3. **Calculating Shared Parking.**
 - a. Where two (2) land uses listed in separate use categories in Section 400.515, Land Use Matrix, share a parking lot or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 400.615-1, below. Total off-street parking required shall be the sum of the two (2) parking requirements for the two (2) uses divided by the factors in Table 400.615-1. If uses in three (3) or more categories of Section 400.515, Land Use Matrix, share a parking lot or structure, the Administrative Officer shall determine the parking reduction based on the relative sizes of the various uses and the reduction factors listed in Table 400.615-1, below.

Table 400.615 - 1 Joint Parking Reduction Factors [Add the two parking requirements and divide by these factors]					
Property Use	Residential	Community Service, Educational Facilities, Health Care Facilities	Food, Beverage Recreation	Retail	Office
Residential	1.0				
Community Service, Educational Facilities, Health Care Facilities	1.1	1.0			
Food, Beverage, Recreation	1.0	1.2	1.0		
Retail	1.2	1.2	1.2	1.0	
Office	1.3	1.5	1.2	1.2	1.0

How To Calculate Shared Parking. This is an example for a shared parking for a multi-family dwelling and office. A twenty-bedroom multi-family dwelling will require 30 parking spaces. A 10,000 square feet of floor area office will require 30 spaces. The joint parking reduction factor for residential area and office is 1.3. the sum of the 2 parking requirements is 60 spaces. Shared parking spaces is the sum of the 2 parking requirements divided by the joint parking reduction factor. Therefore, the shared parking requirement is 46.

20 bedroom at 1.5 parking space per bedroom = 30 spaces.

10,000 square feet of floor area at 3 per 1,000 square feet of floor area = 30 spaces.

Joint parking reduction factor = 1.3.

Shared parking requirement = $(30+30)/1.3 = 46$

- b. Additional Joint Parking Permitted For Certain Uses. As an alternative to those reduction factors listed in Table 400.615-1: a) up to fifty percent (50%) of the parking spaces required for food, beverage and recreation, and up to one hundred percent (100%) of parking spaces required for religious assembly uses and elementary, middle, high school, university, or college auditoriums may be used jointly by b) any non-residential use not normally open, used, or operated during the same hours as those listed in Item a).

Section 400.616. Loading And Unloading. [Ord. No. 509, 8-11-2021]

- A. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the site premises, off-street loading space in accordance with the following requirements:

1. Within any "C-1" or "C-2" or "C-3" Zoning District, one (1) loading space for each ten thousand

(10,000) square feet of gross floor area.

2. Within any "I-1" Zoning District, one (1) loading space for each fifteen thousand (15,000) square feet of gross floor area.
3. For the purpose of this Section, an off-street loading space (exclusive of adequate access drives and maneuvering space) shall have minimum dimensions of twelve (12) by forty (40) feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade.

Section 400.617. Design And Maintenance. [Ord. No. 509, 8-11-2021]

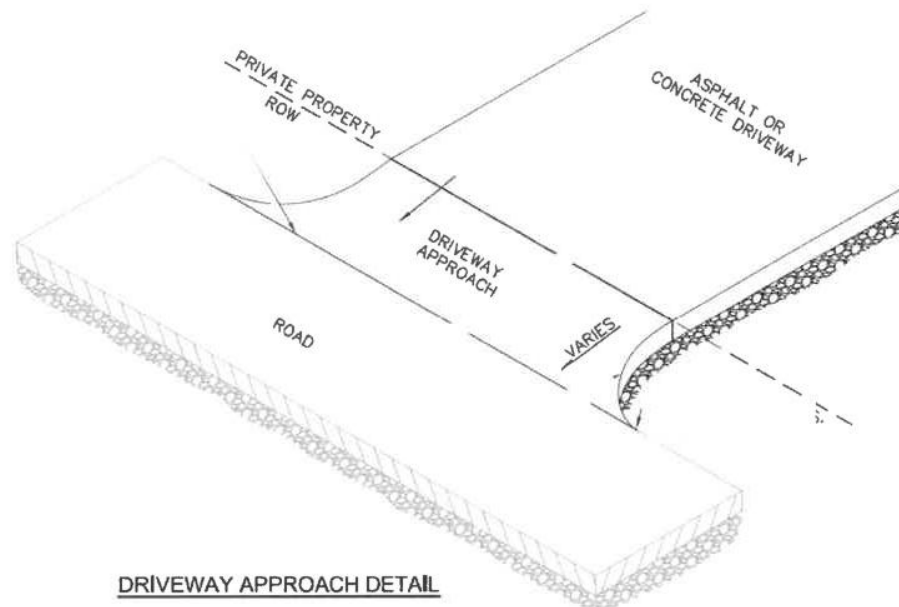
A. Parking Layout And Construction Standards. Except as required by Subsection A. 5. (Vehicle And Trailer Parking On Residential Lots), every parcel of land hereafter used as a public or private parking area, including commercial parking lots and vehicular display/storage areas, shall be developed and maintained in accordance with the following requirements.

1. Curbs Or Wheel Stops Required. In any parking space which faces toward a property line or a building, a wheel stop and/or a curb shall be provided that prevents a vehicle from extending across the property line or hitting the building. As determine by the Administrative Officer, wheel stops may also be required where a curb will not be sufficient.
2. Parallel Parking. The minimum paved dimension for a parallel parking space shall be eight (8) feet by twenty-two (22) feet.
3. Parking For The Disabled.
 - a. A parking lot serving any commercial or industrial use, public facility, or multi-family development shall have a number of level parking spaces, as set forth in the following table, reserved for physically disabled persons. Each reserved parking space shall be not less than thirteen (13) feet wide (eight-foot stall with an adjacent five-foot access aisle) and identified by an above-grade sign designating the parking space for the physically disabled. Two (2) handicapped parking spaces may share an adjacent five-foot access aisle. The following parking standards are consistent with the requirements of the Americans with Disabilities Act and regulations adopted under the Act's authority.

Accessible Parking Spaces for the Disabled	
Total Parking in Lot	Required Number of Accessible Spaces
01 to 05	1*
06 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9

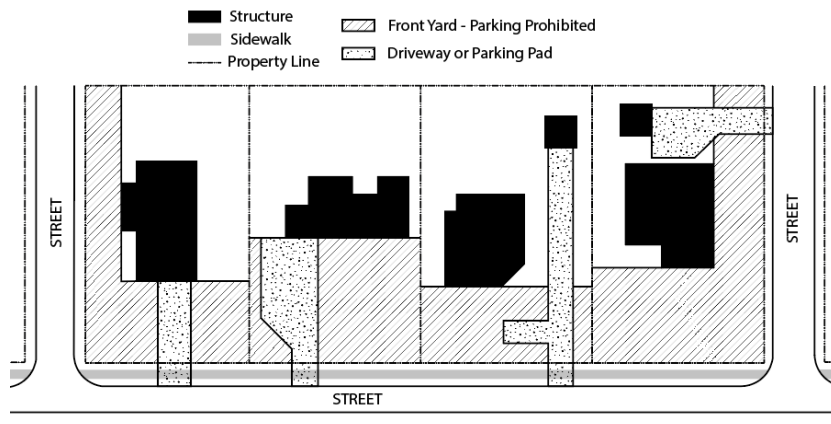
Accessible Parking Spaces for the Disabled	
Total Parking in Lot	Required Number of Accessible Spaces
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000
* Accessible space shall be provided but is not required to be designated by appropriate signage.	

- b. For every eight (8) or fraction of eight (8) accessible parking spaces, at least one (1) shall be a van-accessible parking space.
 - c. Parking spaces reserved for the physically disabled shall be adjacent to curb ramps, elevators, walkways, and entrances so that disabled persons can avoid passing behind parked cars. Reserved parking spaces for the disabled shall be as close to building entrances as possible.
 - d. In the development of large shopping areas, medical centers, hospitals, and housing for the elderly and/or handicapped, an area for van parking serving the disabled shall be reserved. Each reserved parking space for vans transporting the elderly and disabled shall have a minimum width of sixteen (16) feet (eight-foot stall with an adjoining eight-foot access aisle) to accommodate a wheel chair lift. Each reserved parking space for van parking shall be level and identified by an above-grade sign designating the van space for the physically disabled.
4. Surfacing.
- a. Except as provided herein, all parking spaces and access drives shall be surfaced with asphalt or concrete pavement. All pavement must be of sufficient strength to support the heaviest vehicular loads imposed on it, and shall be so graded and drained to dispose of all surface water in accordance with the requirements of the Kimberling City Code, and shall be marked to provide for orderly and safe loading, unloading, parking and storage of vehicles. All surfaces shall be maintained in good condition, generally free of potholes, cracks or broken pavement and allowing uninhibited access to all parking and loading spaces or drives.
 - b. Except as described in subsection 400.617 5.b (Required Paved Driveway Areas and Designated Paved Parking Areas), the use of pervious or semi-pervious parking area surfacing materials, including but not limited to grasscrete, ring and grid systems used in conjunction with grass seed or sod, permeable concrete or asphalt, porous or grid pavers, or recycled materials, such as glass, rubber, used asphalt, brick, block and concrete, may be approved by the Administrative Officer for the required vehicular surface area on a lot, provided that such areas are properly maintained and that the underlying soil conditions support the use of such materials.
 - c. Access points to a lot from all public streets must be separated from the street pavement with an area known as the “driveway approach” between the street pavement and the property line (see Exhibit 1). The driveway approach shall be built to a minimum thickness of six (6) inches. Alternatives presented in writing that result in significantly limiting loose gravel from encroaching into the street in a manner that damages street pavement and/or increases the potential for vehicle damage, tire slip hazards, or unsafe driving conditions along the street thoroughfare may be considered by the City Administrator on a case-by-case basis.

Exhibit 1

- d. For the “R-MHC” Manufactured Home Community District, the area for parking spaces shall be paved or shall have not less than four (4) inches of crushed rock or other suitable material on a well compacted sub-base.
5. Vehicle And Trailer Parking On Residential Lots.
- a. The intent of this section is to regulate the placement of licensed vehicles of all types, including boat trailers, utility trailers, towable recreational equipment, and other non-self-propelled wheeled equipment, in the R-1A (Rural Neighborhood District), R-1B (Urban Neighborhood District), R-2 (Two Family District) and R-MHC (Residential Manufactured Home) District.
 - b. Required Paved Driveway Areas and Designated Paved Parking Areas.
 - (1) On lots or tracts of land containing single-family detached, semi-detached, duplex or manufactured home dwellings, no person shall park or permit a vehicle to remain in the front yard unless such vehicle is parked on a paved driveway or paved designated parking area such as a parking pad as described in this section and illustrated in Figure 1.

Figure 1. Placement of Licensed Vehicles on paved surfaces in front yards in R-1A, R-1B, R-2 and R-MHC Districts



(2) As applied in this section, the front yard is the open space between the front property line and a line parallel thereto and passing through the nearest point of the principal building to the front lot line. Said line is thereby extended the full width of the lot on which the building is located.

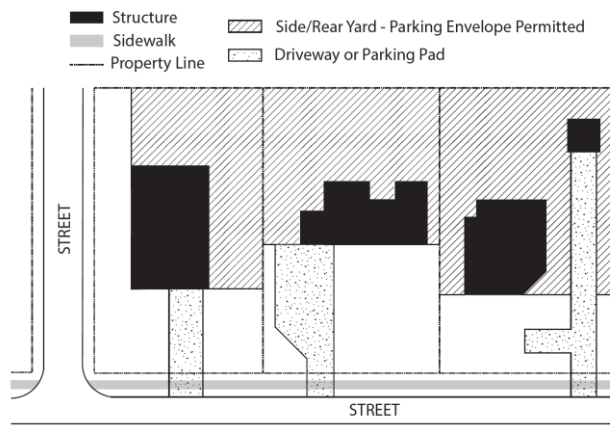
(3) As applied in this section to corner lots, the front yard of a principal structure shall include any and all portions of the lot with frontage on an adjacent street.

c. Parking in side and rear yards.

(1) Parking or storage of vehicles as regulated by this section is allowed in side and rear yard areas when in conformance with the requirements of this subsection.

(2) Vehicles, trailers, boats, recreational vehicles, and similar equipment shall be parked or stored within a designated parking envelope. See Figure 2.

Figure 2 - Placement of Licensed Vehicles in side and rear yards in R-1A, R-1B, R-2 and R-MHC Districts



- (3) A parking envelope shall consist of an area improved with gravel, crushed stone, asphalt, concrete, pavers, or a similar all-weather surface. Grass, bare earth, and other unimproved surfaces shall not be allowed within the parking envelope.
- (4) The parking envelope shall be located entirely outside the required front yard as defined in this section and shall not obstruct any required drainageway, utility easement, or access easement.
- (5) The maximum size of a parking envelope shall not exceed 1,000 square feet and shall not exceed 20 feet in width or 50 feet in depth, except as may approved by the City Administrator when there is demonstrated need.
- (6) No more than one (1) parking envelope shall be permitted on a parcel.
- (7) Vehicles and equipment parked or stored outside of an enclosed garage shall remain fully within the boundaries of the parking envelope or as otherwise permitted by Paved Driveway Areas and Designated Paved Parking Areas in Section 400.617 A 5 b above.

d. Existing Parking Areas and Compliance Transition. The requirements of this Section shall not apply to driveways, parking areas, or vehicle storage areas lawfully existing and paved as of September 1, 2026, that do not conform to the parking envelope, surface, or location requirements of this Section. Such existing areas shall be considered legal nonconforming and may remain in their existing condition unless one or more of the following events occurs:

- (1) The driveway, parking area, or vehicle storage area is reconstructed, resurfaced, expanded, or repaired by more than fifty percent (50%) of its area within any consecutive twelve (12) month period;
- (2) A building permit is issued for an addition, expansion, accessory structure, or other improvement having a value exceeding fifty percent (50%) of the assessed value of the principal structure;
- (3) The use of the property changes in a manner that increases parking demand or vehicle storage capacity;
- (4) The property is subdivided, lot lines are adjusted, or a boundary line adjustment is approved affecting the parcel;
- (5) The parking or storage area is enlarged, relocated, or otherwise modified after September 1, 2026;
- (6) The property is transferred to a different zoning district through rezoning;
- (7) The existing driveway, parking area, or vehicle storage area is not properly maintained or allowed to deteriorate, creating a condition requiring repair, replacement, or resurfacing, and the property owner fails to correct the condition after receiving written notice from the City;
- (8) A permit is issued for a new detached garage, carport, boat storage structure, or RV shelter, in which case existing outdoor parking and storage areas shall be brought into compliance with this Section;

(9) The existing parking or storage area creates documented drainage, erosion, mud-tracking, or sedimentation impacts on adjoining properties or public rights-of-way and the condition is not corrected after notice from the City.

For purposes of this Section, ordinary routine maintenance that does not constitute reconstruction, resurfacing, expansion, or repair of more than fifty percent (50%) of the area shall not require the existing area to be brought into compliance.

- e. Abatement Of Violation. No person shall allow a motor vehicle or trailer to remain on property in violation of this Section.

SECTION 400.620

Natural Resource Preservation**Section 400.621. Intent. [Ord. No. 509, 8-11-2021]**

- A. In the subdividing of any land within the jurisdiction, due regard shall be shown for all-natural features, such as tree growth, natural watercourses or other similar elements, which, if preserved, would add attractiveness to the proposed development.
- B. The natural topography shall be retained, wherever possible, in order to prevent additional runoff onto adjoining property and to avoid extensive grading of the site.

Section 400.622. Applicability. [Ord. No. 509, 8-11-2021]

- A. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features. Significant trees or stands of trees shall be preserved as undeveloped open space, to the extent consistent with reasonable utilization of land, and in accordance with applicable State or local regulations.
- B. Environmental feature areas include the 100-year floodplain, drainage areas, and significant water resources such as lakes, creeks and rivers.

Section 400.623. Natural Resource Protection Development Standards. [Ord. No. 509, 8-11-2021]

- A. Purpose. The City contains many natural amenities, including stream corridors, river corridors, natural drainages, significant viewsheds and hillsides, as well as tree cover, and open space, all of which contribute to the City's character, quality of life and property values. The regulations of this Section are intended to implement the Kimberling City Comprehensive Plan and ensure that the natural character of the City is reflected in patterns of development and redevelopment, and significant natural features are protected and incorporated into open space areas.
- B. Steep Slope And Ridgeline Development.
 - 1. Purpose. The purpose of this Subsection is to:
 - a. Prevent soil erosion and landslides;
 - b. Protect the public by preventing or regulating development in hazardous areas, such as locations with steep slopes;
 - c. Provide safe circulation of vehicular and pedestrian traffic to and within hillside areas and provide access for emergency vehicles necessary to serve the hillside areas;
 - d. Encourage only minimal grading that relates to the natural contour of the land;
 - e. Preserve the most visually significant slope banks and ridgelines in their natural state;
 - f. Preserve visually significant rock outcroppings, native plant materials, natural hydrology and other areas of visual significance;
 - g. Encourage variety in building types, grading techniques, lot sizes, site design, density, arrangement and spacing of buildings in developments;

- h. Encourage innovative architectural, landscaping, circulation and site design;
 - i. Discourage mass grading of large pads and excessive terracing; and
 - j. Require revegetation and reclamation of slopes disturbed during development.
- 2. Applicability. This Subsection shall apply to any development or subdivision proposal or lot created after the effective date of this Code for properties with an average slope of fifteen percent (15%) or greater, or where adverse conditions associated with slope stability, erosion or sedimentation are present as determined by the Administrative Officer. Determinations of adverse conditions shall be identified by the Administrative Officer within ten (10) days of applicable application filing.
- 3. Development On Slopes Greater Than Twenty Percent (20%). Site areas with slopes greater than twenty percent (20%) shall remain undisturbed except as follows:
 - a. This requirement shall not apply to small, isolated steep slope area within a site that do not exceed two thousand five hundred (2,500) square feet.
 - b. Slope areas of twenty percent (20%) or greater shall count toward minimum lot size.
 - c. Development is permitted outside of the slope area of twenty percent (20%) if the Administrative Officer determines that there is sufficient buildable area on the lot for the proposed structure or where buildable area can be made available through the minor modification process.
- 4. Development On Slopes Between Fifteen Percent (15%) And Twenty Percent (20%). The following standards apply to all proposed development on sites where the average slope of the site measures between fifteen percent (15%) and twenty percent (20%).
 - a. Site Design.
 - (1) Roads and building sites shall be oriented to minimize grading.
 - (2) Buildings shall be oriented to consider views from the site as well as the aesthetic impact of views of the site from surrounding properties.
 - (3) Hilltops, if graded, should be rounded to blend with natural slopes rather than leveled.
 - (4) Parking areas should be constructed on multiple levels and follow natural contours as necessary to minimize cut and fill.
 - (5) Roads should follow natural topography to the extent feasible, to minimize cut and fill. Necessary grading should be constant half-cut and half-fill along the length of the road (versus all cut or all fill at points) unless other arrangements would result in less severe alteration of natural terrain.
- 5. Utilities On Slopes.
 - a. Utility easements are not permitted to follow slope lines and may only cross slope lines at ninety-degree angles.
- 6. Raising Or Lowering Of Natural Grade. The original, natural grade of a lot shall not be raised or lowered more than four (4) feet at any point for construction of any structure or improvement,

except:

- a. The site's original grade may be raised or lowered a maximum of six (6) feet if retaining walls are used to reduce the steepness of man-made slopes, provided that the retaining walls comply with the requirements set forth in this Subsection.
 - b. As necessary to construct a driveway from the street to a garage or parking area, grade changes or retaining walls up to six (6) feet may be allowed.
 - c. For the purposes of this Subsection, basements and buildings set into a slope are not considered to lower the natural grade within their footprint.
7. Vehicular Routes. The following regulations apply to vehicular routes on slopes of fifteen percent (15%) or greater.
- a. Streets, roads, private access roads and other vehicular routes shall, to the maximum extent feasible, follow natural contour lines.
 - b. Grading for streets, roads, private access roads and other vehicular routes shall be limited to the paved portion of the right-of-way, plus up to an additional ten (10) feet on either side of the paved portion as needed, except that when developing access on slopes in excess of twenty-five percent (25%) only the paved right-of-way shall be graded, plus the minimum area required for any necessary sidewalk improvements. The remainder of the access right-of-way shall be left undisturbed to the maximum extent feasible.
8. Trails. Public trails are permitted on all slopes. Private trails may be allowed if the Administrative Officer determines that there will be no significant adverse impacts, such as increased erosion potential.

C. Erosion Prevention And Sediment Control.

1. Standards. All new development shall be subject to the following erosion prevention and sediment control standards:
 - a. Compliance with applicable City and State requirements.
 - b. Water shall be carried off the site without damage to downhill public or private properties and/or improvements.
 - c. Water shall be directed away from buildings and other heavily used areas.
 - d. Post-development discharge of stormwater shall not exceed predevelopment discharge for a 100-year storm event.
 - e. Unnecessary ponding not intended for detention or retention purposes should be avoided.
 - f. Erosion control measures as necessary to control erosion and sedimentation during site development and construction shall be implemented. These may include, but are not limited to, the placement of hay bales and siltation fences.
2. Grading Plan; Revegetation Of Disturbed Sites. A grading plan demonstrating compliance with the above standards is required. The grading plan shall include a section outlining the type and extent of revegetation proposed to accomplish the following requirements:

- a. Following construction, the site shall be reclaimed and revegetated following the standards of Section 510.040 (Topography, Natural Vegetation, Landscaping, And Natural Watercourses) and Section 400.630 (Landscaping).
- b. In areas of subdivisions and development sites where landscaping is not required or not anticipated by the Administrative Officer, the developer shall reclaim all disturbed property and replant the entire area with native vegetation as described in Section 510.040 (Topography, Natural Vegetation, Landscaping, ~~And Natural Watercourses~~) and Section 400.630 (Landscaping)/
- c. Topsoil shall be stockpiled and placed on disturbed areas.
- d. Irrigation shall be provided to the revegetated areas if the Administrative Officer determines that it is necessary to ensure survival of native species planted.

SECTION 400.630

Landscaping**Section 400.631. Intent. [Ord. No. 509, 8-11-2021]**

- A. This Section is intended to provide for the health, safety and welfare of the citizens of the City by preserving existing vegetation and providing that future development provide landscaping that meets the following objectives and criteria:
1. All efforts will be made to preserve existing trees.
 2. Proposed landscaping improvements will be of such species as necessary to live in Southwest Missouri's environment.
 3. Landscaping to be installed should be of a sufficient quantity and size to:
 - a. Screen all buildings from adjoining properties.
 - b. Screen parking areas from roads and neighboring properties with dense landscaping.
 - c. Provide a buffer between commercial properties and the road through substantial landscaping. Such buffers shall allow visibility by the general public, but also provide vegetation that will screen portions of the building and parking area.
 - d. Provide a landscaped area between residential properties and the street, including trees and other landscape materials.
 - e. Screen developments on slopes of over fifteen percent (15%). Developers shall be required to place additional trees in sufficient numbers to screen such properties from major thoroughfares, such as Highway 13.

Section 400.632. General Landscape Requirements. [Ord. No. 509, 8-11-2021]

- A. All yards and parking areas shall be landscaped in accordance with the following requirements:
1. Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner, and where approved trees, shrubs or other landscaping materials die or are removed, it shall be the responsibility of the applicant to replace them with materials of a comparable nature and size to those originally approved.
 2. Site plans indicating landscaping improvements shall be included with the plans submitted to the Planning and Zoning Commission for approval. Issuance of a building permit includes these required improvements which shall be completed or guaranteed prior to issuance of a certificate of occupancy.
 3. Existing trees, plant material and special site features shall be preserved within a project site to the fullest extent possible.
 4. All required yards and the entire open space of all multi-family dwelling sites, exclusive of walks, drives, parking areas and buildings, shall be landscaped and permanently maintained. Landscaping shall primarily consist of ground cover, trees, shrubs and other living plants with sufficient irrigation to properly maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, fences and similar elements may be placed within the area, but shall not be the dominant feature of any yard.

Section 400.633. Specific Requirements. [Ord. No. 509, 8-11-2021]

- A. All open storage areas shall be screened from public rights-of-way or adjacent property by use of landscaping, berms or a combination of landscaping and other structural elements to a height of six (6) feet. Parking or storage uses accessory to a primary single-family use and located on an adjoining lot shall be fully screened with the use of decorative fencing that is architecturally compatible to the primary residence (using wood, stone or similar natural materials).
- B. Any site contiguous to or facing any residential zone or residential use shall screen its parking areas, loading docks or similar uses through the use of landscaping elements to a height of four (4) feet.
- C. All surface areas designated on the approved site plan that will not be a hard surface shall be planted with adequate ground cover as approved by the City and shall be top-dressed with a minimum of two (2) inches of top soil prior to planting. In addition, irrigation systems shall be provided in those instances where required to guarantee the proper growth of the landscaping being provided.
- D. Trees shall be provided in the following manner:
 - 1. Within all other yards, trees shall be provided in a number adequate to buffer the project from adjacent uses.
 - 2. All required trees shall be a minimum of four (4) feet in height, with the exception that twenty-five percent (25%) of the required trees for any project shall be a minimum of six (6) feet in height.
 - 3. All required trees shall have a minimum caliper, measured two (2) inches above ground level, of one and one-half (1 1/2) inches.
- E. Public rights-of-way adjacent to the site shall also be landscaped if in the opinion of the Planning and Zoning Commission such landscaping is necessary to complete the project. Specifically, the applicant is responsible for improving the area between the street roadway and the applicant's property line.

Section 400.634. Parking Lot Landscaping Requirements. [Ord. No. 509, 8-11-2021]

- A. Landscaping Area Required.
 - 1. Wherever off-street surface parking abuts a public right-of-way, a minimum five-foot-wide landscaped buffer zone shall be provided.
 - 2. Wherever off-street parking abuts a building or structure, a minimum five-foot-wide landscaped buffer zone shall be provided. The buffer zone may contain limited areas devoted to paved walkways and required handicapped access ramps and pathways but shall be predominantly landscaped.
 - 3. Unused space resulting from the design of parking areas shall be landscaped.
- B. Shrubs Required. Planting areas shall be planted with one (1) shrub or vine for every twenty-five (25) square feet of total landscape area. Fifty percent (50%) of the shrubs and/or vines shall be of five-gallon size or larger. The required shrubs and/or vines shall be evenly distributed throughout the site.
- C. Turf Required. Turf incorporated into the landscape design shall not constitute more than fifty percent (50%) of the total landscaped area. The department may approve greater turf coverage, provided the turf serves a usable and beneficial purpose (e.g., recreation areas or temporary outdoor display area), or provided the percentage of turf area is provided in an approved specific plan. Turf shall be of a

drought-tolerant variety. Turf shall not be used in parking area planting medians or islands.

- D. Ground Cover. Areas not covered by trees, shrubs, vines, or turf shall be planted with ground cover. No more than thirty percent (30%) of the ground cover may be materials other than plant materials (e.g., decomposed granite, masonry, pavers, etc.) acceptable to the department. The use of artificial plants is prohibited.
- E. Design Standards.
 - 1. Planting areas directly abutting the parking area shall be enclosed by a raised, continuous curb of Portland cement concrete, or other material acceptable to the Building Official. The curb shall be at least six (6) inches high and six (6) inches wide. The finished grade within the planter shall be at least two (2) inches below the top of the curb.
 - 2. Landscaped areas located wholly within and bordered on all sides by the parking area shall not be required to comply with Section 400.634(E)(1) of this Chapter to allow for natural drainage into landscaping medians.
 - 3. Where vehicles are allowed to overhang landscaped areas, landscaped areas shall be a minimum of six (6) feet in width, and the vehicle overhang shall not exceed two (2) feet. Trees in these areas shall be aligned with the parking stripe or otherwise located to avoid tree damage by parked vehicles.
- F. Authority To Alter. The Administrative Officer shall have the authority to require additional landscaping in excess of the minimum standards in Section 400.634, provided the additional landscaping is deemed necessary to:
 - 1. Screen adjacent uses from parking areas that could cause a negative impact on the adjacent uses due to noise, odors, or aesthetics; or
 - 2. Ensure compatibility and conformity with adjacent uses.

Article VII Home Occupations

Section 400.1400. Permitted In Residential Districts, When. [Ord. No. 526, 8-17-2022]

No-impact home-based businesses shall be permitted in all residential districts and in accordance subject to the restrictions and limitations of this Chapter. No other business may be operated in a residence at any time. The term "home occupation" when used in this Code shall be interpreted to mean "home-based business."

Section 400.1410. Definitions. [Ord. No. 526, 8-17-2022]

As used in this Chapter, the following terms shall have the meanings provided below:

GOODS — Any merchandise, equipment, products, supplies, or materials.

HOME-BASED BUSINESS — A business operating in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

NO-IMPACT BUSINESS — A home-based business that:

1. Is engaged in the sale of lawful goods and services; and
2. Does not cause a substantial increase in traffic through the residential area; and
3. The activities of the business are not visible from any public street; and
4. Does not use any equipment that produces noise, light, odor, smoke, gas, or vibrations that can be seen, felt, heard, or smelled by a person of ordinary senses outside of the property where the business is located; and
5. Does not sell any goods or services for which a health inspection would be required if the business were not located in a residence unless the owner or tenant provides written consent for the Department of Health to inspect the business during normal business hours or at any other time that the business is operating.

Section 400.1420. Restrictions And Limitations. [Ord. No. 526, 8-17-2022]

- A. A no-impact home-based business must be incidental and subordinate to the principal residential use of the premises and shall not include more than twenty-five percent (25%) of the floor area of any one (1) floor of a dwelling unit, not including the floor space of any permitted accessory building used by the business. This provision shall not be interpreted as allowing an accessory building, accepted by the usual permitting process for accessory buildings.
- B. The owner or operator of the no-impact home-based business must be an owner or tenant of the residence and must reside at the residence.
- C. The owner or operator of the no-impact home-based business may employ others to work in the no-impact home-based business.
- D. The home occupation may be conducted in an existing detached accessory building that existed at the time this Chapter was adopted. A new accessory building shall not be constructed to house a home occupation.

- E. Outdoor storage of materials or equipment used in the home occupation shall not be permitted.
- F. Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.
- G. One (1) sign, compliant with the sign code provisions for home-based businesses will be allowed. Signs must be properly maintained.
- H. The owner or operator must provide adequate parking for the no-impact home-based business. Parking for the no-impact home-based business may include the driveway or garage of the residence or a paved parking area located behind the front plane of the residence. Adequate parking may also include parking on the street so long as:
 - 1. Parking is limited to the side of the street the no-impact home-based business is located on, between the lot lines of the residence, if parking at that location is otherwise lawful.
 - 2. If the owner, operator, family members of the owner or operator, employees, clients, or customers routinely park in other locations on the street(s) adjoining the residence, the business shall not be considered a no-impact home-based business. For the purposes of this Section, the term "routinely" shall mean more than twice in a given seven-day period.
- I. The total number of persons in the home, including residents, customers, clients, employees, and all others may not exceed the maximum occupancy of the residence at any time.

Section 400.1430. Licenses And Permits. [Ord. No. 526, 8-17-2022]

- A. No permit shall be required to operate a no-impact home-based business, however, a business operating in a residence shall be presumed not to qualify as a no-impact home-based business unless the owner or tenant provides an affidavit, on a form approved by the City Clerk, stating that the business in question is qualified. No fee shall be charged for the filing of such an affidavit. The affidavit shall contain, at a minimum, the following:
 - 1. The name of the owner or tenant.
 - 2. The address of the residence.
 - 3. The general nature of the business, including whether the business is subject to health inspections. If the business is subject to health inspections the affidavit must have consent for inspections attached.
 - 4. The maximum occupancy of the residence and a statement that the maximum occupancy will not be exceeded. It shall be the duty of the affiant to obtain this number from the Fire Department and provide proof of the same with his or her affidavit.
 - 5. That the business qualifies as a no-impact home-based business.
 - 6. A statement that the affiant is familiar with the provisions of this Chapter and will comply with the same.
- B. No-impact home-based businesses and other home occupations shall be required to have a business license.
- C. Businesses operated in a residence, which do not qualify as a no-impact home-based business must have a conditional use permit from the Planning and Zoning Commission.

Section 400.1440. Penalties. [Ord. No. 526, 8-17-2022]

Any person who operates a business in violation of this Article shall, upon conviction, be subject to a fine of not less than one hundred dollars (\$100.00) and up to ninety (90) days in jail, or both. Each day of violation shall be considered a separate offense.

SUBDIVISION REGULATIONS
Chapter 410

Section 410.020

SUBDIVISION REGULATIONS

Section 410.010. Jurisdiction And Scope.**Section 410.020. Definitions.****Section 410.030. General Provisions.****Section 410.031. Special Districts for New
Development and Subdivisions.****Section 410.040. Procedure.****Section 410.050. Preliminary Plat Requirements.****Section 410.060. Final Plat Requirements.****Section 410.070. Modification And Exceptions.****Section 410.080. Subdivision Design Standards
And Requirements.****Section 410.090. Improvements Installation
Requirements.****Section 410.100. Classifications Of City Streets.****Section 410.105. Unimproved Streets.****Section 410.110. Topography, Natural
Vegetation And Natural
Watercourses.**

Section 410.010. Jurisdiction And Scope. [R.O. 2012 § 505.010; Ord. No. 20 § 1, 8-5-1974]

The rules and regulations governing plats of the subdivisions of land and lot splits contained herein shall be considered minimum, and shall apply within the corporate limits of the City of Kimberling City in accordance with the provisions of Section 89.410, RSMo.

Section 410.020. Definitions. [R.O. 2012 § 505.020; Ord. No. 20 § 2, 8-5-1974; Ord. No. 494, 12-1-2020]

For the purpose of interpreting this Chapter, certain terms are defined, as follows:

ALLEY — A passage or way affording generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

BOARD — The Board of Aldermen of Kimberling City, Missouri.

CITY PLAN — The Sketch Plan or City Plan or Comprehensive Plan of the City of Kimberling City, whether in whole or in part, as adopted by the Planning and Zoning Commission, approved by the Board of Aldermen and duly recorded in the Office of the County Recorder of Stone County. It may consist of several maps, data, and other descriptive matter, for the physical development of the City or any portion thereto, including any amendment, extension, or additions thereof adopted by the Board of Aldermen indicating the general locations for major streets, parks, schools, or other public open spaces, public building sites, routes for public utilities, zoning districts, or other similar information.

CUL-DE-SAC — A short street having one (1) end open to traffic and being terminated at the other end by a vehicular turn-around.

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

LOT — A parcel of land occupied or intended for occupancy by a building, together with its accessory buildings, including open space for light and air as required by Chapter 400.

OPEN SPACE — PUBLIC — Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreation areas, school sites, community or public building sites, and other

lands.

PLANNING AND ZONING COMMISSION — The Kimberling City Planning and Zoning Commission.

PLANNING AND ZONING COMMISSION REPRESENTATIVE — The City Engineer of the City of Kimberling City.

ROADWAY WIDTH or SURFACE WIDTH — That portion of any street designed for vehicular traffic and, where curbs are paved, that portion of the street between the curbs.

STREETS — The full width between the property lines bounding every way whatever nature when any part thereof is open to use by the public as a matter of right, for the purpose of vehicular traffic and whether designated as a street, highway, freeway, expressway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, circle, court, or however otherwise designated.

1. Major streets and highways are those which are used primarily for fast or heavy through traffic.
2. Collector streets are those which provide for traffic movement between major streets and highways and local streets including principal entrance streets or residential developments and streets for circulation within such developments.
3. Local and minor streets are those used primarily to provide direct access to individual lots and for local traffic movements.

SUBDIVISION — The division of a parcel of land into two (2) or more lots, or other divisions of land; it includes resubdivision and, when appropriate to the context, relates to the process of subdividing, or to the land or territory subdivided.

SUBDIVISION, MAJOR - Any subdivision other than a minor subdivision.

SUBDIVISION, MINOR

A subdivision that does not involve any of the following:

1. The creation of more than a total of four (4) lots;
2. The creation of any new public streets;
3. The extension of a public water or sewer system; or
4. The installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots.

THOROUGHFARE — See “Streets”

THOROUGHFARE — PRIMARY, SECONDARY — See “Streets”

THOROUGHFARE PLAN — The official plan of highways, primary and secondary thoroughfares, parkways and other major streets, including collector streets, adopted by the Planning and Zoning Commission, approved by the Board of Aldermen, and duly recorded in the Office of the County Recorder of Stone County.

ZONING ORDINANCE — The Official Zoning Ordinance of the City of Kimberling City, which is Chapter 400 of this Code.

Section 410.030. General Provisions. [R.O. 2012 § 505.030; Ord. No. 20 § 3, 8-5-1974; Ord. No. 494, 12-1-2020]

- A. Compliance. Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this regulation shall be guilty of an ordinance violation, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500.00). (Each day during which such violation shall be permitted to exist shall constitute a separate offense hereunder.)
- B. Recording. Any owner or any proprietor of any tract of land situated within the corporate limits of the

City who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the Office of the Recorder of Deeds of Stone County. A reproducible copy shall be filed with the City Clerk of Kimberling City also.

- C. Approval. No plat of a subdivision shall be recorded unless and until it shall have been submitted and approved by the Commission and Board in accordance with the regulations set forth in this regulation and so certified by the City Clerk.
- D. Prepared By Land Surveyor And Professional Engineer. Every plat shall be prepared by a registered land surveyor duly licensed by the State who shall cause his/her seal to be affixed on the face of the plat. All improvement plans, i.e., streets, water, sewer systems, etc., shall be prepared by a registered professional engineer, duly licensed by the State, and such plans shall bear the seal and signature of the professional engineer.
- E. Required Statement. Every plat or the deed of dedication to which such a plat is attached shall contain, in addition to the registered land surveyor's seal, a statement to the effect that the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in the plat in question is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any, and shall be duly acknowledged, before some officer authorized to take acknowledgements of deeds, and when thus executed and acknowledged, shall be filed and recorded in the Office of the Recorder of Deeds of Stone County and indexed under the names of the owners of the lands signing such statement and under the name of the subdivision.
- F. No Contract Of Sale. No person, firm or corporation, proposing to make or have made a subdivision within the territorial jurisdiction of these regulations shall enter into any contract for the sale of, or shall offer to sell any subdivision or any part thereof, until he/she or it has obtained from the Planning and Zoning Commission approval of the Final Plat of the proposed subdivision and the approval made a matter of public record. Any person, firm or corporation engaged in the dividing, or subdividing of land into lots or parcels for the purpose of conveyance within the scope and application of these regulations shall be known as the developer.
- G. Initial Receipt of Plans. Upon receipt of initial new development and subdivision plans, the City Administrator shall contract with the City Engineer, City Attorney, and City Building Inspector for plan review and approval. At that time, the City Administrator shall administer, in writing, an estimated cost of all City engineering, legal, and inspector fees that will be incurred by the City. The City Administrator shall file a copy of the fee estimate with the City Clerk. All the costs and expenses, including any costs or expenses incurred by the City, plus the charges for connection fees as required by City ordinance, shall be specially assessed, and an itemized billing of all costs will be sent electronically, and by mail to the developer. All fees incurred by, or due to, the City shall be paid in full by the development company.

Section 410.031. Special Districts for New Development and Subdivisions. [Ord. No. 494, 12-1-2020]

- A. Notwithstanding any other provisions of this Article or any other ordinances of the City to the contrary, where it is intended that all of the costs of new development construction will be specially assessed by the City against properties benefited by the improvement, with the City to collect the special assessments so levied to reimburse the City for the amount paid or to be paid by it on the bonds, and to otherwise pay for the costs of construction, engineering fees, and attorney fees billed to the City for assessments on the project should the bonds issued not pay for all of the costs, by observing the following procedures:
 - 1. Establishment Of Special District And Authorization Of Improvements. Upon receipt of the information for new development, the Board of Aldermen shall establish and define the special district or joint district in which the project will be constructed; authorize acquisition of necessary right-of-way, for City utilities and streets, in accordance with the laws of the State.

2. Upon receipt of initial new development plans, the City Administrator shall contract with the City Engineer, City Attorney, and City Building Inspector for plan review and approval. At that time, the City Administrator shall administer, in writing, an estimated cost of all City engineering, legal, and inspector fees that will be incurred by the City. The City Administrator shall file a copy of the fee estimate with the City Clerk after estimates have been received. The estimate, after being certified by the City Clerk, will be sent electronically and by mail to the developer.
3. All the costs and expenses, including any costs or expenses incurred by the City, plus the charges for connection fees as required by City ordinance, shall be specially assessed, and an itemized billing of all costs will be sent electronically and by mail to the developer. All fees incurred by, or due to, the City, if not covered by the bond on record, shall be paid in full by the development company.

Section 410.040. Procedure. [R.O. 2012 § 505.040; Ord. No. 20 § 4, 8-5-1974; Ord. No. 150, 4-20-1993; Ord. No. 187, 6-20-1995; Ord. No. 494, 12-1-2020]

- A. In planning and developing new development or subdivision, the developer shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in Section 410.080 (Subdivision Design Standards) and with the rules and regulations, and concerning required improvements set forth in Section 410.090 (Improvements Installation) in these regulations, and in every case shall pursue the following procedure:
 1. Pre-Application Proceedings — Planning And Zoning Commission Representative. Prior to preparing and submitting the Preliminary Plat to the Planning and Zoning Commission, the developer or his/her engineer shall consult with the representative of the Planning and Zoning Commission, while the plat is in sketch form to ascertain that the general features of the subdivision, its layout, facilities and required improvements shall be determined to the extent necessary for preparation of the Preliminary Plat. The developer may also appear before the Planning and Zoning Commission while the plat is in sketch form for a similar consultation. The sketch shall be of adequate size, enabling legible lot and street configurations and dimensional approximations. If the Commission moves to accept the plat sketch in concept, it will advise the developer by letter to proceed with the preparation of a Preliminary Plat, prepared by a qualified, registered land surveyor. The letter will also advise that the recommendation does not bind the Planning and Zoning Commission to accept the Preliminary or Final Plats. Pre-application proceedings shall be properly documented by minutes of conferences and memoranda, as may be necessary, and copies of such documentation shall be furnished by the developer.
 2. Preliminary Plat. The developer shall prepare and deliver to the City Engineer a Preliminary Plat of the proposed subdivision which shall conform with the requirements set forth in Section 410.050 at least two (2) weeks prior to the meeting of the Planning and Zoning Commission at which action is desired.
 3. Checking And Reviewing. The Preliminary Plat shall be checked by the Planning and Zoning Commission as to its conformity with the City Plan of Kimberling City, and as to the plat's compliance with the standards, requirements and principles hereinafter prescribed; and the Planning and Zoning Commission shall cause said Preliminary Plat to be checked by the Planning and Zoning Commission's representative to ascertain compliance with all applicable additional requirements of Municipal, County, State, and Federal departments and agencies concerned and with applicable regulations of public utility companies.

4. Final Plat. Upon completion of all required improvements as stipulated by the Planning and Zoning Commission, the developer shall file with the Planning and Zoning Commission the Final Plat of the subdivision. The Final Plat may include all or any reasonably acceptable part of the approved Preliminary Plat. A fee of two hundred dollars (\$200.00) must accompany the final plat to cover administrative costs.
5. Approval, Disapproval Or Modification By Planning And Zoning Commission. The approval of the Planning and Zoning Commission or the refusal to approve shall take place within sixty (60) days from and after the submission of the plat for final approval, unless the developer agrees, in writing, to an extension of this time period; otherwise said plat shall be deemed to have been approved and the certificate of said Planning and Zoning Commission as to the date of the submission of the plat for approval and as to the failure to take action thereon within such time shall be sufficient in lieu of the written endorsement or evidence of approval therein required. The grounds of refusal of any plat submitted or regulations violated by the plat shall be stated upon the record of the Planning and Zoning Commission.

Section 410.050. Preliminary Plat Requirements. [R.O. 2012 § 505.050; Ord. No. 20 § 5, 8-5-1974]

- A. Number Of Copies And Required Scale. The Preliminary Plat of the proposed subdivision, three (3) black line or blue line prints prepared by a qualified registered land surveyor, and an electronic version of the plat in a format as required by the City Administrator, shall accompany an application in writing to the Planning and Zoning Commission. The horizontal scale of the Preliminary Plat shall be one hundred (100) feet or less to the inch. Improvement plans shall be prepared by a qualified registered professional engineer and vertical scale of street and sewer profiles shall be ten (10) feet or less to the inch.
- B. Required Information On Plat. The Preliminary Plat shall clearly show the following features and information.
 1. A property description of the property to be subdivided, plus a legal boundary survey of the property proposed for platting which plat boundaries shall show traverse bearings and internal angles with dimensions in hundredths of feet. Error of closure shall meet the standards promulgated by the State of Missouri, "Missouri Minimum Standards for Property Boundary Surveys," Division of Geology and Land Survey, Missouri Department of Natural Resources. All bearings shall be referenced to true north or grid north according to the Missouri Coordinate System of 1983, Central Zone. The developer shall require his surveyor to tie the final plat to the Missouri Coordinate System of 1983, Central Zone. The ties are to be on a minimum of two (2) permanent monuments within the subdivision and the corner used to tie the subdivision to the United States Public Land Survey corner as recognized by the Bureau of Land Management.
 2. Name And Code. The proposed name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision in the City of Kimberling City, or of any Subdivision filed in Stone County.
 3. Designation. The tract designation according to real estate records of the Recorder of the county where located.
 4. Owners Of Record. The names and addresses of the owner or owners of record, the developer and the engineer or surveyor.
 5. Boundary Lines. The boundary lines, accurate in scale, of the tract to be subdivided.
 6. Streets And Other Features. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings; large trees and water courses; railroad lines; corporation and township

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lines; utility lines, etc.

7. Existing topographic contours at intervals of two (2) feet or five (5) feet, as appropriate to site conditions, referenced to an established benchmark or datum.
8. A vicinity map showing the location of the subdivision with respect to municipal boundaries and major streets.
9. Existing Utilities. Existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.
10. Soils. Type and extent of soil groups with main soil horizon description.
11. Geology. Location, type, and extent of subsurface and exposed geological formations.
12. The limits of any FEMA-designated flood hazard areas, floodways, floodplain boundaries, and associated flood elevations affecting the property.
13. The intended location of stormwater detention or retention facilities and preliminary stormwater management concepts.
14. Significant natural features including streams, sinkholes, wetlands, springs, bluffs, rock outcroppings, tree stands, and other environmentally sensitive resources.
15. Areas subject to steep slopes, geologic hazards, sinkhole activity, erosion potential, flood hazards, or other physical constraints affecting development suitability.
16. Proposed Design — Street, Drainage, Etc.
 - a. The layout names and widths of proposed streets, alleys, and easements;
 - b. The location and approximate sizes of catch basins, culverts, and other drainage structures;
 - c. The layout, numbers, and approximate dimensions of proposed lots. Proposed street names shall be established to the satisfaction of the Planning and Zoning Commission representative and shall not duplicate or closely approximate any existing or platted street names in the City, except extensions of existing streets. The Board of Aldermen shall have final approval on all street names.
 - d. All lots shall be accessible to a public street.
17. Zoning. Zoning boundary lines if any, proposed uses of property and proposed front yard set-back lines.
18. North Point, Etc. North-Point, scale, date, title and other pertinent data.
19. Proposed street grades and profiles to demonstrate compliance with subdivision design standards per 410.080 (Subdivision Design Standards And Requirements) and 410.090 (Improvements Installation Requirements).
20. The location, width, and purpose of all existing easements and width of existing and additional rights-of-way to be dedicated affecting the property.
21. The names of adjacent subdivisions, adjoining property owners, lot lines, tract boundaries, and zoning classifications of adjacent properties.
22. The location, dimensions, ownership, and intended use of all common areas, open space tracts, recreation areas, parks, and other land reserved for public or private use.
23. Tabulations in the subdivision notes showing total acreage, number of proposed lots, minimum lot size, and area devoted to streets and common open space.

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24. Deed Restrictions. Copies of any private restrictions to be included in the deeds should be attached to the Preliminary Plat.

Section 410.060. Final Plat Requirements. [R.O. 2012 § 505.060; Ord. No. 20 § 6, 8-5-1974]

A. The requirements below are required as part of the final plat.

1. Number Of Copies And Required Scale. Three (3) black line or blue line prints of the final or record plat of the subdivision, or any part of a larger subdivision, shall be submitted to the Planning and Zoning Commission by the developer, together with a written application for approval on forms provided by the Planning and Zoning Commission, and an electronic version of the plat in a format as required by the City Administrator. The original and Final Plat shall be filed with the County Recorder of Deeds and a reproducible copy shall be filed with the City Clerk of Kimberling City.
2. Bearings — Distances. True bearings and distances to nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them. The length of all arcs, radii, points of curvature and tangent bearings; all easements and right-of-way, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); all lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes if other than right angles to the street and alley lines. The basis of bearings and reference shall be to the Missouri Coordinate System of 1983, Central Zone, together with coordinate values for subdivision control monuments where required.
3. Monuments. The accurate location and material of all permanent reference monuments.
4. Identification of the benchmark and vertical datum used for surveys and improvement plans.
5. A complete legal description of the subdivision boundary prepared by a Missouri Registered Professional Land Surveyor.
6. The location, dimensions, purpose, and recording references of all new and existing public and private easements affecting and/or being dedicated in association with the subdivision.
7. The location of all flood hazard areas, floodways, floodplain boundaries, and applicable base flood elevations affecting the subdivision.
8. Location and dimensions of all drainage easements, detention facilities, stormwater tracts, and access easements associated with stormwater infrastructure.
9. A vicinity map indicating the location of the subdivision with respect to major streets and unicipal boundaries.
10. Identification of adjoining subdivisions, plats, rights-of-way, and unplatted tracts adjoining the subdivision boundary.
11. Lots And Block Numbers. All lots, plots or building sites (lots) in any addition to a subdivision shall be arranged in blocks designed in consideration of topography, soil and intended use. Lots shall be numbered consecutively from one (1) to the total number of lots in a block. Resubdivided lots shall be designated by their original number and a letter suffix: 3A, 3B, 3C, etc.; or by their original number prefixed with a term accurately describing such division: W 1/2 of 3, N 40 ft. of 5, etc.
12. Gross area of each lot shown in square feet and/or acres.
13. Arrangement of all lots showing frontage along a publicly-dedicated street. Land-locked lots

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without frontage along a public street shall not be allowed. Private access easements serving residential lots without frontage on a public street shall not be permitted.

14. Dedicated Property. The accurately-labeled outline, name, and width of all property, including right-of-way as required by Section 410.080 (Subdivision Design Standards And Requirements) and 410.090 (Improvements Installation Requirements) which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivisions, with the purpose indicated thereon. All lands dedicated to public use other than streets or railroads shall be marked "Dedicated to the Public."
15. All non-public common open space, recreation areas, private streets, stormwater detention tracts and facilities, landscape tracts, and similar areas identified by tract designation with corresponding notes on the plat stating ownership and maintenance responsibilities for entities such as a homeowners association.
16. A note on the plat stating areas or lots where direct vehicular access is prohibited or restricted, including lots with frontage on collector or arterial streets.
17. A curve data table comprised of complete curve data for all street rights-of-way, lot lines, and easements, including radius, arc length, central angle, tangent, and chord bearing and distance.
18. Engineer's Certificate. Affidavit and certificate by a qualified professional engineer, or a qualified registered land surveyor to the effect that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; that the plat represents a survey made by him/her and that all monuments indicated thereon actually exist and their location, size and material are correctly shown.
19. Tax Paid Certificate. A certificate issued by the authorized City and County officials to the effect that there are no unpaid taxes due and payable at the time of plat approval and no unpaid special assessments, whether or not due and payable at the time of plat approval, on any of the lands included in the plat, and that all outstanding taxes and special assessments have been paid on all property dedicated to public use.
20. Required Statement. Every plat or the deed of dedication to which such a plat is attached shall contain, in addition to the registered land surveyor's seal, a statement to the effect that the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in the plat in question is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any, and shall be duly acknowledged, before some officer authorized to take acknowledgments of deeds, and when thus executed and acknowledged, shall be filed and recorded in the office of the Recorder of Deeds of Stone County and indexed under the names of the owners of the lands signing such statement and under the name of the subdivision.
21. Signature block indicating approval by the Planning and Zoning Commission, with a signature line for the Planning and Zoning Commission Chair.
22. Signature block for approval by the Board of Aldermen with a signature line for the Mayor.
23. Signature block for the City Clerk and official City seal, attesting to approval of the final plat.
24. A recording block reserved for use by the Stone County Recorder of Deeds.
25. Reference by way of a note on the final plat to approved performance guarantees, escrow agreements, letters of credit, or subdivision agreements where public improvements have not been completed.

Section 410.070. Modification And Exceptions. [R.O. 2012 § 505.070; Ord. No. 20 § 7, 8-5-1974; Ord. No. 140, 5-4-1992; Ord. No. 150, 4-20-1993; Ord. No. 160, 1-4-1994; Ord. No. 187, 6-20-1995]

The City Administrator, in consultation with development review staff in the City, has the authority to approve minor subdivisions as follows:

- A. 1. Minor Subdivisions — In the case of a minor subdivision situated within the City limits where conditions are well defined, the City Administrator, on application of the developer, may exempt the developer from complying with the Preliminary Plat requirements stipulated in Section 410.040 and instead utilize the requirements of 410.070 B pertaining to the preparation of Lot-Splits, Lot-Combinations, and Property Line Adjustment plats.
- B. Lot-Split, Lot-Combination, and Property Line Adjustment Plats.
 - 1. A sketch plan for any proposed lot-combination, lot-split, or property line adjustment shall be submitted to the City Clerk for administrative approval. The intent of the sketch plan ~~initially~~ is to obtain advice and counseling from the City Administrator and/or development review staff on the proposed change. The sketch shall be of adequate size, enabling legible lot and street configurations and dimensional approximations. Pre-application proceedings associated with lot-splits, lot-combinations, and property line adjustment plats shall be properly documented by minutes of conferences and memorandum, as may be necessary, and copies of such documentation shall be furnished by the developer.
 - 2. If the development review staff accepts the plat sketch plan in concept will advise the petitioner by letter or electronic correspondence to proceed with the preparation of an amended plat, certified by a professional engineer or registered land surveyor indicating the original platted boundaries and the final configuration of the boundaries of the lots, being split or combined. The letter or electronic correspondence will also advise that this recommendation does not bind development review staff to accept the amended plat.
 - 3. The following will be required to accompany the amended plat when it is submitted to the City Clerk:
 - a. Original/platted boundary(ies) of the lots being split, combined, or lot line adjusted.
 - b. The amended plat shall indicate the final configuration of the boundaries of the lot or lots being split, or combined. or lot line adjusted.
 - c. The amended plats shall be certified by a professional engineer or registered surveyor and shall include all of the final plat information found in Section 410.060 (Final Plat Requirements), including the dedication of any rights-of-way or utility easements. As lots utilizing this subsection are not subject to review by the Planning and Zoning Commission or the Board of Aldermen, signature blocks shall be adjusted to allow for the signature of the City Administrator.
 - d. A fee, according to the Schedule of Fees as adopted and amended from time to time by the Board of Aldermen must accompany the request.
 - e. If the development review staff is satisfied that such lot combinations, lot splits, or property line adjustment is not contrary to applicable regulations, it may recommend approval of the stated request to the Board of Aldermen; provided such action is without detriment to the public interest and is consistent with the desirable general development of the welfare of the neighborhood and the community in accordance with the Comprehensive Plan and other regulations set out in this Chapter.

- C. Modification — Undue Hardship. In any particular case where the developer can show by plan and

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written statement that, by reason of exceptional topographic or other physical conditions, literal compliance with any requirement of these regulations would cause practical difficulty or exceptional and undue hardship, the Planning and Zoning Commission may modify such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable general development or welfare of the neighborhood and the community in accordance with the Comprehensive Plan and the Subdivisions Regulations as found in this Chapter. Any modification thus granted shall be spread upon the minutes of the Planning and Zoning Commission setting forth the reasons which in the opinion of the Planning and Zoning Commission the reasons which justified the modification to these Subdivision Regulations.

- D. When construction of a principal building and its customary accessory buildings is proposed on more than one (1) lot, said lots shall be combined pursuant to Subsection (B) hereof prior to issuance of a building permit.
- E. No lot split, lot combination, property line adjustment or minor subdivision shall be permitted which creates a lot without frontage on a public street.

Section 410.080. Subdivision Design Standards And Requirements. [R.O. 2012 § 505.080; Ord. No. 20, § 8, 8-5-1974; Amend. #1 to Ord. No. 20, 9-4-1979]

A. Generally.

- 1. In order to protect the health, safety and general welfare of the people, the Planning and Zoning Commission will reject any proposed subdivision located in an area subject to periodic flooding. Whenever a subdivision is proposed to be located in an area having poor drainage, or other adverse physical characteristics and impairment, the Planning and Zoning Commission may approve the plat provided the developer binds himself legally to make such improvements as, in the judgement of the Planning and Zoning Commission, will render the subdivision substantially safe and otherwise acceptable for the intended use.
- 2. In order to insure proper development of the subdivision, completion of improvements, utilities and streets in accordance with the requirements of this Chapter, the developer shall post with the Commission a surety performance bond, running to the City of Kimberling City, written by a professional bonding company or other surety acceptable to the Planning and Zoning Commission, sufficient to cover the cost of such improvements as estimated by the officials having jurisdiction.
- 3. All work in connection with the requirements outlined in Subsection A(1) and (2) above shall be completed within eighteen (18) months from the date of approval of the subdivision by the Board of Aldermen of the City of Kimberling City. Unless an extension in time is granted by the Board of Aldermen of the City of Kimberling City; otherwise the performance bond or other such security shall be paid to the City which may then arrange to complete the required work from the bond proceeds.

B. Comprehensive Plan — Compliance. The subdivision layout shall conform to the Official Thoroughfare Plan or other elements of the Comprehensive Plan. Whenever a tract to be subdivided embraces any part of a highway, thoroughfare or other major collector street so designated on said Plan, such part of such public way shall be platted by the developer in the location and at the width indicated in the Plan.

C. The requirements of Sections 410.090 (Improvements Installation Requirements) and 410.100 (Classifications Of City Streets) shall also be utilized in the design and layout of subdivisions in planning for public improvements and streets intended to be owned and maintained by the city.

D. The Street And Block Layout. The street layout of the subdivision shall be in general conformity with

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a plan for the most advantageous and aesthetically pleasing development of the entire neighborhood, including adjoining areas. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

1. Dead-End Streets. Dead-end streets of reasonable length may be approved where necessitated by topography or where, in the opinion of the Planning and Zoning Commission, they are appropriate for the type of development contemplated. See
2. Intersecting Streets. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. Four-way intersections shall be used for minor interior streets wherever practicable and not in conflict with other applicable design principles and standards.
3. Access. Each lot shall be provided with access to the public street or highway to assure convenient ingress and egress to and from such lot, and to provide adequately for the layout of utilities, garbage and waste removal, fire and police protection, and other services, and to protect and further the public health and safety generally.

E. Street Right-Of-Way Requirements And Utility Easements.

1. Streets. Forty-foot right-of-way.
2. Minor Streets, Dead-End Streets And Cul-De-Sac Streets. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of one hundred (100) feet.
3. Alleys. Alleys, where platted, shall have a minimum width of twenty (20) feet.
4. Utility Easements. Utility easements, where required, shall be at least ten (10) feet wide along rear or side lot lines. Easements of adequate width shall be provided for open drainage channels, where required.

F. Minimum Pavement. Minimum pavement widths required to be installed at subdivider's expense, shall be as follows:

1. Streets. Sixteen (16) feet. In the case of a major thoroughfare or collector street requiring pavements wider than sixteen (16) feet, the matter of financial and other arrangements for installing such wider pavements at the time the developer will make the improvements shall be taken up by the developer with the officials having jurisdiction.
2. Minor, Dead-End And Cul-De-Sac Streets. Sixteen (16) feet. The pavement of a turning circle at the end of a dead-end street shall have a minimum outside diameter of eighty (80) feet.
3. Alleys And Service Drives. Eighteen (18) feet.

G. Lot Design Standards

1. Lot Dimensions, Shapes And Position. The size, shape and orientation of lots shall be appropriate for the location and physical character of the proposed subdivision and for the type of development contemplated in compliance with applicable Zoning Ordinance or regulations in Chapter 400.
2. All side lot lines shall bear between sixty degrees (60°) and ninety degrees (90°) from the street right-of-way line on a straight street or from the tangent of a curved street.
3. Except for corner lots, double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.
4. Every lot shall abut on a public street other than an alley.

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5. Where possible, residential lots should not face on arterial streets. The number of lots facing on collector streets shall be kept to a minimum in each subdivision. The street pattern shall be designed so that the side lines of lots abut collector streets wherever land shapes and topography permit.
- H. The requirements of Section 510.040 "Landscaping Provisions Governing New Construction And Development" shall be applicable in the subdividing of any land within the jurisdiction.

Section 410.090. Improvements Installation Requirements. [R.O. 2012 § 505.090; Ord. No. 20 § 9, 8-5-1974; Amend. #2 to Ord. No. 20, 6-17-1980; Ord. No. 141, 6-1-1992; Ord. No. 252, 1-2-2001]

- A. All improvements required under these regulations shall be constructed in accordance with the specifications and under the supervision of the official having jurisdiction in the manner prescribed below:

1. Street Construction.

- a. Streets shall be constructed with a subbase, base and surface. Streets shall conform to the following dimensions:

Street Type	Subbase Width (feet)	Surface Width (feet)
Major	24	20
Collector	22	18
Minor	20	16

- b. The construction of the subbase shall be compacted native material with a cross slope of one-half (1/2) inch per foot each way from the center of the street. In areas where the subbase is excavated, a minimum ditch one-foot wide by two (2) feet deep shall be constructed with minimum side slopes of two (2) horizontal to one (1) vertical. The ditch shall have a minimum slope to natural grade of one-half (1/2) inch per foot to natural grade. In area filled the minimum side slope shall be two (2) horizontal to one (1) vertical to natural grade. Size of culvert shall be thirteen (13) inches by seventeen (17) inches oval or fifteen (15) inches steel corrugated round or twelve (12) inches polyethylene (smooth bore) pipe.
 - c. The base course shall be a minimum of six (6) inches thick, wetted, compacted Grade A or B crushed rock with a cross slope of one-half (1/2) inch per foot each way from the center of the street. A prime coat of type RC, MC or emulsified asphalt shall be applied at thirty-five tenths (0.35) gallon per square yard to the dry base course.
 - d. The surface course of streets shall be a minimum of two (2) inches, culs-de-sac shall be a minimum of two and one-half (2 1/2) inches compacted thickness of hot mix asphaltic concrete applied to the primed base course.
 - e. All materials and construction shall conform to the Missouri Highway Department and the City's road improvement work contract specifications.
 2. Water Supply.
 - a. Where a public water supply main is reasonably accessible, in the judgment of the Planning and Zoning Commission, the subdivision shall be provided with a complete loop type water distribution system adequate to service the area being platted, including a connection for each lot. The Planning and Zoning Commission shall not approve the final plat thereof until the Missouri State Board of Health certifies compliance with the applicable regulations of

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said Board of Health, Section 192.200, RSMo., 1978.

- b. A two-inch riser pipe fitted with standard two and one-half-inch fire hose threaded cap shall be installed at designated locations along the main supply system to serve as a means of refilling the Volunteer Fire Department tank truck when fighting a fire in the vicinity.
 - c. A similar installation as described in Subsection(A)(2)(b) above shall be installed at multi-family dwellings, condominium complexes and resorts or motels.
 3. Storm Drainage. Every subdivision shall be provided with a storm water drainage system adequate to serve the area being platted and otherwise meeting the approval of the officials having jurisdiction.
 4. Sewerage. Sewerage disposal systems and facilities shall be installed and maintained in accordance with the regulations and requirements of the City of Kimberling City and the Missouri Division of Health.
 5. Street Name Signs. Street name signs shall be installed in accordance with the specifications of the Planning and Zoning Commission or its representatives.
 6. Water Distribution Plan. A plan of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants.
 7. Modifications. Where unusual or exceptional factors or conditions exist, the Planning and Zoning Commission may modify any of the provisions of these regulations, on written application by the developer. The developer's application shall set forth the reasons for such requested modifications and shall be attached to all copies of the construction plans.

Section 410.100. Classifications Of City Streets. [R.O. 2012 § 505.095; Ord. No. 252, 1-2-2001]

- A. The classification of streets within the City limits shall be used to determine the use, maintenance and speed limit.
 1. Major.
 - a. James River Road and Kimberling Boulevard.
 2. Collector.
 - a. Golfcrest Drive.
 - b. Buttonwood Drive.
 - c. Hilltop Drive.
 - d. Skyline Drive.
 - e. Lakeshore Drive.
 - f. Edgemont.
 - g. Irish Hills Boulevard.
 - h. Marina Way, east of Kimberling Boulevard to its eastern termination.
 3. Minor. All other streets maintained by the City shall be considered minor streets.
- B. Speed Limit. In the event the City does not have a City Engineer on staff, the Public Works Committee, with the approval of the Chief of Police, shall recommend any speed limit change to the

Section 410.105. Unimproved Streets. [Ord. No. 515, 12-7-2021]

- A. Streets are constructed at the expense of abutting property owners and are maintained by abutting property owners until street improvements are constructed to the applicable standards of, and accepted for maintenance by, the City. Until a street improvement has been constructed to City standards and the City has expressly assumed responsibility for street maintenance, it is the exclusive duty of the abutting property owners to construct, reconstruct, repair and maintain the unimproved street in a condition reasonably safe for the uses that are made of the street and adjoining properties. Streets that have not been improved to City standards are not and will not be maintained or improved at City expense, except at the discretion of the City and as provided in this Code.

The City may, at its discretion, conduct maintenance and repair activities on gravel streets and alleys. Such an action will not constitute an express or implicit decision by the City to accept maintenance responsibility for such a street or alley.

- B. Disputes regarding the condition of the unimproved street are private actions among affected property owners.
- C. Maintenance And Construction Responsibility. Kimberling City assumes no responsibility for maintenance, construction, nor reconstruction of any street until and unless:
1. The street has been constructed to City standards and specifications; and
 2. The City has expressly accepted maintenance responsibility for the street by the City Engineer.
- D. Maintenance Restrictions.
1. Residents and property owners are not required to obtain a permit to maintain public streets abutting their properties if those streets have not been accepted for maintenance by the City or any other jurisdictions, provided the following conditions are met:
 - a. The travel lane width of the unimproved portion of the street remains the same.
 - b. There is no resulting change in existing drainage patterns outside the public right-of-way.
 - c. Drainageways located within public rights-of-way are not filled in or otherwise altered in any manner that could impact the flow of water.
 - d. The materials used for maintaining the street are equivalent to the existing street materials, except that gravel may be used to resurface a dirt road.
 - e. Asphalt, concrete or other man-made materials may not be applied to existing dirt or gravel surfaces, nor may existing dirt or gravel surfaces be converted to a paved surface.
 - f. The maintenance activities and resulting condition of the street do not adversely affect surrounding properties.
 - g. Trees in the public right-of-way are not removed or pruned unless approval is granted by the Building Inspector.
 - h. Speed bumps or other types of devices intended to slow traffic are not constructed.
 2. The City Engineer retains final authority to regulate all maintenance and construction activities in the public right-of-way, regardless of whether a permit is required or obtained.
 3. The City retains exclusive authority to establish traffic control devices. This includes, but is not

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limited to, all regulatory, warning, and guide signs, and all types of pavement markings.

4. The owner(s) of land abutting any street that has not been improved to City standards and accepted for maintenance shall be liable for any and all damages to any person who is injured or otherwise suffers damages resulting from the defective condition of the street, or by reason of the property owner's failure to keep the street in safe condition and good repair. Said property owner(s) shall be liable to the City of Kimberling City for any amounts which may be paid or incurred by the City by reason of all claims, judgments, or settlements, and for all reasonable costs of defense, including investigation costs and attorney fees, by reason of said property owners' failure to satisfy the obligations imposed by the Code of the City of Kimberling City to maintain, construct and repair such streets.

Section 410.110. Topography, Natural Vegetation, Landscaping, And Natural Watercourses. [R.O. 2012

§ 505.100; Ord. No. 265, 5-7-2002]

- A. In the subdividing of any land within the jurisdiction, due regard shall be shown for all natural features, such as tree growth, natural watercourses or other similar elements, which, if preserved, would add attractiveness to the proposed development.
- B. The natural topography shall be retained, wherever possible, in order to prevent additional runoff onto adjoining property and to avoid extensive grading of the site.
- C. The requirements of Section 510.040 "Landscaping Provisions Governing New Construction And Development" shall be applicable in the subdividing of any land within the jurisdiction.

Chapter 415

REQUIRED SUBDIVISION IMPROVEMENTS AND STANDARDS

SECTION 415.00

Required Subdivision Improvements

Section 415.010 Intent

Section 415.020. Improvements Required.

Section 415.030. Streets.

Section 415.040. Sidewalks And Pedestrian Connections.

Section 415.050. Water Supply.

Section 415.060. Sanitary Sewer Service.

Section 415.070. Storm Drainage.

Section 415.080. Modifications And Exceptions.

Section 415.010 Intent. The purpose of this Section is to establish minimum requirements for the construction and installation of public and private improvements necessary to serve subdivisions within the City of Kimberling City. These standards are intended to ensure that streets, sidewalks, pedestrian connections, water distribution facilities, sanitary sewer systems, stormwater management facilities, easements, rights-of-way, and related infrastructure are designed and constructed in a manner that protects the public health, safety, and welfare; supports orderly growth and development; provides safe and efficient access and circulation; ensures the adequate extension of public services; minimizes flooding and drainage impacts; and promotes the long-term functionality and maintainability of public infrastructure. The provisions of this Section are further intended to ensure that development occurs in a manner consistent with the Comprehensive Plan, protects environmentally sensitive areas and flood-prone lands, and provides appropriate financial guarantees to assure the timely completion of required improvements. All subdivision improvements shall be installed in accordance with the requirements of this Chapter and applicable City, State, and other governmental standards.

Section 415.020. Improvements Required. [Ord. No. 509, 8-11-2021]

- A. All improvements required under these regulations shall be constructed in accordance with the specifications and under the supervision of the official having jurisdiction in the manner prescribed.
- B. In order to protect the health, safety and general welfare of the people, the Planning and Zoning Commission will reject any proposed subdivision with structures proposed to be located within floodplains, as identified in Section 440.040, without complying with all applicable provisions of Chapter 440.
- C. Whenever a subdivision is proposed to be located in an area having poor drainage, or other adverse physical characteristics and impairment, the Planning and Zoning Commission may approve the plat provided the developer binds himself legally to make such improvements as, in the judgement of the Planning and Zoning Commission, will render the subdivision substantially safe and otherwise acceptable for the intended use.
- D. In order to insure proper development of the subdivision, completion of improvements, utilities and streets in accordance with the requirements of this Chapter, the developer shall post with the Commission a surety performance bond or letter of credit, running to the City of Kimberling City, written by a professional bonding company or other surety acceptable to the Planning and Zoning Commission, sufficient to cover the cost of such improvements as estimated by the officials having

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jurisdiction.

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- E. All work in connection with the requirements outlined in this Section shall be completed within eighteen (18) months from the date of approval of the subdivision by the Board of Aldermen of the City of Kimberling City. Unless an extension in time is granted by the Board of Aldermen of the City of Kimberling City; otherwise the performance bond or other such security shall be paid to the City which may then arrange to complete the required work from the bond proceeds. No structures within the subdivision may be occupied until the subdivision improvements are substantially completed. In this case, substantial completion shall mean seventy-five percent (75%) of the improvements have been finished.

Section 415.030. Streets. [Ord. No. 509, 8-11-2021]

- A. Construction. Streets shall be constructed with a subbase, base and surface. Streets shall conform to the following dimensions:

Street Type	Subbase Width (feet)	Surface Width (feet)
Major	24	20
Collector	22	18
Minor	20	16

1. The construction of the subbase shall be compacted native material with a cross slope of one-half (1/2) inch per foot each way from the center of the street. In areas where the subbase is excavated, a minimum ditch one-foot wide by two (2) feet deep shall be constructed with minimum side slopes of two (2) horizontal to one (1) vertical. The ditch shall have a minimum slope to natural grade of one-half (1/2) inch per foot to natural grade. In area filled the minimum side slope shall be two (2) horizontal to one (1) vertical to natural grade. Size of culvert shall be thirteen (13) inches by seventeen (17) inches oval or fifteen (15) inches steel corrugated round or twelve (12) inches polyethylene (smooth bore) pipe.
 2. The base course shall be a minimum of six (6) inches thick, wetted, compacted Grade A or B crushed rock with a cross slope of one-half (1/2) inch per foot each way from the center of the street. A prime coat of type RC, MC or emulsified asphalt shall be applied at thirty-five-tenths (0.35) gallon per square yard to the dry base course.
 3. The surface course of streets shall be a minimum of two (2) inches, cul-de-sac shall be a minimum of two and one-half (2 1/2) inches compacted thickness of hot mix asphaltic concrete applied to the primed base course.
 4. All materials and construction shall conform to the Missouri Highway Department and the City's road improvement work contract specifications.
- B. Minimum Pavement. Minimum pavement widths required to be installed at subdivider's expense, shall be as follows:
1. Streets. Sixteen (16) feet. In the case of a major thoroughfare or collector street requiring pavements wider than sixteen (16) feet, the matter of financial and other arrangements for installing such wider pavements at the time the developer will make the improvements shall be taken up by the developer with the officials having jurisdiction.
 2. Minor, Dead-End And Cul-De-Sac Streets. Sixteen (16) feet. The pavement of a turning circle at the end of a dead-end street shall have a minimum outside diameter of eighty (80) feet.

3. Alleys And Service Drives. Eighteen (18) feet.

- C. Street And Block Layout. The street layout of the subdivision shall be in general conformity with a plan for the most advantageous and aesthetically pleasing development of the entire neighborhood, including adjoining areas. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

1. Relationship To Adjoining Street Systems. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such street rights-of-way in new subdivisions shall be not less than the minimum street widths established herein.

D. Cul-De-Sacs And Dead-End Streets.

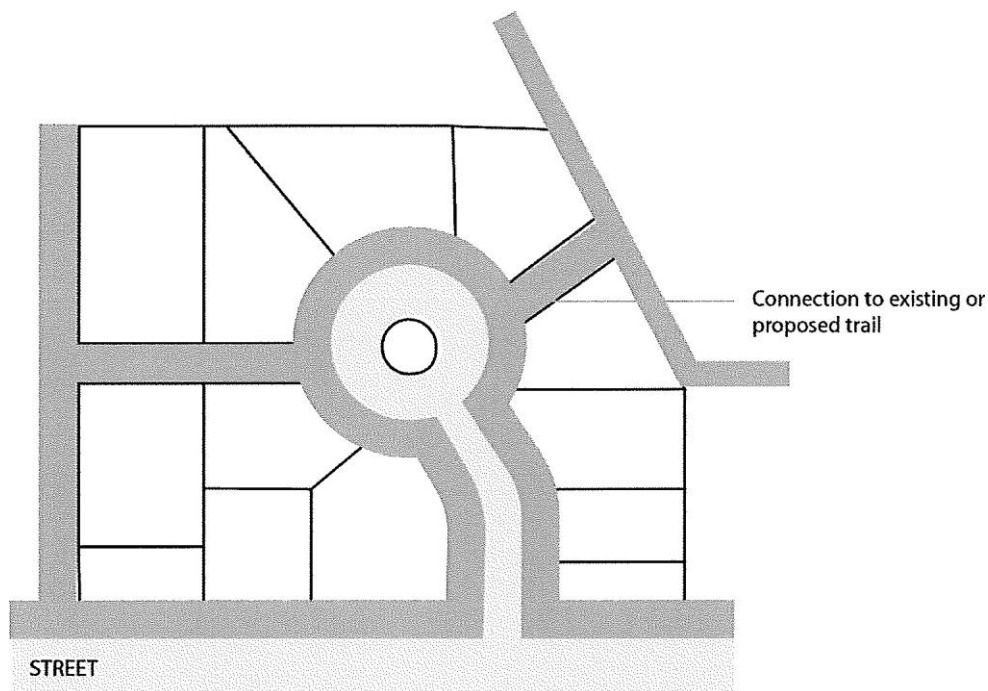
1. General Standard. Cul-de-sacs and dead-end streets shall be minimized and are permitted only where necessary due to site-specific conditions or where they support an overall connected street network design.
2. Permitted Conditions. Cul-de-sacs or dead-end streets may be approved by the City upon a finding that one or more of the following conditions apply:
 - a. Environmental Constraints. Physical features such as steep slopes, floodplains, wetlands, or significant natural resources limit the feasibility of through street connections.
 - b. Property Configuration. Irregular parcel shape, existing development patterns, or adjacent property ownership prevent logical street extensions or interconnections.
 - c. Connectivity Provided by Other Means. The development provides alternative vehicular or pedestrian alternatives (e.g., stub streets for future extension, pedestrian trail or easement connections, or cross-access easements) that maintain overall network connectivity.
 - d. Low Traffic Volume Residential Design. The street serves a limited number of residential lots and is not intended to function as a through street within the larger transportation network.
3. Design Requirements. Where cul-de-sacs or dead-end streets are permitted, they shall meet the following:
 - a. Maximum Length. Shall not exceed seven-hundred fifty (750) feet unless specifically approved due to site constraints.
 - b. Turnaround Design. See 400.533 B. (Subdivision Design Standards And Requirements.)
4. Future Connectivity.
 - a. Where appropriate, a temporary turnaround and right-of-way stub shall be provided to allow for future street extensions to adjoining parcels.
 - b. Cul-de-sacs or dead-end streets shall not be used solely to avoid the provision of street connections to adjacent developable land.
5. Pedestrian Connectivity. Pedestrian accessways, easements or trail connections shall be required where feasible to connect the street terminus to adjacent streets, developments, or

public spaces.

1. Right-Angle Intersections. Under normal conditions, streets shall be laid out to intersect as nearly as possible at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be sixty degrees (60°). Four-way intersections shall be used for minor interior streets wherever practicable and not in conflict with other applicable design principles and standards.
 2. Access. Each lot shall be provided with access to the public street or highway to assure convenient ingress and egress to and from such lot, and to provide adequately for the layout of utilities, garbage and waste removal, fire and police protection, and other services, and to protect and further the public health and safety generally.
- E. Right-Of-Way Requirements And Utility Easements.
1. Streets. Forty-foot right-of-way.
 2. Minor Streets, Dead-End Streets, And Cul-De-Sac Streets. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of one hundred (100) feet.
 3. Alleys. Alleys, where platted, shall have a minimum width of twenty (20) feet.
 4. Utility Easements. Utility easements, where required, shall be at least ten (10) feet wide along rear or side lot lines. Easements of adequate width shall be provided for open drainage channels, where required.
- F. Right-Of-Way Required. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or continuing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or by the policy of the Board of Aldermen; and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the Board of Aldermen. The Board of Aldermen shall determine what adjustment to make where the aforesaid widening merges with existing streets which are of smaller width at the boundary of such proposed subdivision. The Board of Aldermen may reduce the minimum roadway system in the proposed subdivision if the extension of such roadway is already improved at each end of such roadway in the subdivision and the roadway in the proposed subdivision is two (2) blocks or less in length.

Section 415.040. Sidewalks And Pedestrian Connections. [Ord. No. 509, 8-11-2021]

- A. Agriculture Districts. Sidewalks shall not be required in the agriculture district.
- B. "R-1" District. Sidewalks shall be installed on at least one (1) side of all arterial streets in the "R-1" District.
- C. "R-1B" and "C-1" Districts. Sidewalks shall be installed on both sides of all arterial and collector streets.
- D. All Other Districts. Sidewalks shall be installed on at least one (1) side of all arterial and collector streets in all districts, except as stated in 400.533(A-C). Walks shall also be installed in any pedestrian easements as may be required by the Planning Commission.
- E. Cul-De-Sacs. A public sidewalk, either as an easement or right-of-way dedication, of no less than five (5) feet in width shall connect the terminus of any cul-de-sac to at least one (1) right-of-way existing within two hundred (200) feet, when feasible with existing site topography.



- F. Construction Standards. All sidewalks shall be not less than four (4) feet in width of Portland cement concrete and shall comply with the specifications of the Governing Body.
- G. When Constructed. Installation of sidewalks may be delayed for one (1) side of a block between two (2) intersecting streets until seventy-five percent (75%) of the lots on that side of the block have been developed or within three (3) years of the approval of the final plat, whichever comes first.

Section 415.050 Water Supply. [Ord. No. 509, 8-11-2021]

- A. Where a public water supply main is reasonably accessible, in the judgment of the Planning and Zoning Commission, the subdivision shall be provided with a complete loop type water distribution system adequate to service the area being platted, including a connection for each lot. The Planning and Zoning Commission shall not approve the final plat thereof until the Missouri State Board of Health certifies compliance with the applicable regulations of said Board of Health, Section 192.200, RSMo., 1978.
- B. A two-inch riser pipe fitted with standard two and one-half (2 1/2) inch fire hose threaded cap shall be installed at designated locations along the main supply system to serve as a means of refilling the Stone County Fire District tank truck when fighting a fire in the vicinity.
- C. A similar installation as described in Section 400.534(B) above shall be installed at multi-family dwellings, condominium complexes and resorts or motels.
- D. Where private water supplies are proposed, adequate provision shall be made for easements to allow installation of a public system should the property ever be annexed or required to develop a public supply. Private water systems shall meet all requirements of the State DNR.

Section 415.060. Sanitary Sewer Service. [Ord. No. 509, 8-11-2021]

- A. Sewerage disposal systems and facilities shall be installed and maintained in accordance with the regulations and requirements of the City of Kimberling City and the Missouri Division of Health.

Section 415.070. Storm Drainage. [Ord. No. 509, 8-11-2021]

- A. Every subdivision shall be provided with a storm water drainage system, in compliance with this Chapter, adequate to serve the area being platted and otherwise meeting the approval of the officials having jurisdiction.
- B. The subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches, stormwater detention facilities and other improvements necessary to adequately handle stormwater. All improvements shall comply with the minimum standards of the City and shall be approved by the Administrative Officer prior to construction.
- C. Site design shall not change natural drainage patterns, except as provided below:
1. All final grading and drainage shall comply with applicable City and State requirements.
 2. To the maximum extent feasible, development shall preserve the natural surface drainage pattern unique to each site as a result of topography and vegetation. Grading shall be designed to ensure that drainage flows away from all structures, especially structures that are cut into hillsides. Natural drainage patterns may be modified on site only if the applicant shows that there will be no significant adverse environmental impacts on site or on adjacent properties. If natural drainage patterns are modified, appropriate stabilization techniques shall be employed.
 3. Development shall be designed to mitigate all negative or adverse drainage impacts on adjacent and surrounding sites.
 4. Post-development discharge of stormwater shall not exceed predevelopment discharge for a 100-year storm event.
- D. Drainage Easements. If a subdivision is traversed by a watercourse, drainageway or channel, then a stormwater easement shall be provided. Such easement or right-of-way shall conform substantially to the lines of such watercourse and shall be of such width or construction, or both, as may be necessary to provide adequate stormwater drainage and for access for maintenance thereof. Parallel streets may be required in connection therewith. The subdivider may be required to have an engineer's study prepared for the Planning Commission as to the required width of such easement for each major watercourse or drainageway involved. Such study shall be based on a 100-year storm.

Section 415.080. Modifications And Exceptions. [Ord. No. 509, 8-11-2021]

- A. Modifications. Where unusual or exceptional factors or conditions exist, the Planning and Zoning Commission may modify any of the provisions of these subdivision regulations, on written application by the developer. The developer's application shall set forth the reasons for such requested modifications and shall be attached to all copies of the construction plans.
- B. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as previously set out and where such improvements meet the requirements of this Article and are in good condition as determined by the Board of Aldermen upon its consideration of the opinion of the Administrative Officer, no further provision need be made by the subdivider to duplicate such improvements. However, where such existing improvements do not meet said

requirements as determined by the Board of Aldermen upon its consideration of the opinion of the Administrative Officer, the subdivider shall provide for the repair, correction or replacement of such improvements so that all final improvements will then meet said requirements as determined by the Board of Aldermen upon its consideration of the opinion of the Administrative Officer. The regulations shall not apply to lot splits/combinations in "R-1" Zoning Districts that were in existence prior to the adoption of this Ordinance.

Chapter 500**ARTICLE IX – BUILDING CODE ADMINISTRATION, VIOLATIONS AND PENALTIES**

Section 500.200. Violations And Penalties. [Ord. No. 542, 6-21-2023]

A. Any person violating any of the provisions of Chapter 500, adopted in the Kimberling City Municipal Code, shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

B. Additionally, suspension of any contractor's license may be applicable in accordance with Section 605.110(D) of this Code.

C. Stop Work Orders.

1. Upon notice from the Code Official that work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The order shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be punishable as provided in this Code.
2. Any person who commences any work on a building, structure, or electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be issued a stop work order, and a warning by the Code Enforcement Officer. If work continues, a citation will be issued by the Code Enforcement Officer. Fines are five hundred dollars (\$500.00) for the first offense, and five hundred dollars (\$500.00) for any violation after the initial citation is written. Every twenty-four (24) hours can be deemed a separate offense.

D. Revoking Permits.

1. Any permit may be revoked when the Code Enforcement Official determines:
 - i. That there is departure from the plans, specifications, or conditions as required under terms of the permit;
 - ii. That the same was procured by false representation or was issued by mistake; or
 - iii. That any of the provisions of this Development Code are being violated.
2. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed. The City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Municipal Code or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its Building Codes.
3. Where a violation of this code involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Board of Aldermen may, upon notice to the applicant and other known parties in interest (including any holders of building permits

affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance, the provision of security or such other conditions as the City Council may reasonably impose.

4. The penalty for a violation of this code shall be governed by the violations and penalty provision of the City Code of the City of Kimberling City, Missouri, and the City may seek such criminal or civil penalties as are provided by Missouri law or Municipal Code.
- E. Certificates Of Occupancy. The City shall have such other remedies as are and as may be from time to time provided by Missouri law and the City Code for the violation of zoning, subdivision, sign provisions. In addition, it shall be unlawful, initially or subsequently, to occupy any building in which there has been a failure to comply with any permit, plans, specifications, or conditions required under the terms of the permit or any plan or other approval of the City of Kimberling City, or to maintain the building or site in non-conformance therewith, and in addition to penalties provided herein, the City may, at its option, prohibit, restrict, or revoke occupancy of the building by any person or entity, when the Building Inspector determines that there has been any form of non-compliance.
- F. In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of this Chapter, or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place, or premises to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under the authority of this Chapter.
- G. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation punishable as follows:
- a. Shall be issued a citation by the Code Enforcement Officer. Sentencing and fines shall be at the discretion of the Kimberling City Municipal Court.
- H. Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under the authority of this Chapter, in the respect named in such order shall also be subject to a civil penalty according to the Schedule of Fees as adopted and amended from time to time by the Board of Aldermen.

ARTICLE X – BUILDING CODE APPLICATIONS AND PERMITS**Section 500.300. Building Permit Required. [Ord. No. 509, 8-11-2021]**

- A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit, therefore, issued by the Administrative Officer.
- B. No building permit for alteration, repair, or new construction of any building or structure shall be issued unless the plans and specifications show that the building or structure, and its proposed use will be in compliance with provisions of this Title and that all delinquent and current year City taxes have been paid. Submittal of a copy of the tax receipt with a building permit application will be required as proof.
- C. The failure to obtain the necessary Building Permit shall be punishable under Section 500.200 (Building Permits).
- D. Building Permits issued on the basis of plans and applications approved by the Administrative Officer authorize only the use, arrangement, and type of construction set forth in such approved plans and specifications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Chapter and shall be punishable as provided by Section 500.200 (Building Permits).
- E. Construction work authorized by a building permit shall normally be completed within a one-year period from the date of the permit. Any mitigating circumstances preventing the completion within that period shall be presented to the Administrative Officer for an extension of time.

Section 500.310. Building Permit Application. [Ord. No. 509, 8-11-2021; Ord. No. 544, 6-21-2023]

- A. Application for building permits shall be completed and signed by the contractor for the project, and the individual(s) owning the property and for whom the structure is to be built. Physical location address or lot, block, and addition number shall be identified with the subdivision.
- B. The following information and data is to be submitted to the Administrative Officer for new construction:
 - 1. A survey or verification of a previous survey, by a professional engineer or registered land surveyor integrated with the plot plan of the lot showing adjacent property, names of streets, and existing utility facilities at a scale of one (1) inch to ten (10) feet. Location and size of the proposed structure shall be at the discretion of the owner and shall be indicated with respect to front, side, and rear setbacks on the integrated surveyed plot plan in compliance with dimensional requirements as set forth in Section 400.518 of this Chapter.
 - a. The removal of a survey pin or monument, without replacement under the supervision of a professional engineer or registered land surveyor, is prohibited and subject to penalties, as set forth in Section 500.200 (Building Permits).
 - 2. A plan that includes:
 - a. Proposed grading and excavation, see Section 400.620.
 - b. Proposed water service to the building.
 - c. Electric service to the building.

- d. Sanitary system or sewer service line to the building.
 - e. Location of driveways and location and size of culvert(s), if engineering drawings are required, costs will be at the contractor's/owner's expense.
- C. The following information and data is to be submitted to the Administrative Officer for remodel/repair/alterations/demolition:
- 1. Building permit application detailing the complete scope of work to be done.
 - 2. Drawings showing changes in design, square footage, and location of work on property.
 - a. The sizing of culverts shall be based on terrain and all other applicable circumstances. Driveways with a seven percent (7%) grade or greater may be required to install one (1) of the following:
 - (1) Polyethylene smooth bore pipe — twelve (12) inch inside diameter.
 - (2) Corrugated steel pipe — fifteen (15) inch inside diameter.
 - (3) Grated steel pipe — minimum two (2) inch grate and fifteen (15) inch inside diameter.
 - (4) All residential properties requiring a culvert must install a minimum of twenty (20) feet per entrance or exit.
 - (5) All commercial properties requiring a culvert must install a minimum of forty (40) feet per entrance or exit.
 - b. Stormwater Control. In addition to all applicable building codes, and prior to the final occupancy permit, the condition, surface material, grade, and stormwater drainage provisions of said construction must be inspected and approved. No grading, driveway, parking lot, or access way shall alter the surface water in such a way to potentially, detrimentally affect neighboring lands, streets, or rights-of-way. Said inspection shall be called for prior to the final surface improvements and must be approved as to grade and sufficient surface water management prior to gravel, concrete, asphalt or other initial grade materials applied. Failure to do so shall result in the withholding of the final occupancy permit and such other requirements or modifications as the Public Works Director or his/her assignee deem necessary to adequately control surface water runoff.
 - c. Driveway.
 - (1) All new driveways must have a permit and a street bond, as specified in Resolution 489, available in the City Clerk's office.
 - (2) All driveways shall adhere to the provisions of 400.617 (Design And Maintenance).
 - d. Location Of Septic Tank And Lateral Field.
 - (1) Septic tank and lateral field shall be properly located and indicated to scale. Septic tanks shall be concrete aerated system or other Class 1 approved tanks size one thousand (1,000) to one thousand five hundred (1,500) gallons' capacity depending upon the number of bedrooms.
 - (2) Lateral fields shall be one hundred twenty (120) feet of lateral line per bedroom and a minimum of three hundred (300) feet of lateral line for the system.

- (3) Special circumstances may be taken into consideration for septic systems approved by the Department of Natural Resources and/or the Stone County Health Department by making an application to the City Building Official.
 - e. Verification of the building footing shall be made by the City Building Inspector and may require the aid of a surveyor; costs are at contractor's/owner's expense. The final responsibility for the placement of the building according to the City Code will be that of the contractor/owner.
 - f. Off-street parking in accordance with Section 400.610. (Parking)
 - 3. Detailed construction drawings showing:
 - a. Floor Plan. Verify that floor plans meet the deed, subdivision, or City living area space requirements for the specific zoning district.
 - b. Elevation views.
 - c. Plumbing and electrical layouts.
 - d. Foundation plans.
 - e. Wall section views.
 - 4. Detailed demolition plans showing:
 - a. Complete removal of structure and foundation to a licensed landfill.
 - b. Backfill plan where foundation is removed.
 - c. Removal plan of all utilities to origin of private service.
 - d. Sewer line removal plan: Sewer line to be removed to proximity of property line and sealed with concrete or other approved material, unless otherwise specified by authority of Building Official.
 - e. Water line removal plan: Water line shall be capped immediately after the stop box. Any other location must be approved by a Building Official.
 - f. Debris removal plan: All debris surrounding the structure shall be removed with structural debris and foundation. Contractors must use the City-contracted waste removal company for roll off dumpsters. If using dump trucks, no roll offs are required.
 - 5. Copy of receipt showing all currently payable delinquent taxes have been satisfied.
 - 6. If the building is to be used for a business of any kind, verify that the type of business is permissible according to this Title.
 - 7. If a sign is to be installed, verify that the type, size, and location is permitted by Chapter 430 of this Code.
 - 8. Any other information which the City Clerk may deem necessary for consideration in enforcing the provisions of this or any other ordinance of this City.
- D. The permit fee, according to the Schedule of Fees as adopted and amended from time to time by the Board of Aldermen ~~Section 400.343(D)~~, will be issued within fifteen (15) working days after receipt of the completed required data and information listed above. No work on the site, other than

clearing of trees and brush shall be performed until the permit has been issued and the fee paid.

- E. If the building permit is denied on the basis of this Chapter, the applicant may appeal the action of the Administrative Officer to the Board of Adjustment.

Section 500.320. Permit Fees. [Ord. No. 509, 8-11-2021]

- A. General. A permit to begin work for new construction, alteration, removal, demolition or other building operation shall not be issued until the fees prescribed in the Section shall have been paid to the City Clerk's office, nor shall an amendment to permit necessitating an additional fee be approved until the additional fee shall have been paid.
- B. Special Fees. The payment of the fee for the construction, alteration, removal, or demolition for all work done in connection with or concurrently with the work completed by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinances for water taps, sewer connections, electrical permits, erection of signs and display structures, marquees or other appurtenant structures, or fees of inspections, certifications of use and occupancy or other privileges or requirements, both within and without the jurisdiction of the City Building Inspection Engineer.
- C. New Construction And Additions. The fees for plan review, building permit, and inspections shall be prescribed in Subsection (D) of this Section, and the Building Official is authorized to establish by approved rules a schedule of unit rates for buildings and structures of all use groups and types of construction as defined in the most recently adopted International Building Code.
- D. Fee Schedule. A fee for each plan examination, building permit, and inspections shall be paid in accordance with the most-recently adopted Permit Fee Schedule available at the City Clerk's office.
- E. Accounting. The City Clerk's office shall keep an accurate account of all fees collected, and such fees shall be deposited daily in the jurisdiction Treasury or otherwise disposed of as required by law.
- F. Refunds. In the case of a revocation of a permit or abandonment or discontinuance of a building project, the portion of the work actually completed shall be computed and any excess fee for the uncompleted work shall be returned to the permit holder upon written request. All plan examination and permit process fees and all penalties that may have been imposed on the permit holder under the requirements of this Code shall first be collected.