

CITY OF WASHINGTON, MISSOURI – REORGANIZED DEVELOPMENT CODE
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ARTICLE I**INTENT, PURPOSE, AND GENERAL PROVISIONS****SECTION 400.005 – INTENT AND PURPOSE**

1. To the end that adequate light, pure air, and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may be otherwise be promoted, and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance; the City of Washington zoning ordinance, in accordance with the Revised Statutes of Missouri, provides for the following:
 - a. To regulate and limit the height and bulk of buildings hereafter to be erected.
 - b. To establish, regulate and limit the building or set-back lines on or along any street, traffic-way, drive, parkway or storm or floodwater runoff channel or basin.
 - c. To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings.
 - d. To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.
 - e. To divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification) as may be deemed best suited to carry out the purposes of this ordinance.
 - f. To fix standards to which buildings or structures therein shall conform.
 - g. To prohibit uses, buildings, or structures incompatible with the character of such districts.
 - h. To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.
 - i. To establish other regulations of land use and development that is consistent with the statutory authority afforded to the City of Washington so as to promote the public health, safety, comfort, morals and welfare of the City and its environs.
2. This ordinance is intended to be utilized in conjunction with the City of Washington **Subdivision Regulations (Chapter 410)** to ensure that the development of land within the City occurs in a manner that protects, provides for and promotes the public health, safety, convenience, comfort, and general welfare of the residents of Washington.
3. Except as otherwise provided for in **Article VIII, "Non-conforming Situations,"** all structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or

relocation of structures occurring hereafter, and all enlargements or additions to existing uses occurring hereafter shall comply with the regulations of this ordinance.

4. In the event a non-conforming situation is caused by this ordinance and a building permit for a structure has been lawfully issued prior to the effective date of this ordinance, or amendment thereto, and provided that construction is begun within six (6) months of the date of the building permit and diligently prosecuted to completion, such structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and may upon completion, be occupied under a certificate of occupancy for the use originally designated, subject thereafter to the provisions of **Article XII** of this Chapter.

SECTION 400.010 – INTERPRETATION

1. The provisions of this ordinance shall be considered the minimum requirements for the promotion of the public health, safety, and welfare. Where provisions of this ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.
2. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Chapter; nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; except, that if this Chapter imposes a greater restriction, this Chapter shall control.
3. Whenever any provision of this ordinance refers to or cites a section of the relevant state law or rules and regulations and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.
4. For the purpose of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “building” shall include the word “structure” and the word “shall” is mandatory and not directory.
5. The terms "shall" and "must" are mandatory and not discretionary; the words "may" or "should" are permissive;
6. The words and phrases expressly defined herein shall be given the defined meaning, unless indicated otherwise by the context;
7. Words and phrases which are not defined herein shall be given their usual meaning except where the context clearly indicates a different or specified meaning;
8. The words "use" or "occupy" shall include the words "intended", "designed", or "arranged" to be "used" or "occupied."

SECTION 400.015 – OTHER APPLICABLE REGULATIONS

Other ordinances and codes of the City of Washington governing buildings, land development, property maintenance, and building occupancy include, but are not necessarily limited to, the following:

1. Building Code (Chapter 500, Washington Municipal Code);
2. Fire Protection Code (Chapter 500, Washington Municipal Code);
3. Flood Damage Prevention (Chapter 415, Washington Municipal Code);
4. Property Maintenance Code (Chapter 500, Washington Municipal Code);
5. Subdivision Regulations (Chapter 410, Washington Municipal Code);
6. Sign Regulations (Chapter 405, Washington Municipal Code)

SECTION 400.020 – DISTRICTS ESTABLISHED

For the purpose of this Chapter, the City of Washington is hereby divided into the following Districts:

- "AG" Agricultural District
- "R-1A" Single-Family Residence District
- "R-1B" Single-Family Residence District
- "R-1C" Single-Family Attached Residence District
- "R-1D" Single-Family Residence District
- "R-2" Two-Family Residence District
 - a. "R-2 Overlay"
- "R-3" Multiple-Family Residence District
- "C-1" Limited Commercial District
- "C-2" General Commercial District
 - a. "C-2 Overlay"
- "C-3" Central Commercial District
- "M-1" Industrial District
- "M-2" Industrial District
- "PD" Planned Development Districts
 - a. "PD-R Planned Residential"
 - b. "PD-C Planned Commercial"
 - c. "PD-I Planned Industrial"
 - d. "PD-MXD Planned Mixed-Use"

SECTION 400.025 – DISTRICT MAP

The boundaries of these Districts are hereby established as shown upon the map made a part of this Chapter, which map is designated as the "District Map." The District Map and all the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if such map and all the notations, references and other information shown thereon were all fully set forth or described herein, which District Map is properly attested and is on file with the City Clerk

SECTION 400.030 – BOUNDARIES OF DISTRICTS

Where uncertainty exists with respect to the boundaries of the various Districts as shown on the District Map made a part of this Chapter, the following rules apply:

1. The District boundaries are either streets or alleys, unless otherwise shown, and where the Districts designated on the District Map are bounded approximately by streets or alleys, such streets or alleys 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 District boundaries shall be construed to be the lot lines, and where the Districts designated on the map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the District, unless the boundaries are otherwise indicated on the map.
3. In un-subdivided property, the District boundary lines on the map shall be determined by use of the scale appearing on the map.
4. In the event any street, alley or other public way forming the boundary of a District is vacated, the new District boundary line shall be the former center line of said vacated public way.

SECTION 400.035 – PENALTY FOR VIOLATION OF CHAPTER 400

The owner or agent of a building or premises in or upon which a violation of any provision of Chapter 400 has been committed or shall exist, or the lessee or tenant, of an entire building or entire premises in or upon which a violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court, or by confinement in the County Jail for not more than one (1) year, or by both such fine and confinement.

SECTION 400.040 – VALIDITY AND SEVERABILITY AND SAVING CLAUSE

1. It is hereby declared to be the intention of the City Council that the provisions of this ordinance are severable. If any part of this ordinance is declared invalid by any court of competent jurisdiction, such ruling shall not affect or impair the integrity or validity of the remainder of this ordinance or its application to other persons, property or circumstances. The City Council further declares that the provisions of this ordinance not ruled to be invalid would have been enacted, even without the provisions ruled invalid.
2. All rights or remedies of the City are expressly saved as to any and all violations of any previous zoning ordinance or amendments thereto, at the time of the effective date of this ordinance and the prosecutions of such violations shall not be abated by the enactment of this ordinance.

ARTICLE II

DEFINITIONS

SECTION 400.045 – DEFINITIONS

ACCESSORY USE

An accessory use is a building, structure or use which meets all the following criteria:

1. It is subordinate to and serves a principal building or a principal use;
2. It is subordinate in area, extent or purpose to the principal building or principal use served;
3. It contributes to the comfort, convenience or necessity of occupants, business, industry, or institution in the principal building or principal use served;
4. It is located on the same lot as the principal building use or use served; and
5. It would not otherwise be considered a principal use if it were to be a freestanding structure on its own lot, such as an office building, parking structure, power generation facility or similar facilities.

ADULT ENTERTAINMENT USE

An establishment consisting of, including, or having the characteristics of any or all of the following:

1. **Adult Bookstore:** An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by the emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
2. **Adult Cabaret:** An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
3. **Adult Mini Motion Picture Theater:** An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
4. **Adult Motion Picture Theater:** An enclosed building with a capacity for fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
5. **Exotic Dance Facility:** Any building, structure or facility which contains, or is used for commercial entertainment, where the patron directly or indirectly is charged a fee to observe "specified anatomical areas", provided that the genitals and pubic area of all persons and the areola and nipple of the breasts of all female persons are opaquely covered. "Specified anatomical areas" shall include:
 - a. Less than completely or opaquely covered human genitals, pubic region, buttocks or female breast area below the point immediately above the top of the areola; and

- b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

APPLICANT

Means an individual, corporation, firm, partnership, joint venture, association, organization or entity of any kind, and any shareholder, owner, officer, partner, joint venturer or member of such entity, or any other person holding an ownership interest in such entity.

AGRICULTURAL PRODUCTION

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

ALLEY

A way which affords only a secondary means of access to property abutting thereon.

ANTENNA

Any device that transmits and/or receives radio waves for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications. The term shall exclude satellite earth station antennae less than six (6) feet in diameter and any receive-only home television antennae.

APARTMENT

A room or suite of rooms used as the dwelling of a family, 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.

AUTOMOTIVE SALES

The sale of new or the sale of new and used vehicles, motor homes, recreational vehicles, horse trailers and motorcycles.

BASEMENT

A story having part but not more than one-half (1/2) 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.

BED AND BREAKFAST FACILITIES

Single-family homes that provide temporary lodging for a fee and which are rented for specified periods of time but in any event not exceeding rental periods beyond 120 days and which may include the following types of uses:

BED AND BREAKFAST HOMESTAY - A private, furnished, owner-occupied residence with not more than four (4) guest rooms provided as temporary lodging for a fee.

BED AND BREAKFAST RESIDENCE - A private, furnished residence, not owner-occupied, with not more than five (5) guest rooms provided as lodging for a fee.

BOARDINGHOUSE

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.

BUFFER AREA

A visual buffer or barrier between zoning districts consisting of a unit of land together with the plantings or structures required thereon.

BUILDING

Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

BUILDING, HEIGHT OF

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

CABINET

A structure for the protection and security of communications equipment associated with one (1) or more antennae where direct access to equipment is provided from the exterior and the horizontal dimensions of which do not exceed four (4) feet by six (6) feet.

CELLAR

A story having more than one-half (½) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurements.

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.

COMBUSTIBLE LIQUIDS

Any liquids having a flash point at or above one hundred degrees Fahrenheit (100°F) (38°C) shall be known as Class II or III liquids. Combustible liquids shall be divided into the following classifications:

Class II. Liquids having flash points at or above one hundred degrees Fahrenheit (100°F) (38°C) and below one hundred forty degrees Fahrenheit (140°F) (60°C).

Class IIIA. Liquids having flash points at or above one hundred forty degrees Fahrenheit (140°F) (60°C) and below two hundred degrees Fahrenheit (200°F) (93°C).

Class IIIB. Liquids having flash points at or above two hundred degrees Fahrenheit (200°F) (93°C).

CONVENIENCE STORE

A small retail store or neighborhood market, often in or adjacent to a residential area, that carries a limited selection of grocery type items, snack foods, candy, toiletries and other drugstore items,

soft drinks, tobacco products, and newspapers/magazines, and often beer, wine and liquor, and which is open long hours for the convenience of shoppers.

CONVENIENCE STORE/GASOLINE STATION

A combination of a convenience store and gasoline station which typically ranges in size from 2,000 to nearly 5,000 square feet in newer iterations and, in addition to dispensing motor fuels at multiple pump islands, oil, other minor automotive items, and typical convenience store goods; may also offer prepared food services and other items characteristic of a fast-food franchise. These are typically located at busy intersections

DISABLED PERSON

Any person who is “handicapped” within the meaning of 42 U.S.C. § 3602(h) or a “qualified individual with a disability” within the meaning of 42 U.S.C. § 12131(2).

DISGUISED SUPPORT STRUCTURE

Any freestanding, manmade structure designed for the support of communications antennas, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include but are not limited to clock towers, campaniles, observation towers, pylon signs, water towers, light standards, flagpoles and artificial trees.

DISTRICT

A section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

DRIVE-IN OR DRIVE-THRU

An establishment that provides any sale or service to a customer while they remain in a vehicle, including but not limited to drive-in or drive-thru restaurants, banks, retail stores, package liquor stores or cleaners.

DWELLING

Any building or portion thereof which is designated for or used exclusively for residential purposes.

DWELLING, MULTIPLE

A building designed for or occupied exclusively by more than two (2) families.

DWELLING, SINGLE-FAMILY

A building designed for or occupied exclusively for a single family.

DWELLING, TWO-FAMILY

A building designed for or occupied exclusively for two (2) families.

EARTH SHELTERED HOMES

A dwelling in which fifty percent (50%) of the outer area of at least seventy five percent (75%) of the vertical sides of the structure is covered or protected by, or in contact with, earth, soil or rock.

ENTERTAINMENT PLACES

Establishments such as, but not limited to, archery, billiard parlor, bowling alley, dancing, racquetball, rollerskating rink, tennis facility, theater, video games, and weightlifting.

EXOTIC DANCE FACILITY

Any building, structure or facility which contains, or is used for commercial entertainment, where the patron directly or indirectly is charged a fee to observe "specified anatomical areas", provided that the genitals and pubic area of all persons and the areola and nipple of the breasts of all female persons are opaquely covered. "Specified anatomical areas" shall include:

1. Less than completely or opaquely covered human genitals, pubic region, buttocks or female breast area below the point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

FAA

The Federal Aviation Administration.

FAMILY

1. An individual or married couple and the children thereof with not more than two (2) other persons related directly to the individual or married couple by blood or marriage; or a group of not more than three (3) unrelated (excluding servants) persons living together as a single non-profit housekeeping unit in a dwelling unit, or
2. A home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home and shall include any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption.

FARM

An area of land not less than ten (10) acres in one (1) ownership which is devoted to commercial agricultural production. The term "one ownership" shall include an individual, corporation, business trust, estate, trust, partnership, or association, or two (2) or more persons having a joint or common interest in land.

FCC

The Federal Communications Commission.

FEED LOT

A confined land area for fattening cattle or other animals or temporarily holding such animals for shipping.

FILLING 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.

FLAMMABLE LIQUIDS

Any liquids having a flash point below one hundred degrees Fahrenheit (100°F) (38°C), and having a vapor pressure not exceeding forty (40) psia (276kPa) at one hundred degrees Fahrenheit

(100°F) (38°C). Flammable liquids shall be known as Class I liquids and shall be divided into the following classifications:

Class IA. Liquids having a flash point below seventy-three degrees Fahrenheit (73°F) (23°C) and having a boiling point below one hundred degrees Fahrenheit (100°F) (38°C).

Class IB. Liquids having a flash point below seventy-three degrees Fahrenheit (73°F) (23°C) and having a boiling point at or above one hundred degrees Fahrenheit (100°F) (38°C).

Class IC. Liquids having a flash point at or above seventy-three degrees Fahrenheit (73°F) (23°C) and below one hundred degrees Fahrenheit (100°F) (38°C).

FLASH POINT

The minimum temperature in degrees Fahrenheit at which a flammable liquid will give off sufficient vapors to form an ignitable mixture with air near the surface or in the container, but will not sustain combustion. The flash point of liquid shall be determined by appropriate test procedure and apparatus as specified in the *ASTM Manual on Flash Point Standards and Their Use, Methods and Regulations*, Methods D56 and D93 ASTM D56 and D93.

FOOD STAND

A temporary operation established in accordance with Sections 635.010 through 635.020 of the Washington City Code and operated in compliance with applicable Missouri statute, where an individual farmer may transport and sell to the public fruits, vegetables or other agricultural products.

FRONTAGE

All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

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.

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 not equipped, repaired, hired or sold.

GRADE

1. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.
2. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets.

3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

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

GROUP HOME

A single-family dwelling or single-family residence occupied by no more than eight (8) unrelated mentally or physically handicapped persons as defined herein including not more than two (2) additional persons acting as house parents or guardians, who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home, and who also reside on the premises. The exterior appearance of any group home and property shall be in reasonable conformance with scale, massing, appearance, site design, architecture, other characteristics and general neighborhood standards of the area within which the group home is located, as determined by the reasonable professional administrative judgment of the Zoning Administrator.

HEIGHT

The vertical distance measured from the base of the structure at ground level to its highest point and including the main structure and all attachments thereto.

HOME OCCUPATION

An accessory use conducted in a single-family dwelling which is:

1. Clearly incidental and secondary to the use of the dwelling, and does not change the character of the dwelling; and
2. Of which there is no indication from the exterior that the dwelling is being utilized in whole or in part for any purpose other than a dwelling and further that:
 - a. The home occupation is conducted wholly within the dwelling;
 - b. There is no outside storage or display of materials in connection with the home occupation;
 - c. The principal person or persons providing the business or service resides in the dwelling on the premises.
 - d. The home occupation employs no more than one person who does not reside on the premises;
 - e. No signs other than a one (1) square foot nameplate normally permitted for a residence;
 - f. No commodity is sold on the premises other than that prepared on the premises;
 - g. The sale of commodities on the premises will not create more than six (6) trips a day to and from the dwelling by all customers of the home occupation;
 - h. The delivery of any materials for the home occupation will not exceed two (2) trips per day by any vehicle not owned by a member of the household;

- i. All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than two vehicles per home occupation;
 - j. There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself pursuant to Article VI of this Chapter.
 - k. No additional parking areas other than driveways shall be located in the required front setback and yard area; and
 - l. The mechanical equipment used for the home occupation is of a size and type that is similar to domestic mechanical equipment or is customarily found in a business office.
3. Home occupations, where permitted, are also subject to the provisions of **Article IV, Section 400.155** of this Chapter.

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 are made through an inside office or lobby supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse, a lodging house or an apartment which are herein separately defined.

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 its accessory buildings, the open spaces and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER

A lot abutting upon two (2) or more streets at their intersection.

LOT COVERAGE

That portion of the lot that is covered by buildings exclusive of patios, decks, pergolas or similar structures without a roof.

LOT, DOUBLE FRONTAGE

A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.

LOT OF RECORD

A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of the County, or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds prior to July 5, 1960.

MOBILE HOME/MANUFACTURED HOME

A factory-built structure or structures which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length; or when erected on site, contains three hundred twenty (320) or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear, and designed to be used as dwelling unit or units with or without a permanent foundation. The phrase "without a permanent foundation" is the case that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner.

MOTEL

A building or group of buildings used primarily for the temporary residence of motorists or travelers.

NON-CONFORMING USE

The use of land or a building, or portion thereof, which use does not conform with the use regulations of the District in which it is situated.

NURSING HOME

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

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 surfaced area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles may be equipped, repaired, rented or sold.

PARKING SPACE

A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred sixty-two (162) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

PLACE

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

PLANNING AND ZONING COMMISSION

The entity established in accordance with the provisions of Article XI of this Chapter and the provisions of R.S. MO Chapter 89 to carry out certain planning and zoning functions for the City including preparing the Comprehensive Plan for the City, reviewing matters related to the overall planning and development of the City, to make and adopt a revised or new comprehensive zoning plan, and provide advice and reports to the City Council related to such matters.

RELEVANT LAW

1. Any statute or regulation of the United States or the State of Missouri,
2. Any lawful ordinance, regulation, condition, term or order of the city, or
3. Any final judgment or order of any court of competent jurisdiction, when the statute, ordinance, regulation, condition, term, judgment or order regulates conduct or conditions germane to the issuance of the requested permit, license, franchise or approval as provided by the applicable ordinance or code section of the city.

RELATED PERSON OR ENTITY

1. A firm, partnership, joint venture, association, organization or entity of any kind in which the applicant holds any stock, title, or other ownership interest of at least twenty (20) percent, or
2. An individual, firm, partnership, joint venture, association, organization or entity of any kind, whose affairs the applicant has the legal or practical ability to direct, either directly or indirectly, whether by contractual agreement, majority ownership interest, any lessor ownership interest, familial relationship or in any other manner.

RETAIL LUMBER STORE

An establishment for the sale and reduction of finishing lumber products and building materials with enclosed storage only, and not to include millwork or fabrication.

ROOMING HOUSE

See Lodging house.

SCHOOL, PRIVATE

Any school other than a public school, including schools owned and operated by a business establishment, a foundation or an institution, as well as private or parochial elementary, junior or senior high schools, or private and parochial colleges and universities.

SCHOOL, PUBLIC

Any school operated by a public school district or by a City, County, State or Federal Government Agency.

SENIOR COMMUNITY

A development of land as a unified, self-contained, residential community constructed expressly for use and residency by persons who have achieved a minimum age of fifty-five (55) years or older.

SHELTER

A building for the protection and security of communications equipment associated with one (1) or more antennae and where access to equipment is gained from the interior of the building.

Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected antennas is prohibited.

STORY

That portion of a building, other than a cellar 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 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 family or by a family occupying the floor immediately below it, shall be deemed a full story.

STREET

A public or private thoroughfare which affords the principal means of access to abutting property.

STREET LINE

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

STRUCTURAL ALTERATIONS

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders of any substantial change in the roof or in the exterior walls, except 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 generality of the foregoing, backstops for tennis courts and pergolas. A sign shall not be considered a structure for the purpose of a yard setback requirement.

STRUCTURE, ACCESSORY

A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. Accessory buildings may be, but not limited to, the following examples: detached garages or sheds, open and uncovered swimming pools, home barbecue grills or pergolas.

SUBSTANCE ABUSE AGENCY, TREATMENT, AND SERVICES

Agency, shall mean an entity responsible for the delivery of substance abuse treatment and rehabilitation services.

Substance abuse, shall mean alcohol abuse, drug abuse, alcohol dependency or drug dependency.

Treatment, shall mean any effort to accomplish a change in the cognitive or emotional conditions or the behavior of any person consistent with generally recognized principles or standards in the substance abuse treatment field; and

Services, shall mean such services as vocational training, educational, psychological or psychiatric services, child development and placement activities either provided directly by the

agency or arranged for any person by the agency through referral to the outside community resources.

TOURIST HOME

A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests, with which there is used only one (1) sign not more than two (2) square feet in area.

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.

TOWER

A structure designed for the support of one (1) or more antennae and including guyed towers, self-supporting (lattice) towers or monopoles but not disguised support structures or buildings. The terms shall also not include any support structure under fifty (50) feet in height owned and operated by an amateur radio operator licensed by the Federal Communication Commission.

TRAILER

A vehicle, other than a motor vehicle, equipped to carry materials and designed to be hauled or transported along the highway including boat trailers, materials trailers, farm wagons, office trailers and construction trailers.

USED CAR LOT OR SALES

The annual sale of more than four (4) used vehicles not in conjunction with an automotive sales establishment.

VACATION RENTAL DWELLINGS BY OWNER (VRBO)

A private furnished residence (either single-family or condominium, but not a multi-family apartment unit) rented for lodging purposes, not owner-occupied at the time of rental, and rented for periods not exceeding sixty (60) days.

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 accord with **Article III, District Regulations**, or **Article IV, Supplemental Regulations, Section 400.180**. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT

A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies or uncovered porch.

YARD, REAR

A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On all lots the rear yard shall be in the rear of the front yard.

YARD, SIDE

A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

ZONING ADMINISTRATOR

The person as designated by the City Administrator of the City of Washington in accordance with the provisions of **Article XI, Section 400.480** of this Chapter.

SECTION 400.050 – ABBREVIATIONS

Abbreviations that may be used in this ordinance include, but are not necessarily limited to, the following:

ac.	acre(s)
avg.	average
d.u.	dwelling unit
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
ft.	feet
MODOT	Missouri Department of Transportation
max.	maximum
min.	minimum
sq. ft.	square feet

ARTICLE III

DISTRICT REGULATIONS

SECTION 400.055 – “AG” AGRICULTURAL DISTRICT

A. INTENT AND PURPOSE

The purpose of the A-1 district is to maintain an environment where agricultural activities may be conducted and to limit or restrict those uses which would be in conflict or negatively impacted by such activities.

B. PERMITTED USES

The permitted uses in the "AG" Agricultural District are those as provided for in **Section 400.120** of this Article.

C. ACCESSORY USES, BUILDINGS, AND STRUCTURES

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use" contained in **Article II - Definitions**, and as further provided for in **Article IV - Supplementary Regulations, Section 400.140**.

D. SPECIAL USES

Certain additional uses may be permitted in the “AG” Agricultural District as provided for in **Section 400.120** of this Article and subject to the provisions of **Article V** of this Chapter. Additional provisions may apply to certain uses as listed below:

1. Private clubs must be located on a site of not less than two (2) acres.
1. Radio, television or microwave towers are subject to the provisions stated in **Articles IV** and **IX** of this Chapter.
2. Any use substantially similar to the special uses listed **Section 400.120, D** in terms of the effect of the proposed use upon surrounding properties may be permitted, provided that in determining whether such proposed use is substantially similar to the expressed special uses, there shall be taken into consideration any objectionable characteristics of the proposed use, including, but not limited to, the emission of odor, dust, smoke, gas fumes, noise or vibration, as well as the criteria set out in **Article IV, Section 400.200**; provided further, however, that any such substantially similar special use shall be consistent in all other respects with the provisions of this Chapter.

E. PROHIBITED USES

The following uses are prohibited in the "AG" Agricultural District:

1. Any storage, treatment or disposal (as those terms are defined in the laws of the Federal Government and the State of Missouri regulating soil and hazardous wastes) of:

- a. Any radioactive wastes regulated by laws of the Federal Government or the State of Missouri.
- b. Any hazardous wastes regulated by the laws of the Federal Government or by the State of Missouri or Franklin County.
- c. Feed lots and sales or auction yards or barns.

F. HEIGHT, AREA, AND LOT REQUIREMENTS

- 1. The height, area and lot requirements for the "AG" Agricultural District shall be as set out herein.
- 2. The use of land and structures within an Agricultural District shall maximize agricultural productivity and conform to the following standards:
 - a. Minimum farm size. A farm within an Agricultural District shall encompass a minimum of ten (10) acres.
 - b. Minimum setback (accessory structures). All accessory structures used to house livestock or fowl shall not be located closer than two hundred (200) feet to the boundary of the Agricultural District.

SECTION 400.060 – “R1-A” SINGLE-FAMILY RESIDENCE DISTRICT**A. INTENT AND PURPOSE**

The purpose of the R-1A district is to protect and preserve areas of low-density residential development and to allow for the construction of new single-family detached dwellings within subdivisions of lots sizes of 10,000 square feet or larger. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the "R-1A" Single-Family Residence District.

B. PERMITTED USES

The permitted uses in the "RI-A" Single-Family Residence District are those as provided for in **Section 400.120** of this Article. In addition, the following use is permitted:

1. Temporary real estate offices or sales offices subject to the provisions of **Article IV, Section 400.165**.

C. ACCESSORY USES, BUILDINGS, AND STRUCTURES

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use" contained in **Article II - Definitions**, and as further provided for in **Article IV - Supplementary Regulations, Section 400.150**.

D. SPECIAL USES

Certain additional uses may be permitted in the "RI-A" Single-Family Residence District as provided for in **Section 400.120** of this Article and subject to the provisions of **Article V** of this Chapter. Additional provisions may apply to certain uses as listed below:

1. Mobile home parks are subject to the provisions of **Article IV, Section 400.160**
2. Any use substantially similar to the special uses listed **Section 400.120, D** in terms of the effect of the proposed use upon surrounding properties may be permitted, provided that in determining whether such proposed use is substantially similar to the expressed special uses, there shall be taken into consideration any objectionable characteristics of the proposed use, including, but not limited to, the emission of odor, dust, smoke, gas fumes, noise or vibration, as well as the criteria set out in **Article IV, Section 400.200**; provided further, however, that any such substantially similar special use shall be consistent in all other respects with the provisions of this Chapter.

E. PARKING REQUIREMENTS

1. Number of Required Spaces. The regulations governing the number of required parking spaces with respect to various uses allowed within this Zoning District are set out at **Article VI** of this Chapter.
2. Additional Parking Requirements.

- a. Off-street parking for non-residential uses in Residential Districts must be approved by the Special Use procedure described in **Article V** of this Chapter.
 - b. The required parking spaces for residences shall be located in the side and rear yard and in the front yard on a driveway only.
 - c. All vehicles, except those defined in Subsection (C) of this Section, shall be permitted to park in this District. No vehicle may park in a front yard, except in a driveway providing access to a garage, carport or other permitted parking area for a dwelling. Vehicles may be parked anywhere in a side or rear yard. Driveways and parking areas shall be an improved surface of either asphalt, or concrete.
 - d. The total number of vehicles, including allowed recreational vehicles on a premises shall not exceed five (5) for any one (1) residential unit.
3. Parking of commercial vehicles are subject to the provisions of **Article VI, Section 400.260** and parking for mobile homes are subject to the provisions as set forth in **Article VI, Section 400.160**.

F. AREA REQUIREMENTS

1. Minimum Depth of Front Yard — Twenty-five (25) feet.
2. Minimum Width of Side Yard — Six (6) feet.
3. Minimum Depth of Rear Yard — Twenty-five (25) feet.
4. Minimum Lot Area — Ten thousand (10,000) square feet.
5. Minimum Width of Lot — Seventy (70) feet measured at the required building line.
6. Yards, Generally:
 - a. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices and ornamental features, roof overhangs, planter boxes and similar items, not to extend more than twelve (12) inches into any required yard.
 - b. There shall be no storage of household items, appliances, building materials, automotive or vehicle parts or of any material within a front yard or in front of the main building.
 - c. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for non-residential purposes, there may be more than one (1) main building on the lot; provided however, that open space between buildings that are parallel, or within forty-five degrees (45°) of being parallel, shall have a minimum distance between buildings of thirty (30) feet for one (1) story buildings, forty (40) feet for two (2) story buildings, and fifty (50) feet for three (3) story buildings.
7. Where a lot of record on the date of the passage of the ordinance (July 18, 1988) adopting these regulations has less area or width than required within this zoning classification, the lot may be utilized according to the provisions applicable to this District, provided that the

requirements concerning minimum depth of front yard, minimum width of side yard and minimum depth of rear yard are met.

8. Lot coverage. The maximum lot coverage shall not exceed twenty-five percent (25%) including accessory structures.

G. HEIGHT REQUIREMENTS

The maximum height is thirty-five (35) feet or two and one-half (2 ½) stories

H. LOCATION AND ORIENTATION OF DWELLING REQUIREMENTS

1. Prior to the issuance of a building permit for construction, plans shall be approved by the City of Washington.
2. In addition to all other requirements for plan approval, the site plan and elevation/construction plan shall show the following:
 - a. Location of existing dwelling(s) and other structures on the lot(s), and
 - b. Orientation of building to site, street and surroundings.
3. Where the dwellings and structures are proposed to be constructed on a corner lot, construction plans shall not be approved and no building permits shall be issued until the City designates the permitted orientation of all dwellings and structures on the lot, provided however, that prior to issuing a building permit the City shall inspect the lot site and view the dwellings and structures in the surrounding area.

SECTION 400.065 – “R1-B” SINGLE-FAMILY RESIDENCE DISTRICT**A. INTENT AND PURPOSE**

The purpose of the R1-B district is to protect and preserve areas of higher-density single-family residential development and to allow for the construction of new one-family detached dwellings at densities that provide for affordable housing having lot sizes of not less than six-thousand (6,000) square feet. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the "R-1B" Single-Family Residence District.

B. PERMITTED USES

The permitted uses in the "RI-B" Single-Family Residence District are those as provided for in **Section 400.120** of this Article. In addition, the following use is permitted:

1. Temporary real estate offices or sales offices subject to the provisions of **Article IV, Section 400.165**.

C. ACCESSORY USES, BUILDINGS, AND STRUCTURES

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use" contained in **Article II - Definitions**, and as further provided for in **Article IV - Supplementary Regulations, Section 400.150**. In addition, the following are permitted accessory uses:

1. Home occupations

D. SPECIAL USES

Certain additional uses may be permitted in the "RI-B" Single-Family Residence District as provided for in **Section 400.120** of this Article and subject to the provisions of **Article V** of this Chapter. Additional provisions apply to certain uses as listed below:

1. Mobile home parks subject to the provisions of **Article IV, Section 400.160**:
2. Nursery, truck gardening and the raising of farm crops may be permitted (but not the raising of poultry, pets or livestock for strictly commercial purposes or on a scale that would be objectionable because of noise or odor to surrounding residences), according to the criteria set forth in **Article V, Section 400.230** of this Chapter; and provided further, that no building shall be erected or maintained on the property which is used for the sole purpose of selling the products grown or raised.
3. Any use substantially similar to the special uses listed **Section 400.120, D** in terms of the effect of the proposed use upon surrounding properties may be permitted, provided that in determining whether such proposed use is substantially similar to the expressed special uses, there shall be taken into consideration any objectionable characteristics of the proposed use, including, but not limited to, the emission of odor, dust, smoke, gas fumes, noise or vibration, as well as the criteria set out in **Article IV, Section 400.200**; provided further, however, that any such substantially similar special use shall be consistent in all other respects with the provisions of this Chapter.

E. PARKING REQUIREMENTS

1. Number of Required Spaces. The regulations governing the number of required parking spaces with respect to various uses allowed within this Zoning District are set out at **Article VI** of this Chapter.
2. Additional Parking Requirements.
 - a. Off-street parking for non-residential uses in Residential Districts must be approved by the Special Use procedure described in **Article V** of this Chapter.
 - b. The required parking spaces for residences shall be located in the side and rear yard and in the front yard on a driveway only.
 - c. All vehicles, except those defined in Subsection (C) of this Section, shall be permitted to park in this District. No vehicle may park in a front yard, except in a driveway providing access to a garage, carport or other permitted parking area for a dwelling. Vehicles may be parked anywhere in a side or rear yard. Driveways and parking areas shall be an improved surface of either asphalt, or concrete.
 - d. The total number of vehicles, including allowed recreational vehicles on a premise shall not exceed five (5) for any one (1) residential unit.
3. Parking of commercial vehicles are subject to the provisions of **Article VI, Section 400.260** and parking for mobile homes are subject to the provisions as set forth in **Article VI, Section 400.160**.

F. AREA REQUIREMENTS

1. Minimum Depth of Front Yard — Twenty-five (25) feet.
2. Minimum Width of Side Yard — Six (6) feet.
3. Minimum Depth of Rear Yard — Twenty-five (25) feet.
4. Minimum Lot Area — Six thousand (6,000) square feet.
5. Minimum Width of Lot — Fifty (50) feet measured at the required building line.
6. Yards, Generally.
 - a. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices and ornamental features, roof overhangs, planter boxes and similar items, not to extend more than twelve (12) inches into any required yard.
 - b. There shall be no storage of household items, outdoor furniture or appliances, building materials, automotive or vehicle parts or of any material within a front yard or in front of the main building.

- c. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for nonresidential purposes, there may be more than one (1) main building on the lot; provided however, that open space between buildings that are parallel, or within forty-five degrees (45°) of being parallel, shall have a minimum distance between buildings of thirty (30) feet for one (1) story buildings, forty (40) feet for two (2) story buildings, and fifty (50) feet for three (3) story buildings.
 - d. Where a lot of record on the date of the passage of the ordinance (July 18, 1988) adopting these regulations has less area or width than required within this zoning classification, the lot may be utilized according to the provisions applicable to this District, provided that the requirements concerning minimum depth of front yard, minimum width of side yard and minimum depth of rear yard are met.
7. Lot Coverage. The maximum lot coverage shall not exceed thirty percent (30%) including accessory structures.

G. HEIGHT REQUIREMENTS

The maximum height is thirty-five (35) feet, or two and one-half (2 ½) stories.

H. LOCATION AND ORIENTATION OF DWELLING REQUIREMENTS

- 1. Prior to the issuance of a building permit for construction, plans shall be approved by the City of Washington.
- 2. In addition to all other requirements for plan approval, the site plan and elevation/construction plan shall show the following:
 - a. Location of existing dwelling(s) and other structures on the lot(s), and
 - b. Orientation of building to site, street and surroundings.
- 3. Where the dwellings and structures are proposed to be constructed on a corner lot, construction plans shall not be approved and no building permits shall be issued until the City designates the permitted orientation of all dwellings and structures on the lot, provided however, that prior to issuing a building permit the City shall inspect the lot site and view the dwellings and structures in the surrounding area.

SECTION 400.070 – “R1-C” SINGLE-FAMILY ATTACHED RESIDENCE DISTRICT**A. INTENT AND PURPOSE**

The purpose of the R1-C district is to protect and preserve areas of higher-density single-family residential development that allows for the construction of new one-family attached dwellings at densities that provide for affordable housing having lot sizes of not less than six-thousand (6,000) square feet. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the "R-1C" Single-Family Residence District.

B. PERMITTED USES

The permitted uses in the "RI-C" Single-Family Residence District are those as provided for in **Section 400.120** of this Article. In addition, the following use is permitted:

1. Temporary real estate offices or sales offices subject to the provisions of **Article IV, Section 400.165**.

C. ACCESSORY USES, BUILDINGS, AND STRUCTURES

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use" contained in **Article II - Definitions**, and as further provided for in **Article IV - Supplementary Regulations, Section 400.150**. In addition, the following are permitted accessory uses:

1. Home occupations

D. SPECIAL USES

Certain additional uses may be permitted in the "RI-C" Single-Family Residence District as provided for in **Section 400.120** of this Article and subject to the provisions of **Article V** of this Chapter. Additional provisions apply to certain uses as listed below:

1. Any use substantially similar to the special uses listed **Section 400.120, D** in terms of the effect of the proposed use upon surrounding properties may be permitted, provided that in determining whether such proposed use is substantially similar to the expressed special uses, there shall be taken into consideration any objectionable characteristics of the proposed use, including, but not limited to, the emission of odor, dust, smoke, gas fumes, noise or vibration, as well as the criteria set out in **Article IV, Section 400.200**; provided further, however, that any such substantially similar special use shall be consistent in all other respects with the provisions of this Chapter.

E. PARKING REQUIREMENTS

1. Number of Required Spaces.
The regulations governing the number of required parking spaces with respect to various uses allowed within this zoning district are set out at **Article VI of this Chapter**.

2. Additional Parking Requirements.
 - a. Off-street parking for non-residential uses in residential districts must be approved by the special use procedure described in **Article V** of this Chapter.
 - b. The required parking spaces for residences shall be located in the side and rear yard and in the front yard on a driveway only.
 - c. All vehicles, except those defined in Subsection (C) of this Section, shall be permitted to park in this district. No vehicle may park in a front yard, except in a driveway providing access to a garage, carport or other permitted parking area for a dwelling. Vehicles may be parked anywhere in a side or rear yard. Driveways and parking areas shall be an improved surface of either asphalt or concrete.
 - d. The total number of vehicles, including allowed recreational vehicles on a premise, shall not exceed five (5) for any one (1) residential unit.
3. Parking of commercial vehicles are subject to the provisions of **Article VI, Section 400.260** and parking for mobile homes are subject to the provisions as set forth in **Article VI, Section 400.160**.

F. AREA REQUIREMENTS

1. Minimum Depth of Front Yard — Twenty-five (25) feet.
2. Minimum Width of Side Yard — Zero setback for side provided the lot can provide a six (6) foot setback on the opposite side yard for a one-story structure and a ten (10) foot setback on the opposite side yard for a two-story structure.
3. Minimum Depth of Rear Yard — Twenty-five (25) feet.
4. Minimum Lot Area — Six thousand (6,000) square feet; however, for single-family attached units (duplexes or two-family structures) the total lot area required for the combination of both units shall be twelve thousand (12,000) square feet.
5. Minimum Width of Lot — Thirty (30) feet measured at the required building line.
6. Yards, Generally.
 - a. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard and except for the ordinary projections of sills, belt courses, cornices and ornamental features, roof overhangs, planter boxes and similar items, not to extend more than twelve (12) inches into any required yard.
 - b. There shall be no storage of household items, outdoor furniture or appliances, building materials, automotive or vehicle parts or of any material within a front yard or in front of the main building.
7. Lot Coverage. The maximum lot coverage shall not exceed thirty-five percent (35%) including accessory structures.

G. HEIGHT REQUIREMENTS

The maximum height is thirty-five (35) feet or two and one-half (2½) stories.

H. LOCATION AND ORIENTATION OF DWELLING REQUIREMENTS

1. Prior to the issuance of a building permit for construction, plans shall be approved by the City of Washington.
2. In addition to all other requirements for plan approval, the site plan and elevation/construction plan shall show the following:
 - a. Location of existing dwelling(s) and other structures on the lot(s), and
 - b. Orientation of building to site, street and surroundings.
3. Where the dwellings and structures are proposed to be constructed on a corner lot, construction plans shall not be approved and no building permits shall be issued until the City designates the permitted orientation of all dwellings and structures on the lot, provided however, that prior to issuing a building permit the City shall inspect the lot site and view the dwellings and structures in the surrounding area.

SECTION 400.075 – “R1-D” SINGLE-FAMILY RESIDENCE DISTRICT**A. INTENT AND PURPOSE**

The purpose of the R1-D district is to protect and preserve areas of medium-density single-family residential development that allows for the construction of new one-family attached dwellings at densities that provide for affordable housing having lot sizes of not less than seventy-five hundred (7,500) square feet. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the "R-1D" Single-Family Residence District.

B. PERMITTED USES

The permitted uses in the "RI-D" Single-Family Residence District are those as provided for in **Section 400.120** of this Article. In addition, the following use is permitted:

1. Temporary real estate offices or sales offices subject to the provisions of **Article IV, Section 400.165**.

C. ACCESSORY USES, BUILDINGS, AND STRUCTURES

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use" contained in **Article II - Definitions**, and as further provided for in **Article IV - Supplementary Regulations, Section 400.150**. In addition, the following are permitted accessory uses:

1. Home occupations

D. SPECIAL USES

Certain additional uses may be permitted in the "RI-D" Single-Family Residence District as provided for in **Section 400.120** of this Article and subject to the provisions of **Article V** of this Chapter. Additional provisions apply to certain uses as listed below:

1. Mobile home parks are subject to the provisions of **Article IV, Section 400.160**
2. Nursery, truck gardening and the raising of farm crops may be permitted (but not the raising of poultry, pets or livestock for strictly commercial purposes or on a scale that would be objectionable because of noise or odor to surrounding residences), according to the criteria set forth in **Article V, Section 400.230** of this Chapter; and provided further, that no building shall be erected or maintained on the property which is used for the sole purpose of selling the products grown or raised.
3. Any use substantially similar to the special uses listed **Section 400.120, D** in terms of the effect of the proposed use upon surrounding properties may be permitted, provided that in determining whether such proposed use is substantially similar to the expressed special uses, there shall be taken into consideration any objectionable characteristics of the proposed use, including, but not limited to, the emission of odor, dust, smoke, gas fumes, noise or vibration, as well as the criteria set out in **Article IV, Section 400.200**; provided further, however, that any such substantially similar special use shall be consistent in all other respects with the provisions of this Chapter.

E. PARKING REQUIREMENTS

1. Number of Required Spaces.
The regulations governing the number of required parking spaces with respect to various uses allowed within this zoning district are set out at **Article VI** of this Chapter.
2. Additional Parking Requirements.
 - a. Off-street parking for non-residential uses in residential districts must be approved by the special use procedure described in **Article V** of this Chapter.
 - b. The required parking spaces for residences shall be located in the side and rear yard and in the front yard on a driveway only.
 - c. All vehicles, except those defined in Subsection (C) of this Section, shall be permitted to park in this district. No vehicle may park in a front yard, except in a driveway providing access to a garage, carport or other permitted parking area for a dwelling. Vehicles may be parked anywhere in a side or rear yard. Driveways and parking areas shall be an improved surface of either asphalt, or concrete.
 - d. The total number of vehicles, including allowed recreational vehicles, on a premises shall not exceed five (5) for any one (1) residential unit.
3. Parking of commercial vehicles are subject to the provisions of **Article VI, Section 400.260** and parking for mobile homes are subject to the provisions as set forth in **Article VI, Section 400.160**.

F. AREA REQUIREMENTS

1. Minimum Depth of Front Yard: twenty-five (25) feet.
2. Minimum Width of Side Yard: six (6) feet.
3. Minimum Depth of Rear Yard: twenty-five (25) feet.
4. Minimum Lot Area: seven thousand five hundred (7,500) square feet.
5. Minimum Width of Lot: sixty (60) feet measured at the required building line.
6. Yards, Generally.
 - a. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices and ornamental features, roof overhangs, planter boxes and similar items, not to extend more than twelve (12) inches into any required yard.
 - b. There shall be no storage of household items, outdoor furniture or appliances, building materials, automotive or vehicle parts or of any material within a front yard or in front of the main building.

- c. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for non-residential purposes, there may be more than one (1) main building on the lot; provided, however, that open space between buildings that are parallel, or within forty-five degrees (45°) of being parallel, shall have a minimum distance between buildings of thirty (30) feet for one-story buildings, forty (40) feet for two-story buildings, and fifty (50) feet for three-story buildings.
- 7. Where a lot of record on the date of the passage of the ordinance (July 18, 1988) adopting these regulations has less area or width than required within this zoning classification, the lot may be utilized according to the provisions applicable to this district, provided that the requirements concerning minimum depth of front yard, minimum width of side yard and minimum depth of rear yard are met.
- 8. Lot Coverage. The maximum lot coverage shall not exceed thirty percent (30%), including accessory structures.

G. HEIGHT REQUIREMENTS

The maximum height is thirty-five (35) feet or two and one-half (2 1/2) stories.

H. LOCATION AND ORIENTATION OF DWELLING REQUIREMENTS

- 1. Prior to the issuance of a building permit for construction, plans shall be approved by the City of Washington.
- 2. In addition to all other requirements for plan approval, the site plan and elevation/construction plan shall show the following:
 - a. Location of existing dwelling(s) and other structures on the lot(s); and
 - b. Orientation of building to site, street and surroundings.
- 3. Where the dwellings and structures are proposed to be constructed on a corner lot, construction plans shall not be approved and no building permits shall be issued until the City designates the permitted orientation of all dwellings and structures on the lot; provided, however, that prior to issuing a building permit, the City shall inspect the lot site and view the dwellings and structures in the surrounding area.

SECTION 400.080 – “R-2” TWO-FAMILY RESIDENCE DISTRICT**A. INTENT AND PURPOSE**

The purpose of the R-2 district is to protect and preserve areas of low, medium, and higher density single-family residential development in certain areas while allowing for development of two-family dwelling units as in-fill within other parts of areas of the City of Washington designated in this district on lots of not less than 12,000 square feet. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the "R-2" Two-Family Residence District.

B. PERMITTED USES

The permitted uses in the "R-2" Two-Family Residence District are those as provided for in **Section 400.120** of this Article. In addition, the following use is permitted:

1. Single-family dwellings on property located in the R-2 Overlay District. The R-2 Overlay District only includes properties located north of Ninth Street excluding properties located on Hill Street, Alberta Street and West Seventh Street.
2. Temporary real estate offices or sales offices subject to the provisions of **Article IV, Section 400.165**.

C. ACCESSORY USES, BUILDINGS, AND STRUCTURES

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use" contained in **Article II - Definitions**, and as further provided for in **Article IV - Supplementary Regulations, , Section 400.150**. In addition, the following are permitted accessory uses:

1. Home occupations

D. SPECIAL USES

Certain additional uses may be permitted in the "R-2" Two-Family Residence District as provided for in **Section 400.120** of this Article and subject to the provisions of **Article V** of this Chapter. Additional provisions apply to certain uses as listed below:

1. Single-family dwellings not located within the boundaries as identified in **Section 400.080 (B) (1)**. A map illustrating the affected changes is on file in the City offices.
2. Mobile home parks are subject to the provisions of **Article IV, Section 400.160**
3. Any use substantially similar to the special uses listed **Section 400.120, D** in terms of the effect of the proposed use upon surrounding properties may be permitted, provided that in determining whether such proposed use is substantially similar to the expressed special uses, there shall be taken into consideration any objectionable characteristics of the proposed use, including, but not limited to, the emission of odor, dust, smoke, gas fumes, noise or vibration, as well as the criteria set out in **Article IV, Section 400.200**; provided further, however, that any such substantially similar special use shall be consistent in all other respects with the provisions of this Chapter.

4. Agricultural uses such as field crops, truck gardening; berry or bush crops; tree crops, flower gardening; orchards; aviaries and apiaries; grazing, breeding and raising of livestock; provided, that all buildings and enclosures for the feeding, breeding or milking, but not including pasturing and grazing of such animals are located not less than two hundred (200) feet from any lot line; including a greenhouse but not including a salesroom or roadside stand.

E. PARKING REQUIREMENTS

1. Number of Required Spaces.
The regulations governing the number of required parking spaces with respect to various uses allowed within this zoning district are set out at **Article VI** of this Chapter.
2. Additional Parking Requirements.
 - a. Off-street parking for non-residential uses in residential districts must be approved by the special use procedure described in **Article V** of this Chapter.
 - b. The required parking spaces for residences shall be located in the side and rear yard and in the front yard on a driveway only.
 - c. All vehicles, except those defined in Subsection (C) of this Section, shall be permitted to park in this district. No vehicle may park in a front yard, except in a driveway providing access to a garage, carport or other permitted parking area for a dwelling. Vehicles may be parked anywhere in a side or rear yard. Driveways and parking areas shall be an improved surface of either asphalt or concrete.
 - d. The total number of vehicles, including allowed recreational vehicles on a premises, shall not exceed five (5) for any one (1) residential unit.
3. Parking of commercial vehicles are subject to the provisions of **Article VI, Section 400.260** and parking for mobile homes are subject to the provisions as set forth in **Article VI, Section 400.160**.

F. AREA REQUIREMENTS

1. Minimum Depth of Front Yard — Twenty-five (25) feet.
2. Minimum Width of Side Yard — Six (6) feet.
3. Minimum Depth of Rear Yard — Twenty-five (25) feet.
4. Minimum Lot Area.

Location	Proposed Occupancy	Square Footage
R-2 Overlay (as identified in Section 400.080,B,1)	Single-family dwelling	6,000
R-2	Single-family dwelling	10,000
R-2	Two-family dwelling	12,000

5. Minimum Width of Lot — Fifty (50) feet.
6. Yards, Generally.
 - a. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices and ornamental features, roof overhangs, planter boxes and similar items, not to extend more than twelve (12) inches into any required yard.
 - b. There shall be no storage of household items, outdoor furniture or appliances, building materials, automotive or vehicle parts or of any material within a front yard or in front of the main building.
 - c. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for nonresidential purposes, there may be more than one (1) main building on the lot; provided however, that open space between buildings that are parallel, or within forty-five degrees (45°) of being parallel, shall have a minimum distance between buildings of thirty (30) feet for one-story buildings, forty (40) feet for two-story buildings, and fifty (50) feet for three-story buildings.
7. Where a lot of record on the date of the passage of the ordinance (July 18, 1988) adopting these regulations has less area or width than required within this zoning classification, the lot may be utilized according to the provisions applicable to this District, provided that the requirements concerning minimum depth of front yard, minimum width of side yard and minimum depth of rear yard are met.
8. Lot Coverage. The maximum lot coverage shall not exceed thirty-five percent (35%) including accessory structures.

G. HEIGHT REQUIREMENTS

1. The maximum building height is thirty-five (35) feet, or two and one-half (2 ½) stories.
2. Single-family and two-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of this District, by not less than ten (10) feet, but they shall not exceed three (3) stories in height.

H. LOCATION AND ORIENTATION OF DWELLING REQUIREMENTS

1. Prior to the issuance of a building permit for construction, plans shall be approved by the City of Washington.
2. In addition to all other requirements for plan approval, the site plan and elevation/ construction plan shall show the following:
 - a. Location of existing dwelling(s) and other structures on the lot(s), and
 - b. Orientation of building to site, street and surroundings.
3. Where the dwellings and structures are proposed to be constructed on a corner lot, construction plans shall not be approved and no building permits shall be issued until the City designates the permitted orientation of all dwellings and structures on the lot, provided

however, that prior to issuing a building permit the City shall inspect the lot site and view the dwellings and structures in the surrounding area.

SECTION 400.085 – “R-3” MULTIPLE-FAMILY RESIDENCE DISTRICT**A. INTENT AND PURPOSE**

The purpose of the R-3 district is to protect and conserve areas of predominantly multi-family apartments, built at relatively high densities, and provide for the construction of new high density residential developments commonly referred to as townhouse apartments and garden apartments. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the "R-3" Multiple-Family Residence District.

B. PERMITTED USES

The permitted uses in the "R-3" Multiple-Family Residence District are those as provided for in **Section 400.120** of this Article. In addition, the following use is permitted:

1. Temporary real estate offices or sales offices subject to the provisions of **Article IV, Section 400.165**.

C. ACCESSORY USES AND STRUCTURES

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use" contained in **Article II - Definitions**, and as further provided for in **Article IV - Supplementary Regulations, Section 400.150**. In addition, the following are permitted accessory uses:

1. Home occupations

D. SPECIAL USES

Certain additional uses may be permitted in the "R-3 Multiple-Family Residence District as provided for in **Section 400.120** of this Article and subject to the provisions of **Article V** of this Chapter. Additional provisions apply to certain uses as listed below:

1. Single-family attached in a single structure or detached dwellings subject to the provisions of **Article V** of this **Chapter**.
2. Two-family dwellings involving two (2) or more structures are subject to the Site Plan Review Procedure provisions of **Article VII** of this **Chapter**.
3. Mobile home parks are subject to the provisions of **Article IV, Section 400.160**.
4. Agricultural uses such as field crops, truck gardening; berry or bush crops; tree crops, flower gardening; orchards; aviaries and apiaries; grazing, breeding and raising of livestock; provided, that all buildings and enclosures for the feeding, breeding or milking, but not including pasturing and grazing of such animals are located not less than two hundred (200) feet from any lot line; including a greenhouse but not including a salesroom or Food Stand.
5. Nursery, truck gardening and the raising of farm crops may be permitted (but not the raising of poultry, pets or livestock for strictly commercial purposes or on a scale that would be objectionable because of noise or odor to surrounding residences), according to the criteria

set forth in **Article V, Section 400.210** of this Chapter; and provided further, that no building shall be erected or maintained on the property which is used for the sole purpose of selling the products grown or raised.

6. Any use substantially similar to the special uses listed **Section 400.120, D** in terms of the effect of the proposed use upon surrounding properties may be permitted, provided that in determining whether such proposed use is substantially similar to the expressed special uses, there shall be taken into consideration any objectionable characteristics of the proposed use, including, but not limited to, the emission of odor, dust, smoke, gas fumes, noise or vibration, as well as the criteria set out in **Article IV, Section 400.200**; provided further, however, that any such substantially similar special use shall be consistent in all other respects with the provisions of this Chapter.

E. PARKING AND LOADING REQUIREMENTS

1. **Number of Required Spaces.** The regulations governing the number of required parking spaces with respect to various uses allowed within this Zoning District are set out at **Article VI** of this Chapter.
2. **Additional Parking Requirements.**
 - a. Off-street parking for non-residential uses in residential districts must be approved by the special use procedure described in **Article V** of this Chapter.
 - b. The required parking spaces for residences shall be located in the side and rear yard and in the front yard on a driveway only.
 - c. All vehicles, except those defined in Subsection (C) of this Section, shall be permitted to park in this district. No vehicle may park in a front yard, except in a driveway providing access to a garage, carport or other permitted parking area for a dwelling. Vehicles may be parked anywhere in a side or rear yard. Driveways and parking areas shall be an improved surface of either asphalt or concrete.
 - d. The total number of vehicles, including allowed recreational vehicles on a premise, shall not exceed five (5) for any one (1) residential unit.
3. Parking of commercial vehicles are subject to the provisions of **Article VI, Section 400.260** and parking for mobile homes are subject to the provisions as set forth in **Article VI, Section 400.160**.

F. AREA REQUIREMENTS

1. **Minimum Depth of Front Yard** — Twenty-five (25) feet.
2. **Minimum Width of Side Yard** — Six (6) feet for two (2) stories; ten (10) feet for three (3) stories.
3. **Minimum Depth of Rear Yard** — Twenty-five (25) feet.
4. **Minimum Lot Area**

- a. Single-Family Dwelling - Six thousand (6,000) square feet
 - b. Two-Family Dwelling - twelve thousand (12,000) square feet
 - c. Multiple-Family - twelve thousand (12,000) square feet plus three thousand (3,000) square feet for each unit in excess of four (4).
5. Minimum Width of Lot — Fifty (50) feet.
6. Yards, Generally.
- a. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices and ornamental features, roof overhangs, planter boxes and similar items, not to extend more than twelve (12) inches into any required yard.
 - b. There shall be no storage of household items, outdoor furniture or appliances, building materials, automotive or vehicle parts or of any material within a front yard or in front of the main building.
 - c. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for residential or institutional purposes, there may be more than one (1) main building on the lot; provided however, that open space between buildings that are parallel, or within forty-five degrees (45°) of being parallel, shall have a minimum distance between buildings of thirty (30) feet for one-story buildings, forty (40) feet for two-story buildings, and fifty (50) feet for three-story buildings.
 - d. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for residential or institutional purposes, a site plan or development plan will be required as specified previously in **Section 400.085 (B) (1) or Section 400.085 (D) (2), or (D) (3)**.
7. Where a lot of record on the date of the passage of the ordinance (July 18, 1988) adopting these regulations has less area or width than required within this zoning classification, the lot may be utilized according to the provisions applicable to this District; provided however, that the requirements concerning minimum depth of front yard, minimum width of side yard and minimum depth of rear yard are met; provided further, however, that within this "R-3" District no larger than a four-family dwelling shall be constructed, regardless of lot size, unless the additional lot area requirements of Subsection (D) of this Section are met.
8. Lot Coverage. The maximum lot coverage shall not exceed thirty-five percent (35%) including accessory structures.

G. HEIGHT REQUIREMENTS

The maximum height is forty-five (45) feet, or three (3) stories.

H. LOCATION AND ORIENTATION OF DWELLING REQUIREMENTS

1. Prior to the issuance of a building permit for construction, plans shall be approved by the City of Washington.
2. In addition to all other requirements for plan approval, the site plan and elevation/construction plan shall show the following:
 - a. Location of existing dwelling(s) and other structures on the lot(s), and
 - b. Orientation of building to site, street and surroundings.
3. Where the dwellings and structures are proposed to be constructed on a corner lot, construction plans shall not be approved and no building permits shall be issued until the City designates the permitted orientation of all dwellings and structures on the lot, provided however, that prior to issuing a building permit the City shall inspect the lot site and view the dwellings and structures in the surrounding area.

SECTION 400.090 – “C-1” LIMITED COMMERCIAL DISTRICT**A. INTENT AND PURPOSE**

The C-1 district is intended to accommodate limited retail and service businesses within or adjacent to residential neighborhoods. Such retail and service establishments are intended to serve a relatively small and local market area, or are of such character and intensity which are compatible with the surrounding neighborhood. The regulations set forth in this Chapter or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "C-1" Limited Commercial District.

B. PERMITTED USES

The permitted uses in the "C-1" Limited Commercial District are those as provided for in **Section 400.120** of this Article. In addition, the following uses are permitted subject to the conditions set forth:

1. The following uses are permitted provided that, if any portion of a building or an accessory structure, or any portion of a parking lot associated with any such use, is located within fifty (50) feet of a Residential District, excluding public rights of way, then such use shall be only by Special Use Permit:
 - a. Repair of automobiles, farm implements, construction machinery, small engines and related repair services, including repair garages, body shops and public garages, as well as car washes and new and used vehicle sales; and
 - b. Parking lots and garages.
2. Any building used primarily for any of the permitted purposes may have not more than forty percent (40%) of the floor area devoted to industry or storage purposes incidental to such primary use; provided, that not more than five (5) employees shall be engaged at any time on the premises in such incidental use.
3. Drive-in or drive-thru establishments that can provide a five (5) car stack as indicated within **Article VI, Section 400.265, C**. Drive-in or drive-thru establishments that cannot provide a five (5) car stack as indicated within **Article VI, Section 400.265, C** shall require a special use permit.

C. ACCESSORY USES

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use" contained in **Article II - Definitions**, and as further provided for in **Article IV - Supplementary Regulations, Section 400.150**. In addition, the following are permitted accessory uses:

1. Accessory building and uses customarily incident to the above uses.
2. Where a lot is used for a commercial purpose, more than one (1) main building may be located upon the lot but only when such buildings conform to all open space requirements around the lot for the District in which the lot is located.

D. SPECIAL USES

Certain additional uses may be permitted in the "C-1" Limited Commercial District as provided for in the table of permitted and special uses **Section 400.120, D** of this Article and subject to the provisions of **Article V** of this Chapter. Additional provisions apply to certain uses as listed below:

1. Single-Family Dwellings, provided said single-family dwelling is either:
 - a. Located within an area designated as a Historic District on the National Register of Historic places, or
 - b. Located within an area designated by ordinance of the City Council of the City of Washington, Missouri, as a Historic District, or
 - c. Designated by ordinance of the City Council of the City of Washington, Missouri, as a Landmark.
 - d. The building is at least fifty (50) years old, the owner of the building can provide evidence or proof that the building was previously used and occupied as a single-family or two-family dwelling, and all off-street parking requirements are complied with.
2. Mobile home parks are subject to the provisions of **Article IV, Section 400.160**.
3. Food Stands for temporary and seasonal periods; provided however, that Food Stands to be operated and maintained for periods of ten (10) days or less within a given calendar year shall not require a Special Use Permit, if a proper permit is secured pursuant to the provisions of **Chapter 635** of the Washington Municipal Code.
4. Any use itemized in **Section 400.120, D** which does not qualify as a permitted use by virtue of the fact that any building, accessory structure or parking lot associated with such use is within fifty (50) feet of a Residential District, excluding public rights of way.
5. Any use substantially similar to the special uses listed **Section 400.120, D** in terms of the effect of the proposed use upon surrounding properties may be permitted, provided that in determining whether such proposed use is substantially similar to the expressed special uses, there shall be taken into consideration any objectionable characteristics of the proposed use, including, but not limited to, the emission of odor, dust, smoke, gas fumes, noise or vibration, as well as the criteria set out in **Article IV, Section 400.200**; provided further, however, that any such substantially similar special use shall be consistent in all other respects with the provisions of this Chapter.
6. Above-ground storage tanks for the storage of combustible liquids are prohibited except when allowed by special use permit from the City of Washington City Council. Above-ground storage tanks for the storage of gas shall be prohibited.

E. PARKING AND LOADING REQUIREMENTS

1. Location of Parking Spaces and Vehicle Types that May be Parked.

- a. Parking spaces may be located and vehicles may be parked in the front, side or rear yards. Parking spaces for residences shall be located in the side and rear yard and in the front yard on a driveway only. Driveways and parking areas shall be an improved surface of either asphalt or concrete.
 - b. No trucks, truck trailers, or vehicles of any type shall be on skids, jacks, or any other device that will make them immobile or inoperable, except for emergency repairs.
 - c. Garages and repair establishments shall not store or temporarily store any vehicle to be repaired for a period of more than fifteen (15) days. This does not include vehicles that are garaged or vehicles which may be authorized for storage for longer periods by Council under Special Use Permit.
 - d. No trucks or trailers of any kind, or any portions thereof, shall be used for storage purposes.
 - e. Vehicles in excess of thirty thousand (30,000) pounds gross vehicle weight are permitted within this District only if the following two (2) conditions are met:
 - (1) After taking into account the number of normal parking spaces which such vehicle occupies, the remaining number of available parking spaces must still meet the number of required spaces provided for within this District; and
 - (2) The parking of any such vehicle must not limit ingress or egress from the facility, nor impose upon any fire lanes or any other applicable regulation or restriction. If these two (2) restrictions cannot be met, parking of vehicles in excess of thirty thousand (30,000) pounds gross vehicle weight is not permitted.
2. Number of Required Spaces. The regulations governing the number of required parking spaces with respect to various uses allowed within this Zoning District are set out at **Article VI, Section** of this Chapter.
 3. Loading Requirements
 - a. There shall be provided at the time any building is erected or structurally altered, off-street loading space in accordance with the requirements of **Article VI** of this Chapter.
 - b. No building or part thereof heretofore erected which is used for any of the purposes specified above, shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this Chapter.

F. AREA REQUIREMENTS

1. Minimum Depth of Front Yard: Twenty-five (25) feet.
2. Minimum Width of Side Yard: Six (6) feet for two (2) stories; ten (10) feet for three (3) stories.
3. Minimum Depth of Rear Yard: Twenty-five (25) feet.
4. Minimum Lot Area:
 - a. Single-Family Dwelling: Subject to the provisions of **Section 400.090, D, 1**

- b. Two-Family Dwelling: 12,000 square feet
 - c. Multiple-Family Dwelling: 12,000 square feet plus 3,000 square feet for each unit in excess of four (4).
5. Gasoline pumps and pump islands may occupy the required yards; provided however, that they are not less than fifteen (15) feet from street lines, and not less than fifty (50) feet from the boundary of any Residential District.

G. HEIGHT REQUIREMENTS

The maximum height is forty-five (45) feet or three (3) stories.

SECTION 400.095 – “C-2” GENERAL COMMERCIAL DISTRICT**A. INTENT AND PURPOSE**

The purpose of the "C-2" General Commercial is two-fold:

1. One is to provide for general commercial activity with a wide array of commercial uses, as listed under Permitted Uses. Unless permitted otherwise, this zoning district shall be primarily for the development of commercial property.
2. The second (2nd) purpose is to provide a mixed use of residential and commercial use if located within a “C-2 Overlay District”. This overlay district includes the following areas: In areas zoned "C-2" General Commercial located primarily along Fifth Street, to include all "C-2" zoned areas north of Sixth Street, south of Third Street, east of High Street and west of Hancock Street. This overlay district is provided to enhance a more pedestrian friendly, mixed use zoning district. This area shall permit residential development to be incorporated with commercial development.

The regulations set forth in this Chapter or set forth elsewhere in this Title, when referred to in this Chapter, are the regulations in the "C-2" General Commercial District.

B. PERMITTED USES

The permitted uses in the "C-2" General Commercial District are those as provided for in **Section 400.120, D** of this Article. In addition, the following uses are permitted subject to the conditions set forth:

1. Automotive parts stores, and related parts supply retail facilities, provided that if any automotive or related repair services are performed on site, the provisions of **Subsection 2**, of this Section shall be met.
2. The following shall be permitted uses, provided that if any portion of a building or an accessory structure, or any portion of a parking lot associated with any such use, is located within fifty (50) feet of a Residential District, excluding public rights of way, then such use shall be only by Special Use Permit:
 - a. Repair of automobiles, farm implements, construction machinery, small engines and related repair services, including repair garages, body shops and public garages, as well as car washes and new and used vehicle sales;
 - b. Hotels and motels, and establishments offering accommodations to transient overnight guests;
 - c. Entertainment places;
 - d. Parking lots and garages; and
 - e. Retail lumber stores.
3. Single-family dwellings and two-family dwellings, if located in areas as described in **Section 400.095, A, 2** above.

4. Drive-in or drive-thru establishments that can provide a five (5) car stack as indicated within **Article VI, Section 400.265, C**. Drive-in or drive-thru establishments that cannot provide a five (5) car stack as indicated within **Article VI, Section 400.265, C** shall require a special use permit.

C. ACCESSORY USES

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use" contained in **Article II - Definitions**, and as further provided for in **Article IV - Supplementary Regulations, Section 400.140**. In addition, the following are permitted accessory uses:

1. Accessory building and uses customarily incident to the above uses.
2. Where a lot is used for a commercial purpose, more than one (1) main building may be located upon the lot but only when such buildings conform to all open space requirements around the lot for the District in which the lot is located.

D. SPECIAL USES

Certain additional uses may be permitted in the "C-2" General Commercial District as provided for in the table of permitted and special uses **Section 400.120** of this Article and subject to the provisions of **Article V** of this Chapter. Additional provisions apply to certain uses as listed below:

1. Mobile home parks are subject to the provisions of **Article IV, Section 400.160**.
2. Food Stands for temporary and seasonal periods; provided however, that Food Stands to be operated and maintained for periods of ten (10) days or less within a given calendar year shall not require a Special Use Permit, if a proper permit is secured pursuant to the provisions of **Chapter 635** of the Washington Municipal Code.
3. Agricultural uses such as field crops, truck gardening; berry or bush crops; tree crops, flower gardening; orchards; aviaries and apiaries; grazing, breeding and raising of livestock; provided, that all buildings and enclosures for the feeding, breeding or milking, but not including pasturing and grazing of such animals are located not less than two hundred (200) feet from any lot line; including a greenhouse, but not including a salesroom or roadside.
4. Nursery, truck gardening and the raising of farm crops may be permitted (but not the raising of poultry, pets or livestock for strictly commercial purposes or on a scale that would be objectionable because of noise or odor to surrounding residences), according to the criteria set forth in **Article V, Section 400.230** of this Chapter; and provided further, that no building shall be erected or maintained on the property which is used for the sole purpose of selling the products grown or raised.
5. Any use substantially similar to the special uses listed **Section 400.120, D** in terms of the effect of the proposed use upon surrounding properties may be permitted, provided that in determining whether such proposed use is substantially similar to the expressed special uses, there shall be taken into consideration any objectionable characteristics of the proposed use, including, but not limited to, the emission of odor, dust, smoke, gas fumes, noise or vibration, as well as the criteria set out in **Article IV, Section 400.200**; provided further, however, that

any such substantially similar special use shall be consistent in all other respects with the provisions of this Chapter.

6. Any use itemized in **Section 400.120, D** which does not qualify as a permitted use by virtue of the fact that any building, accessory structure or parking lot associated with such use is within fifty (50) feet of a Residential District, excluding public rights of way.
7. Above-ground storage tanks for the storage of combustible liquids shall be prohibited except when allowed by special use permit from the City of Washington City Council. Above-ground storage tanks for the storage of flammable liquids shall be prohibited.

E. PARKING AND LOADING REQUIREMENTS

1. Location of Parking Spaces and Vehicle Types That May Be Parked:
 - a. Unless located in areas described in **Section 400.095, (A), (2)**, parking spaces for residences shall be located in the side and rear yard and in the front yard on a driveway only. Driveways and parking areas shall be an improved surface of either asphalt or concrete.
 - b. For all "C-2" zoned areas as described in **Section 400.095, (A), (2)**, parking requirements within this area shall be as follows: One (1) parking space per residential unit and zero off-street parking for non-residential uses. Parking spaces shall be located and vehicles shall be parked in the side or rear yards.
 - c. Garages and repair establishments shall not store or temporarily store any vehicle to be repaired for a period of more than fifteen (15) days. This does not include vehicles that are garaged or vehicles which may be authorized for storage for longer periods by Council under special use permit.
 - d. No trucks or trailers of any kind, or any portions thereof, shall be used for storage purposes.
 - e. Vehicles in excess of thirty thousand (30,000) pounds gross vehicle weight are permitted within this district only if the following two (2) conditions are met:
 - (1) After taking into account the number of normal parking spaces which such vehicle occupies, the remaining number of available parking spaces must still meet the number of required spaces provided for within this district; and
 - (2) The parking of any such vehicle must not limit ingress or egress from the facility, nor impose upon any fire lanes or any other applicable regulation or restriction. If these two (2) restrictions cannot be met, parking of vehicles in excess of thirty thousand (30,000) pounds gross vehicle weight is not permitted.
2. Number of Required Spaces. The regulations governing the number of required parking spaces with respect to various uses allowed within this Zoning District are set out at **Article VI, Section** of this Chapter.
3. Loading requirements

- a. There shall be provided at the time any building is erected or structurally altered, off-street loading space in accordance with the requirements of **Article VI** of this Chapter.
- b. No building or part thereof heretofore erected which is used for any of the purposes specified above, shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this Chapter.

F. AREA REQUIREMENTS

- 1. Minimum Depth of Front Yard: Twenty-five (25) feet.
- 2. Minimum Width of Side Yard: Six (6) feet for two (2) stories; ten (10) feet for three (3) stories.
- 3. Minimum Depth of Rear Yard: Twenty-five (25) feet.
- 4. Minimum Lot Area:
 - a. Single-Family Dwelling: six thousand (6,000) square feet
 - b. Two-Family Dwelling: twelve thousand (12,000) square feet
 - c. Multiple-Family Dwelling: twelve thousand (12,000) square feet plus three thousand (3,000) square feet for each unit in excess of four (4).
- 5. Gasoline pumps and pump islands may occupy the required yards; provided however, that they are not less than fifteen (15) feet from street lines, and not less than fifty (50) feet from the boundary of any Residential District.

G. HEIGHT REQUIREMENTS

The maximum height is forty-five (45) feet or three (3) stories.

SECTION 400.100 – “C-3” CENTRAL COMMERCIAL DISTRICT**A. INTENT AND PURPOSE**

The purpose of this zoning district is to recognize the City of Washington's most historic and unique area of the City — the downtown area. This area is a nationally recognized Historic District. These regulations set forth in this Chapter are to promote a mix of uses such as commercial and residential with appropriate density requirements which reflect existing lot sizes within the downtown area. In this way, the types of uses in the downtown area, a mixture of residential and commercial, can continue in order to promote the unique characteristics of this area not found anywhere else in the City. The regulations set forth in this Chapter or set forth elsewhere in this Title, when referred to in this Chapter, are the regulations in the "C-3" Central Commercial District.

B. PERMITTED USES

The permitted uses in the "C-3" Central Commercial District are those as provided for in **Section 400.120, D** of this Article. In addition, the following uses are permitted subject to the conditions set forth:

1. Automotive parts stores, and related parts supply retail facilities, provided that if any automotive or related repair services are performed on site, the provisions of Subsection B, (2) of this Section shall be met.
2. The following shall be permitted uses, provided that if any portion of a building or an accessory structure, or any portion of a parking lot associated with any such use, is located within fifty (50) feet of a Residential District, excluding public rights of way, then such use shall be only by Special Use Permit:
 - a. Repair of automobiles,
 - b. farm implements,
 - c. construction machinery,
 - d. small engines and related repair services, including repair garages,
 - e. body shops;
 - f. public garages,
 - g. car washes, and
 - h. new and used vehicle sales.
3. Any building used primarily for any of the listed uses may have not more than forty percent (40%) of the floor area devoted to industry or storage purposes incidental to such primary use; provided, that not more than five (5) employees shall be engaged at any time on the premises in such incidental use.

4. Drive-in or drive-thru establishments that can provide a five (5) car stack as indicated within **Article VI, Section 400.265, C**. Drive-in or drive-thru establishments that cannot provide a five (5) car stack as indicated within **Article VI, Section 400.265, C** shall require a special use permit.

C. ACCESSORY USES

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use" contained in **Article II - Definitions**, and as further provided for in **Article IV - Supplementary Regulations, Section 400.140**. In addition, the following are permitted accessory uses:

1. Accessory building and uses customarily incident to the above uses.
2. Where a lot is used for a commercial purpose, more than one (1) main building may be located upon the lot but only when such buildings conform to all open space requirements around the lot for the District in which the lot is located.

D. SPECIAL USES

Certain additional uses may be permitted in the "C-3" Commercial District as provided for in the table of permitted and special uses **Section 400.120, D** of this Article and subject to the provisions of **Article V** of this Chapter. Additional provisions apply to certain uses as listed below:

1. Mobile home parks are subject to the provisions of **Article IV, Section 400.160**.
2. Food Stands for temporary and seasonal periods; provided however, that Food Stands to be operated and maintained for periods of ten (10) days or less within a given calendar year shall not require a Special Use Permit, if a proper permit is secured pursuant to the provisions of **Chapter 635** of the Washington Municipal Code.
3. Agricultural uses such as field crops, truck gardening; berry or bush crops; tree crops, flower gardening; orchards; aviaries and apiaries; grazing, breeding and raising of livestock; provided, that all buildings and enclosures for the feeding, breeding or milking, but not including pasturing and grazing of such animals are located not less than two hundred (200) feet from any lot line; including a greenhouse, but not including a salesroom or roadside.
3. Nursery, truck gardening and the raising of farm crops may be permitted (but not the raising of poultry, pets or livestock for strictly commercial purposes or on a scale that would be objectionable because of noise or odor to surrounding residences), according to the criteria set forth in **Article V, Section 400.230** of this Chapter; and provided further, that no building shall be erected or maintained on the property which is used for the sole purpose of selling the products grown or raised.
5. Any use substantially similar to the special uses listed **Section 400.120, D** in terms of the effect of the proposed use upon surrounding properties may be permitted, provided that in determining whether such proposed use is substantially similar to the expressed special uses, there shall be taken into consideration any objectionable characteristics of the proposed use, including, but not limited to, the emission of odor, dust, smoke, gas fumes, noise or vibration, as well as the criteria set out in **Article IV, Section 400.200**; provided further, however, that

any such substantially similar special use shall be consistent in all other respects with the provisions of this Chapter.

6. Any use itemized in **Section 400.120, D** which does not qualify as a permitted use by virtue of the fact that any building, accessory structure or parking lot associated with such use is within fifty (50) feet of a Residential District, excluding public rights of way.
7. Above-ground storage tanks for the storage of combustible liquids shall be prohibited except when allowed by special use permit from the City of Washington City Council. Above-ground storage tanks for the storage of flammable liquids shall be prohibited.

E. PARKING AND LOADING REQUIREMENTS

1. Location of Parking Spaces and Vehicle Types that May be Parked.
 - a. Parking spaces may be located and vehicles may be parked in the front, side or rear yards. Parking spaces for residences shall be located in the side and rear yard and in the front yard on a driveway only. Driveways and parking areas shall be an improved surface of either asphalt or concrete.
 - b. No trucks, truck trailers, or vehicles of any type shall be on skids, jacks, or any other device that will make them immobile or inoperable, except for emergency repairs.
 - c. Garages and repair establishments shall not store or temporarily store any vehicle to be repaired for a period of more than fifteen (15) days. This does not include vehicles that are garaged or vehicles which may be authorized for storage for longer periods by Council under Special Use Permit.
 - d. No trucks or trailers of any kind, or any portions thereof, shall be used for storage purposes.
 - e. Vehicles in excess of thirty thousand (30,000) pounds gross vehicle weight are permitted within this District only if the following two (2) conditions are met:
 - (1) After taking into account the number of normal parking spaces which such vehicle occupies, the remaining number of available parking spaces must still meet the number of required spaces provided for within this District; and
 - (2) The parking of any such vehicle must not limit ingress or egress from the facility, nor impose upon any fire lanes or any other applicable regulation or restriction. If these two (2) restrictions cannot be met, parking of vehicles in excess of thirty thousand (30,000) pounds gross vehicle weight is not permitted.
2. Number of Required Spaces. The regulations governing the number of required parking spaces with respect to various uses allowed within this Zoning District are set out at **Article VI, Sections 400.260 and 400.265** of this Chapter.
3. Loading requirements
 - a. There shall be provided at the time any building is erected or structurally altered, off-street loading space in accordance with the requirements of **Article VI** of this Chapter.

- b. No building or part thereof heretofore erected which is used for any of the purposes specified above, shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this Chapter.

F. AREA REQUIREMENTS

1. Minimum Depth of Front Yard. None unless the frontage is partly in a dwelling district in which case the front yard regulations of the dwelling district shall apply.
2. No side yards are required for commercial buildings except on the side of a lot abutting a dwelling district, in which case there shall be a side yard of not less than six (6) feet.
3. No rear yards are required for commercial buildings except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard of not less than twenty (20) feet.
4. Minimum Lot Area. None.
5. Gasoline pumps and pump islands may occupy the required yards; provided however, that they are not less than fifteen (15) feet from street lines, and not less than fifty (50) feet from the boundary of any Residential District.
6. Awnings may project into City right-of-way, provided there is a minimum distance of eighteen (18) inches between such projection and the back of curb, or edge of pavement, if no curb exists.

G. HEIGHT REQUIREMENTS

The maximum height is one hundred (100) feet or eight (8) stories.

SECTION 400.105 – “M-1” INDUSTRIAL DISTRICT**A. INTENT AND PURPOSE**

The intent of the “M-1” Industrial District is to provide areas in the community wherein office, research and light industrial enterprises can locate and to provide opportunities for developments of this type. The regulations set forth in this Section or set forth elsewhere in this Chapter when referring to this District, are the regulations of the "M-1" Industrial District.

B. PERMITTED USES

The permitted uses in the "M-1" Industrial District are those as provided for in **Section 400.120** of this Article.

C. ACCESSORY USES

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use" contained in **Article II - Definitions**, and as further provided for in **Article IV - Supplementary Regulations, Section 400.140**. In addition, the following are permitted accessory uses:

1. Accessory building and uses customarily incident to the above uses.
2. Where a lot is used for a commercial purpose, more than one (1) main building may be located upon the lot but only when such buildings conform to all open space requirements around the lot for the District in which the lot is located.

D. SPECIAL USES

Certain additional uses may be permitted in the "M-1" Industrial District as provided for in the table of permitted and special uses **Section 400.120, D** of this Article and subject to the provisions of **Article V** of this Chapter. Additional provisions apply to certain uses as listed below:

1. Mobile home parks are subject to the provisions of **Article IV, Section 400.160**.
2. Food Stands for temporary and seasonal periods; provided however, that Food Stands to be operated and maintained for periods of ten (10) days or less within a given calendar year shall not require a Special Use Permit, if a proper permit is secured pursuant to the provisions of **Chapter 635** of the Washington Municipal Code.
3. Agricultural uses such as field crops, truck gardening; berry or bush crops; tree crops, flower gardening; orchards; aviaries and apiaries; grazing, breeding and raising of livestock; provided, that all buildings and enclosures for the feeding, breeding or milking, but not including pasturing and grazing of such animals are located not less than two hundred (200) feet from any lot line; including a greenhouse, but not including a salesroom or roadside.
4. Nursery, truck gardening and the raising of farm crops may be permitted (but not the raising of poultry, pets or livestock for strictly commercial purposes or on a scale that would be objectionable because of noise or odor to surrounding residences), according to the criteria set forth in **Article V, Section 400.230** of this Chapter; and provided further, that no building

shall be erected or maintained on the property which is used for the sole purpose of selling the products grown or raised.

5. Any use substantially similar to the special uses listed **Section 400.120, D** in terms of the effect of the proposed use upon surrounding properties may be permitted, provided that in determining whether such proposed use is substantially similar to the expressed special uses, there shall be taken into consideration any objectionable characteristics of the proposed use, including, but not limited to, the emission of odor, dust, smoke, gas fumes, noise or vibration, as well as the criteria set out in **Article IV, Section 400.200** and **Article V, Section 400.230**; provided further, however, that any such substantially similar special use shall be consistent in all other respects with the provisions of this Chapter.
6. Any use itemized in **Section 400.120, D** which does not qualify as a permitted use by virtue of the fact that any building, accessory structure or parking lot associated with such use is within fifty (50) feet of a Residential District, excluding public rights of way.
7. Above-ground storage tanks for the storage of combustible liquids shall be prohibited except when allowed by special use permit from the City of Washington City Council. Above-ground storage tanks for the storage of flammable liquids shall be prohibited.

E. PARKING AND LOADING REQUIREMENTS

1. Location of Parking Spaces and Vehicle Types that May be Parked.
 - a. Parking spaces may be located and vehicles may be parked in the front, side or rear yards. Parking spaces for residences shall be located in the side and rear yard and in the front yard on a driveway only. Driveways and parking areas shall be an improved surface of either asphalt or concrete.
 - b. No trucks, truck trailers, or vehicles of any type shall be on skids, jacks, or any other device that will make them immobile or inoperable, except for emergency repairs.
 - c. No trucks or trailers of any kind, or any portions thereof, shall be used for storage purposes.
2. Number of Required Spaces. The regulations governing the number of required parking spaces with respect to various uses allowed within this Zoning District are set out at **Article VI, Sections 400.260** and **400.265** of this Chapter.
3. Loading requirements
 - a. There shall be provided at the time any building is erected or structurally altered, off-street loading space in accordance with the requirements of **Article VI** of this Chapter.
 - b. No building or part thereof heretofore erected which is used for any of the purposes specified above shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this Chapter.

F. AREA REQUIREMENTS

1. Minimum Depth of Front Yard — Twenty-five (25) feet.
2. Minimum Width of Side Yard. No side yards are required for nonresidential buildings except on the side of a lot abutting a Dwelling District, in which case there shall be a side yard of not less than ten (10) feet.
3. Minimum Depth of Rear Yard — Twenty-five (25) feet.
4. Gasoline pumps and pump islands may occupy the required yards; provided however, that they are not less than fifteen (15) feet from street lines, and not less than fifty (50) feet from the boundary of any Residential District.

G. HEIGHT REQUIREMENTS

The maximum height is forty-five (45) feet or three (3) stories

SECTION 400.110 – “M-2” INDUSTRIAL DISTRICT**A. INTENT AND PURPOSE**

The intent of the M-2 district is to provide areas in the community within which heavy manufacturing operations, wholesale, warehousing, and other compatible uses can locate. This district is provided to permit the development of such uses and to impose certain development standards so as to minimize potential negative impacts within and beyond the district. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the "M-2" Industrial District.

B. PERMITTED USES

The permitted uses in the "M-2" Industrial District are those as provided for in **Section 400.120, D** of this Article; however, no building shall be erected, reconstructed or structurally altered for residential purposes, except for resident watchmen and caretakers employed on the premises.

C. ACCESSORY USES

1. Accessory buildings and uses customarily incident to the above uses.
2. Where a lot is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot but only when such buildings conform to all open space requirements around the lot for the District in which the lot is located.

D. SPECIAL USES

Certain additional uses may be permitted in the "M-2" Industrial District as provided for in the table of permitted and special uses **Section 400.120** of this Article and subject to the provisions of **Article V** of this Chapter. Additional provisions apply to certain uses as listed below:

1. Food Stands for temporary and seasonal periods; provided however, that Food Stands to be operated and maintained for periods of ten (10) days or less within a given calendar year shall not require a Special Use Permit, if a proper permit is secured pursuant to the provisions of **Chapter 635** of the Washington Municipal Code.
2. Any use substantially similar to the special uses listed **Section 400.120, D** in terms of the effect of the proposed use upon surrounding properties may be permitted, provided that in determining whether such proposed use is substantially similar to the expressed special uses, there shall be taken into consideration any objectionable characteristics of the proposed use, including, but not limited to, the emission of odor, dust, smoke, gas fumes, noise or vibration, as well as the criteria set out in **Article IV, Section 400.200** and **Article V, Section 400.230**; provided further, however, that any such substantially similar special use shall be consistent in all other respects with the provisions of this Chapter.
3. Above-ground storage tanks for the storage of combustible liquids shall be prohibited except when allowed by special use permit from the City of Washington City Council. Above-ground storage tanks for the storage of flammable liquids shall be prohibited.
4. Open storage, hereby defined to include the unsheltered placement upon the land of items such as, but not limited to, construction equipment, construction materials, machinery, vehicles and scrap metal; provided however, that nothing herein shall be construed to permit

the storage upon the land of abandoned motor vehicles, as that term is defined in **Chapter 235** of the Washington City Code.

5. Adult entertainment use, except notwithstanding anything contained herein to the contrary, no adult entertainment use shall be located closer than one thousand two hundred (1,200) feet from any residential or commercial zoning district.

E. PARKING AND LOADING REQUIREMENTS

1. Location of Parking Spaces and Vehicle Types that May be Parked.
 - a. Parking spaces may be located and vehicles may be parked in the front, side or rear yards. Parking spaces for residences shall be located in the side and rear yard and in the front yard on a driveway only. Driveways and parking areas shall be an improved surface of either asphalt or concrete.
 - b. No trucks, truck trailers, or vehicles of any type shall be on skids, jacks, or any other device that will make them immobile or inoperable, except for emergency repairs.
 - c. No trucks or trailers of any kind, or any portions thereof, shall be used for storage purposes.
2. Number of Required Spaces. The regulations governing the number of required parking spaces with respect to various uses allowed within this Zoning District are set out at **Article VI, Sections 400.260 and 400.265** of this Chapter.
3. Loading requirements
 - a. There shall be provided at the time any building is erected or structurally altered, off-street loading space in accordance with the requirements of **Article VI** of this Chapter.
 - b. No building or part thereof heretofore erected which is used for any of the purposes specified above shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this Chapter.

F. AREA REQUIREMENTS

1. Minimum Depth of Front Yard — Twenty-five (25) feet.
2. Minimum Width of Side Yard. No side yards are required for nonresidential buildings except on the side of a lot abutting a Dwelling District, in which case there shall be a side yard of not less than ten (10) feet.
3. Minimum Depth of Rear Yard — Twenty-five (25) feet.
4. Gasoline pumps and pump islands may occupy the required yards; provided however, that they are not less than fifteen (15) feet from street lines, and not less than fifty (50) feet from the boundary of any Residential District.

G. HEIGHT REQUIREMENTS

The maximum height is ninety (90) feet.

SECTION 400.115 – “PD” PLANNED DEVELOPMENT DISTRICTS**A. INTENT AND PURPOSE**

The purpose of the Planned Development Districts is to provide a means of achieving greater flexibility in development of land in a manner not always possible in conventional zoning districts; to encourage a more imaginative and innovative design of land development; and to promote a more desirable community environment.

The City Council, upon recommendation by the Planning and Zoning Commission, may, by an ordinance adopted in the same manner as a rezoning is approved, authorize a Planned Development district when the proposed development or use of a specific tract of land or area warrants greater flexibility, control and density than is afforded under the general regulations of standard zoning districts. These Planned Development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood. The City Council may, upon proper application, approve a Planned Development to facilitate the use of flexible techniques of land development and site design, by providing relief from conventional zoning standards in order to achieve one or more of the following objectives:

1. Site planning that better adapts to site conditions and its relation to surrounding properties that would not otherwise be possible or would be inhibited under the district regulations applicable to the property;
2. Functional and beneficial uses of open space areas;
3. Preservation of natural features of a development site;
4. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program;
5. Rational and economical in relation to public utilities and services;
6. Efficient and effective traffic circulation, both within and adjacent to the development site.

B. RELATIONSHIP OF PLANNED DEVELOPMENT DISTRICTS TO ZONING MAP

1. A Mapped District:

The PD designation is not intended to be attached to existing zoning districts as an overlay. The PD designation, as detailed in this section, is a separate use district and may be attached to a parcel of land through the process of rezoning and zoning map amendment.

2. Plan Approval Required:

It is the intent of this ordinance that no development or redevelopment of the property encompassed by the PD designation take place until an acceptable development plan has been reviewed and approved in conformance with the requirements of this Section, **Article XII, "Amendments,"** and applicable sections of **Chapter 410, "Subdivisions,"** of the Washington Municipal Code.

C. COORDINATION WITH ARTICLE XII, "AMENDMENTS" AND CHAPTER 410, "SUBDIVISIONS", OF THE MUNICIPAL CODE

1. When a Planned Development involves any subdivision activity, the subdivision review and approval procedure requirements contained in **Chapter 410** of the Municipal Code shall be carried out simultaneously with the review of a Planned Development under this Section of this ordinance. As applicable, reference is made to requirements in **Chapter 410** of the Municipal Code within this Section. With regard to these references, said **Chapter 410** may contain the term "plat," which under the PD district requirements is intended to be synonymous with "plan" as appropriate.
2. Since obtaining a PD district designation requires a map amendment (rezoning), the requirements and procedures of **Article XII, "Amendments,"** shall apply. As applicable, reference to **Article XII** is made within this Section.

D. TYPES OF PLANNED DEVELOPMENTS

An area approved for the PD designation shall be assigned one of the following district classifications which shall be considered a separate zoning district and subject to the specific restrictions and limitations outlined in this section.

1. Planned Development - Residential (PD-R): Planned developments involving residential uses only.
2. Planned Development - Commercial (PD-C): Planned developments involving commercial uses only.
3. Planned Development - Industrial (PD-I): Planned developments involving industrial and limited commercial uses only.
4. Planned Development – Mixed Use (PD-MXD): Planned developments involving residential and limited commercial uses.

E. PERMITTED USES

The permitted uses for all Planned Development Districts as provided for in (D) above are those as provided for in **Section 400.120, D** of this Article.

F. MINIMUM PLANNED DEVELOPMENT SITE SIZE

The minimum site size for any of the Planned Development districts shall be as follows:

PD District	Minimum Site Size in Acres
PD-R	1.5
PD-C	5.0
PD-I	10
PD-MXD	10

These minimum site sizes may be waived by the City Council upon report by the Planning and Zoning Commission; if it is determined that the use proposed is desirable or necessary in relationship to the surrounding neighborhood; or, if the City Council should determine such waiver to be in the general public interest.

G. DENSITY AND DIMENSIONAL REGULATIONS AND PERFORMANCE STANDARDS

1. General Standards:

The approval of the Development Plan may provide for such exceptions from the regulations associated with traditional zoning districts as may be necessary or desirable to achieve the objectives of the proposed planned development. No Planned Development shall be allowed which would result in:

- a. Inadequate or unsafe vehicular access to the development;
- b. Peak-hour traffic volumes exceeding the capacity of the adjoining or nearby streets. Capacity shall be based on a street providing "level of service D" as defined in the latest publication of Transportation and Traffic Engineers Handbook, Institute of Transportation Engineers;
- c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
- d. A failure to comply with the performance standards contained in Article V, Section 400.230;
- e. Other detrimental impacts on the surrounding area including, but not limited to, visual pollution.

In addition to the above requirements, all planned developments shall be subject to the review criteria established in Article V of this ordinance. It shall be the responsibility of the applicant to clearly establish that the above requirements are met.

2. Other Codes:

All requirements of other codes and ordinances of the City (e.g., Building Code) shall be applicable.

3. Planned Development - Residential (PD-R):

- a. **Density:** The density of residential development shall be consistent with the intent of the original underlying residential district(s). While the district regulations specifies upper limits to residential density, density of a Planned Development may be limited to that which is established in the original residential district or which is consistent and compatible with nearby existing developed areas. Where an underlying residential district does not exist, one must be determined and approved by the Zoning Administrator prior to submitting a preliminary development plan. Conversely, the density limits indicated in the district regulations may be exceeded on portions of the site within a PD-R district as long as the total site density limit is not exceeded. This is referred to as "density transfer." Additionally, the total site density may be exceeded up to a limit, upon

conclusion of the Planning and Zoning Commission and the City Council that the density bonus provisions contained in paragraph c below have been satisfied. This is referred to as "density bonus."

b. Calculation of Density:

- (1) The computation of density shall be based on dwelling units per net acre for the entire site.
- (2) To compute the number of dwelling units per net acre, fifteen (15) percent of the gross acreage of the parcel shall be deducted and the net acreage divided by the lowest minimum lot size of the underlying residential district. The following provides an example of density calculation for a twenty-acre tract in the R-3 district:

$$20 \text{ acres} \times 43,560 \text{ square feet per acre} = 871,200 \text{ sq. ft.}$$

$$871,200 \text{ sq. ft.} - (871,200 \times 0.15) = 740,520 \text{ sq. ft.}$$

$$740,520 / 6,000 \text{ sq. ft. min. lot size} = 123 \text{ dwelling units}$$

- (3) In situations where a proposed PD-R district overlaps two or more dwelling districts, density shall be calculated separately for the portions of the PD-R district in each of the original residential districts.

c. Density Bonus: The Planning and Zoning Commission may recommend and the City Council may approve an increase in density within a PD-R district, up to a maximum of twenty (20) percent, which shall be based on the precepts listed below. The density bonuses shall be treated as additives and not compounded.

Maximum Percentage Increase	Design Element
10%	A minimum of an additional five (5) percent of the net development area devoted to common open space (above the minimum requirement) and improved with public pedestrian ways, bike paths, park land, swimming pools, tennis courts, community centers, club buildings, etc.
5%	Creative site designs and building groupings, which take advantage of natural terrain and resolve existing on-site and off-site water run-off and erosion problems. The provision of storm drainage retention as a site amenity is encouraged. Variations in building design are permissible.
5%	Creative use of landscape materials and the provision of more extensive landscaping than would otherwise be required under the landscaping requirements found elsewhere in this ordinance.

If density bonuses (increases) are requested under this Section, the applicant shall document all site amenities or improvements for the City's review and consideration.

d. Development Phasing: If the sequence of construction of various portions of the development is to occur in stages, then the open space and/or recreational facilities shall be developed, or legally provided for on a final plat, in reasonable proportion to the

number of dwelling units intended to be developed during any given stage of construction as approved on a final plat by the City Council. Furthermore, at no time during the construction of the project shall the number of constructed dwelling units per acre of developed land exceed the overall density per net acre established by the approved PD-R district.

- e. Non-Residential Uses in PD-R Developments: Non-residential uses are limited to those specifically listed in the dwelling zoning districts. Such non-residential uses shall be subject to all requirements for lot area, width, height, yards and setbacks prescribed in the district in which the proposed PD-R development is located.
- f. Common Open Space Requirements:
 - (1) Common open space shall comprise at least fifteen (15) percent of the gross area of the residential development or be of a size equivalent to one (1) acre for each 100 persons of expected population of the development, whichever is greater. For purposes of this paragraph, the expected population shall be determined by multiplying the total number of dwelling units times 2.5 persons per dwelling unit.
 - (2) Common open space shall be used for recreational, park or environmental amenity purposes for the collective enjoyment of the occupants of the development.
 - (3) In addition to the above open space requirements, the following regulates the use of this common open space in terms of physical surface characteristics, size, location and physical improvements therein.
 - (a) Of the required common open space, up to one-half of it may be covered by water, flood plain, stormwater detention/retention facilities or left in a natural state.
 - (b) The area of each parcel of open space shall not be less than six thousand (6,000) square feet in area nor less than thirty (30) feet in its smallest dimension. In addition, at least fifty (50) percent of the common open space shall be contiguous or connected via pedestrian/bicycle paths or sidewalks.
 - (c) To the extent practicable, common open spaces should be distributed equitably throughout the development in relation to the dwelling units which such common open space is intended to serve. The open space shall not be isolated in one corner of a development, but shall be highly accessible (physically and/or visually) to the residents of the development.
 - (4) Where common open space is to be provided in a subdivided residential development, the use, operation, and maintenance of areas for common open space, common ground, and common buildings shall be guaranteed by the establishment of a trust indenture providing for such by a subdivision association or trustees. Said indenture shall be approved by the City Attorney prior to recording the indenture simultaneously with the recording of the final plat.
- g. Perimeter Buffer Requirements:
 - (1) Where a PD-R development proposes residential development along the perimeter of the site, which is higher in density than that of an adjacent dwelling district, there shall be a minimum thirty (30) foot wide buffer area meeting the requirements of

Article IV, Section 400.190, I. The buffer area shall be kept free of buildings or structures and shall be landscaped or protected by natural features so that all higher-density residential buildings are effectively screened from the abutting lower density residential property.

- (2) Where a PD-R development abuts a commercial or industrial use or district, there shall be a minimum thirty (30) foot wide buffer area meeting the requirements of **Article IV, Section 400.190, I.** This buffer area shall be permanent and landscaped and/or otherwise provided with screening (i.e.; sight proof fencing) so as to effectively screen the commercial or industrial use from the PD-R development.

4. Planned Development - Commercial or Industrial (PD-C or PD-I):

- a. Site Coverage: Total site coverage by uses permitted in the PD-C or PD-I districts shall be seventy (70) percent, except as permitted to be exceeded in accordance with paragraph "b" below.
- b. Site Coverage Bonus: The Planning and Zoning Commission may recommend and the City Council may approve an increase in maximum site coverage from seventy (70) percent up to eighty (80) percent. In order to qualify for this bonus, the development plan must demonstrate compliance with four (4) or more of the following performance criteria:
- (1) Incorporate storm drainage retention facilities as a site amenity.
 - (2) Install storm drainage detention facilities underground.
 - (3) Increasing parking lot landscaping by fifty (50) percent more than otherwise required.
 - (4) Submitting for approval developments on tracts that are five (5) or more acres in size.
 - (5) Design of principal access to the development tract at an approved location that allows for shared access by an adjacent property.
 - (6) Construction of separate-grade pedestrian and bicycle paths.
 - (7) Providing for screened loading areas.
 - (8) Demonstration of a development using innovative architectural, site planning and land use design and of such quality as to set an excellent example for subsequent development or redevelopment projects.
 - (9) Any other performance criteria that further the goals, objectives and policies of the Comprehensive Plan and that, in the opinion of the Planning and Zoning Commission and City Council warrant the approval of development bonuses.
- c. Signage: Signage shall be in compliance with **Chapter 405, "Sign Regulations,"** unless the applicant for a PD-C or PD-I district designation elects to submit a "Comprehensive Sign Plan" in addition to the submission of other required development plan documents. The Planning and Zoning Commission may recommend, and the City Council may

approve, a Comprehensive Sign Plan and such plan shall be made part of the ordinance approving the PD district. This ordinance may contain conditions, requirements or standards regarding signs that may be stipulated by the City Council. Comprehensive Sign Plans approved under this Section shall be evaluated based upon the following criteria:

- (1) **Placement:** All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures and sign orientation relative to viewing distances and viewing angles.
- (2) **Quantity:** The number of signs that may be approved within any development shall be no greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development sub-areas and business identification. Factors to be considered shall include the size of the development, the number of development sub-areas, and the division or integration of sign functions.
- (3) **Size:** All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style and the presence of distracting influences. In no event shall a plan contain a sign which exceeds by more than fifty (50) percent that of any maximum area standard contained in Article 7, "Sign Regulations," unless otherwise waived by the City Council.
- (4) **Materials:** Sign materials shall be compatible with architectural and/or natural features of the project. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style or the use of consistent lettering style and typography.

A request for approval for a Comprehensive Sign Plan shall accompany the request for PD-C or PD-I zoning classification and shall include, but is not limited to, the following:

- (1) A site plan, depicting the proposed plan of development and illustration of proposed sign locations;
 - (2) Descriptions and drawings indicating size, qualities, materials and illumination; and
 - (3) A narrative description of the common theme for signage within the development, how it relates to architectural and/or landscaping elements of the development, and how the Comprehensive Sign Plan relates to each of the criteria set forth in this Section.
- d. **Perimeter Buffer Requirements:** Where a PD-C or a PD-I development abuts a residential district, there shall be a minimum fifty (50) foot buffer area between any non-residential use and the adjacent residential district. This buffer area shall be landscaped in accordance with **Article IV, "Supplementary Regulations," Section 400.190, I.**
- e. **Minimum Building Setbacks:** Building setbacks shall be in accordance with the approved site plan for a PD-C or PD-I development. Where a commercial or industrial use abuts a

dwelling district, the minimum building setbacks established in the district regulations shall apply.

4. Planned Development – Mixed Use

- a. Density: Residential density shall not exceed 18 dwelling units per net acre.
- b. Site Coverage: Total site coverage by uses permitted in the PD-MXD district shall not exceed seventy (70) percent, except as permitted to be exceeded in accordance with **Section 400.115, F, paragraph “4, b”**.
- c. Signage: (see **Section 400.115, F, paragraph “4, c”**)
- d. Perimeter Buffer Requirements:
 - (1) When the residential portion of the development is along the perimeter of the site and is higher in density than that of an adjacent dwelling district, there shall be a minimum thirty (30) foot wide buffer area in accordance with the requirements of **Article IV, “Supplementary Regulations”, Section 400.190, I**. The buffer area shall be kept free of buildings or structures and shall be landscaped or protected by natural features so that all higher-density residential buildings are effectively screened from the abutting lower density residential property.
 - (2) When commercial development abuts a dwelling district, there shall be a minimum fifty (50) foot buffer area between the commercial use and the adjacent dwelling district. This buffer area shall be landscaped in accordance with **Article IV, “Supplementary Regulations”, Section 400.190, I**.

H. Other Development Regulations Applicable to PD Districts

1. "Supplementary Regulations," **Article IV**;
2. "Off-Street Parking and Loading Requirements," **Article VI**;
3. "Signs," **Chapter 405** (except as may be modified through a Comprehensive Sign Plan. See Sub-section F, paragraph 4.c. of this Section).
4. "Subdivision," **Chapter 410**, of the Washington Municipal Code.

I. Dedication and Reservation of Land

Whenever a Planned Development embraces all or any part of a major, collector, or local access street, drainage way or other public way which has been designated in the adopted Comprehensive Plan or other official plans of the City of Washington, sufficient land shall be dedicated or reserved on the development plan for said public improvements in a manner similar to that required of all subdivisions as specified in **Chapter 410, "Subdivision Regulations,"** Washington Municipal Code.

J. Sketch Plan

1. Sketch Plan Meeting:

- a. Prior to petitioning for a rezoning to one of the planned development districts, the prospective applicant shall schedule a pre-application meeting with the Zoning Administrator. The Zoning Administrator may request that other City department representatives attend this meeting. At this meeting, the prospective applicant shall provide general information on the proposed development, including site location, existing site conditions, and a sketch plan of the proposed planned development. The Zoning Administrator shall report to the applicant, the staff's evaluation of the sketch plan, with respect to its compliance with the intent of the planned development regulations, as soon as practical after the meeting.
 - b. The sketch plan meeting is a required, but an informal procedure intended to benefit the prospective applicant, by allowing for an exchange of ideas, information, and to provide an opportunity to review the requirements of the PD district regulations with the prospective applicant. No formal approval from the Zoning Administrator or other City staff is required prior to proceeding with the preliminary development plan stage.
2. Contents of Sketch Plan:

The information to be included with the sketch plan shall include the following information:

- a. The proposed use and development of the parcel, including principal and accessory uses, with special attention to open space, plazas, landscaped areas and all buffering from adjacent uses;
- b. The location of the parcel in relation to surrounding uses, buildings and zoning;
- c. The boundaries, dimensions and area of the parcel;
- d. The footprint of each proposed building or structure on the parcel, except one-family detached dwellings proposed on subdivided lots;
- e. The amount of land area covered by buildings, structures, drives and parking facilities;
- f. The form of proposed buildings and structures, including plan elevation views, with height and story information, and a description of proposed building materials;
- g. A conceptual landscape plan, including size and location of trees, shrubs and ground cover, which may be in addition to that required by **Section 400.190** of this Chapter;
- h. Inclusion on the landscape plan, if applicable, of site improvements such as walls, berms, fences, walkways, street furniture and lighting elements;
- i. The location, general design and width of existing and proposed driveways and curb cuts;
- j. The location, size and number of proposed parking spaces;
- k. The location and size of loading areas;
- l. Existing and proposed site grades at a minimum of two (2) foot contours;

- m. The location and general size of proposed utilities, including water (including fire hydrants), sanitary sewer, storm sewer, gas and electric;
 - n. The location of refuse collection facilities and related screening;
 - o. The type, size and location of all signs; and
 - p. The location, type and size of proposed lighting facilities.
3. Pre-application Meeting with Planning and Zoning Commission
- a. Prior to formal application of rezoning to a PD district, the applicant shall submit the sketch plan for review by the Planning and Zoning Commission. The applicant shall submit 10 copies of the sketch plan documents to the Zoning Administrator at least 10 days prior to the Planning and Zoning Commission meeting at which the applicant wishes to have the plan reviewed.
 - b. Within thirty (30) days of the pre-application meeting held to review the sketch plan, the Planning and Zoning Commission shall inform the prospective applicant that the sketch plan does or does not meet the intent of the PD regulations. Any action by the Planning and Zoning Commission on the sketch plan does not constitute approval or endorsement of a proposed development.
 - c. Applicant attendance not mandatory.

K. Preliminary Development Plan Procedure

1. Preliminary Development Plan Submittal Requirements:

The Preliminary Development Plan submitted shall include the information required in **Section 400.115, J, 2** above. In addition to these submittal requirements, the following shall be submitted as applicable:

- a. Gross and net acreage of tract;
- b. Internal private circulation drives and parking areas, except driveways associated with one-family detached dwellings proposed on subdivided lots;
- c. Maximum number of dwelling units allowed per the original zoning district or districts;
- d. Number of dwelling units proposed and number of bedrooms, when parking requirements are based on bedroom count per dwelling unit;
- e. Number of off-street parking spaces required and proposed;
- f. The location, gross floor area of, and distance between buildings and structures. Floor area for non-residential uses shall be identified by use type;
- g. The proposed location, size, landscaping, and general use of common ground, including recreational areas, plazas, and buffer areas. Landscaping information shall include location and approximate size (at time of planting) of all plant material by type (such as

deciduous/coniferous trees, ornamental trees, shrub masses and ground cover including grassed areas, ivies, etc.). Landscaping within parking areas shall be included;

- h. The location and details of all retaining walls, fences and earth berms;
 - i. The location of all refuse collection facilities including screening to be provided;
 - j. Illustrative site cross-sections (two minimum) indicating edge conditions and internal grade changes in relation to principal variations of building elevations and site-lines to adjacent properties/structures;
 - k. Typical building elevations of sufficient scale and detail to illustrate building mass, exterior construction materials and signage if applicable;
 - l. Project report to include an explanation of the character of the proposed development, verification of the applicant’s ownership or contractual interest in the subject site and proposed development schedule;
 - m. The applicant may be required to provide such additional clarification and/or detail of the site plan as determined by the Zoning Administrator or the Planning and Zoning Commission. In addition, other information or details may be required by the City. Examples of such additional information or details include, but are not limited to, a report on project features, a phasing schedule, a floodplain study, an environmental impact study and a traffic impact study.
2. Preliminary Development Plan Review Procedure:
- a. The review procedure for a preliminary development plan shall be in accordance with the review procedure for a preliminary plat, specified under Section VII, paragraph B in Appendix C of the Municipal Code. The Planning and Zoning Commission may recommend approval, disapproval or approval with amendments, conditions or restrictions with respect to the preliminary development plan.
 - b. Applicant attendance mandatory.

L. Public Hearing on Preliminary Development Plan and Rezoning Request

A public hearing on the rezoning request and the associated preliminary development plan shall take place before the Planning and Zoning Commission in accordance with **Article XII, Section 400.520, "Amendments."**

M. City Council Action on Preliminary Development Plan and Rezoning Request

- 1. City Council action on the rezoning request shall be subject to the provisions of **Article XII, Section 400.525, "Amendments."**
- 2. If the preliminary development plan is approved by the City Council, it shall adopt a resolution approving said preliminary development plan, with conditions as may be specified and authorizing the preparation of the final development plan.

3. Simultaneously with the approval of the preliminary development plan, the City Council shall adopt an ordinance rezoning the site to the appropriate PD district and said ordinance shall include, but not be limited to, the following:
 - a. Legal description of the development site;
 - b. The planned district zoning classification approved;
 - c. Reference to the resolution approving the preliminary development plan and which authorizes preparation of the final development plan;
 - d. A statement requiring approval of a final development plan and plat (if applicable), by the City Council, prior to issuing building permits;
 - e. PD-R Developments: The number and type of dwelling units authorized, including number of bedrooms per dwelling unit by type, and the total square footage authorized for any non-residential use permitted;
 - f. PD-C and PD-I Developments: The total square footage authorized for all commercial, office, and/or industrial uses;
 - g. PD-MXD- Developments: The number and type of dwelling units authorized, including the number of bedrooms per dwelling unit by type, and the total square footage authorized for commercial uses or other non-residential uses.
 - h. Building and structure height limitations;
 - i. Minimum building setback requirements;
 - j. Off-Street parking requirements (via reference to Article 6 of the this ordinance);
 - k. Reference to the **Chapter 405**, Sign Regulations, or reference to an approved "Comprehensive Sign Plan," as provided for in **Sub-section F, paragraph "4, c;"**
 - l. Acreage and function of common open space.

N. Effect of Approval of Preliminary Development Plan and Period of Validity

1. All conditions imposed as a part of any planned development shall run with the land and shall not lapse or be waived as a result of a subsequent change in ownership of any or all of said area.
2. Approval of the preliminary development plan by the City Council is merely an authorization to proceed with the preparation of the final development plan.
3. Approval of the preliminary development plan shall be valid for a period of two (2) years from the date of City Council approval. If an application for final plan approval for all or a portion of the preliminary plan has not been filed within the two (2) year period, then a resubmission of the preliminary development plan shall be required if the applicant intends to pursue final plan approval. The City Council, upon recommendation from the Planning and Zoning Commission, may grant up to a one (1) year extension, from the date that the period

- of validity expired. The Council may reject such resubmission of the same development plan in light of new facts and circumstances relating to the development plan.
4. In no case shall a building permit be issued prior to final development plan approval.
 5. At such time the period of validity has expired, the resolution approving preliminary development plan shall become null and void. In the event that the development plan involved rezoning all or a portion of the property comprising the development, the City Council may initiate proceedings to rezone the property to its original or other appropriate zoning district, in accordance with the procedures and requirements of **Article XII** of this Chapter.

O. Final Development Plan Procedure

1. Final Development Plan Submittal Requirements:

The final development plan shall include the required information described in **Section 400.115, K and M** above, as applicable. In addition to these submittal requirements, the following shall be submitted.

- a. The information required for the preliminary development plan, except that it be in its final form;
 - b. The final landscape plan with specific location of all plant material, specifying size and species.
2. Compliance with Approved Preliminary Development Plan:

The final development plan shall be in substantial compliance with the approved preliminary development plan. Modifications and refinements, resulting from the final design process, may be approved. In no event shall any modification of the development plan result in the following:

 - a. A change in the use or character of the development;
 - b. An increase in building or site coverage;
 - c. An increase in the intensity of use (e.g., number of dwelling units);
 - d. An increase in vehicular traffic generation or significant changes in traffic access and circulation;
 - e. A reduction in approved open space or required buffer areas;
 3. Final Development Plan Review and Approval:
 - a. The Zoning Administrator shall review the Final Development Plan for compliance with the approved preliminary development plan and any modifications and refinements that resulted from the final design process and provide a report to the City Council.

- b. If the Final Development Plan is in compliance with the Approved Preliminary Development Plan and any approved modifications or refinement, the City Council shall introduce an ordinance

P. Recording of Final Development Plan

After the final development plan (and subdivision plat, if applicable), and other associated documents have been approved by the City Council, the applicant shall record the final development plan in accordance with provisions of **Chapter 410, Section 410.040** of the Washington Municipal Code.

Q. Amendments to Final Development Plan

1. Minor Changes:

Minor changes in the location, siting and height of buildings and structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section shall cause any of the following:

- a. a change in the use or character of the development;
- b. an increase in building or site coverage;
- c. an increase in the intensity of use (e.g., number of dwelling units);
- d. an increase in vehicular traffic generation or significant changes in traffic access and circulation;
- e. a reduction in approved open space or required buffer areas; or
- f. a change in the record plat.

2. Plan Amendments:

All proposed changes in use, or rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and changes which would cause any of the situations listed under paragraph 1 above shall be subject to approval by the City Council. In such event, the applicant shall file a revised development plan and be subject to the requirements of this Section as if it were an entirely new application.

R. Failure to Initiate Construction after Final Development Plan Approval

1. Period of Validity:

No approval of a final development plan shall be valid for a period longer than two (2) years from the date of approval unless within such period a building permit is obtained and construction of a development's foundation is commenced.

2. Extension:

The City Council may grant a one (1) year extension upon written request of the original applicant if the application submitted is substantially the same as the initially-approved application.

3. Lapse in Period of Validity:

At such time as the period of validity of an approved final development plan lapses, the final development plan and all uses, terms and conditions thereof may be declared null and void and the City Council may initiate proceedings to rezone the site to its original or other appropriate zoning district in accordance procedures and requirements of **Article XII, “Amendments”**.

SECTION 400.120 – TABLE OF PERMITTED AND SPECIAL LAND USES**A. Intent and Purpose**

In order to establish a recognized system of identification of land uses by both general and specific type, and to provide a way in which to determine the category or use type that a particular land use is within, the City of Washington is hereby adopting the North American Industry Classification System (NAICS) for its land use designations. The NAICS was jointly developed by the United State Office of Management and Budget through its Economic Classification Policy Committee and The Instituto Nacional de Estadística y Geografía of Mexico and Statistics Canada. The most recent version of the NAICS is from 2012. However, as the nature of land uses change, this system is updated from time to time and therefore subject to change. The most recent published version of the NAICS will be the determining source for the purposes of this Article of the Zoning Code.

B. Permitted and Special Uses by District

The land uses permitted by right or subject to the **Special Use Regulations of Article V** within each district as set forth in **Article III, Sections 400.055 through 400.115** above are listed in the **Washington Zoning District Land Use Table** that follows in this Section. In the NAICS, land uses are listed by two-digit sectors, three-digit sub-sectors, and detailed use and sub-use listings of four to six-digit levels. The Washington Land Use Table herein provides land uses primarily at four-digit levels (although a few three-digit sub-sectors are listed).

C. Determination of Uses Not Listed

1. If a particular land use is being requested by a property owner for development within a particular district and that use is not listed in the Table, then the NAICS is intended to be the determining source for identifying the type of use by referring to the sub-sector data from the NAICS listing to make such determination. However, the ultimate determination of the permission of a use by right or by special use permit will ultimately be controlled by the provisions of Chapter 400 and other related Chapters of the Municipal Code that apply.
2. In certain instances, the Code designation in the Table will be indicated as “NF”. This is used in instances where a particular use does not readily translate to the NAICS system and where the land use is defined in Article II of this Chapter.

D. Table of Permitted and Special Uses

The Table of Permitted and Special Uses begins on the next page.

**SECTION 400.120 - PERMITTED & SPECIAL USES
LISTING BY ZONING DISTRICT**

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LAND USE TYPE	NAICS CODE*	AG	R-1A	R-1B	R-1C	R-1D	R-2	R-3	C-1	C-2	C-3	M-1	M-2	PD-R	PD-C	PD-I	PD-MXD
AGRICULTURAL																	
Apiculture (bee keeping/production)	1129	P										S	S			S	
Aviaries	1129/ 7121	P										S	P			P	
Farms (crop & livestock farms; riding/boarding stables)	111	P	S*	S*		S*	S*					S	P			P	
Farms, nursery stock	1114	P	S*	S*		S*	S*					S	P			P	
Fish Hatcheries	1125	P											P			P	
Greenhouses	1114	P										P	P			P	
Harvesting services	1151	P									S	P	P				
Kennels -- boarding	8129	P										P	P			P	
Kennels -- breeding	1129	P										P	P			P	
RESIDENTIAL																	
Dwelling, multi-family	8141						S	P*		S	P*				P		P
Dwelling, single-family attached	8141				P			S						P			P
Dwelling, single-family detached	8141	P	P	P		P	P*	S		P*	P			P			
Dwelling, single-family detached - earth sheltered	8141		S	S		S	S	S			S			P			
Dwelling, two-family	8141						P	S	S	P*	P			P			P
Group homes	6232		P	P	P	P	P	P									
Home Occupations (as defined in Article II of this Chapter and permitted subject to stipulations in Article III)	NF		P*	P*	P*	P*	P*	P*									
Mobile home parks & other pre-built housing types	8141		S*	S*		S*	S*	S*	S*	S*	S*	S*	S*	P			
Nursing home	6231		S	S		S	S		S	P	P	P	P	P	P	P	P
Residential hotels	5311										S						
Retirement home	6233						S	P		P	P			P	P		P
Sorority & fraternity houses	7213							S			S						
COMMERCIAL																	
Abstracting & title services	541								P	P	P	P	P		P	P	P

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Accounting & bookkeeping services	541								P	P	P	P	P		P	P	P
Accounting, computing & office machines (manufacturing)	3341											P	P			P	
Adult-oriented businesses - various businesses (see Chapter 400, Article II, Section 400.015 405.615)	4512, 7111, 7224, 5121											P*	P*				
Advertising services, direct mail	5418											P	P			P	
Advertising services, general	5418								P	P	P	P	P		P	P	P
Agricultural fertilizers, retail	4442									S		P	P			P	
Agriculture research & testing facilities	5417	S								P	P	P	P		P	P	P
Air-conditioning, refrigerated equipment & supplies (contracting services)	2382											P	P			P	
Alterations, pressing & garment repair services	8123								P	P	P	P	P		P	P	P
Ambulance services	6219								P	P	P	P	P		P	P	P
Amphitheaters	7111											P	P		P	P	P
All Other Amusement & Recreation Industries (go-cart raceways - i.e., amusement rides)	7139	P										P	P			P	P
Animal hospital services	5419									P	P	P	P		P	P	P
Antiques (retail)	4533								P	P	P	P	P		P	P	P
Apparel & accessories (retail)	4481								P	P	P	P	P		P	P	P
Appliances & Electronics Stores (retail)	4431								P	P	P	P	P		P	P	P
Appliance repair services	8114								P	P	P	P	P		P	P	P
Architectural, engineering & planning professional services	5413								P	P	P	P	P		P	P	P
Art galleries retailing art	4539								P	P	P	P	P		P	P	P
Automobile & other motor vehicle repair services & body shops	8111								P*	P*	P*	P	P		P	P	P
Automobile dealers (franchised -new & used vehicles)	4411									P*		P	P		P	P	P
Automobile dealers (used vehicles)	4411									P*		P	P			P	
Automobile & truck rental services	5321									P*	P*	P	P		P	P	P
Automobile tires, parts, accessories & supplies (retail & repair)	4413/ 8111								P	P*	P*	P	P		P	P	P

**SECTION 400.120 - PERMITTED & SPECIAL USES
LISTING BY ZONING DISTRICT**

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Automobile wash & detailing services	8111								P	P*	P*	P	P		P	P	P
Bakeries (retail)	4452								P	P	P	P	P		P	P	P
Banking services	5211								P	P	P	P	P		P	P	P
Barber services	8121								P	P	P	P	P		P	P	P
Beauty services	8121								P	P	P	P	P		P	P	P
Bed & Breakfast Facilities	7211	S	S	S		S	S	S		P	P					P	
Bicycles (retail)	4511								P	P	P	P	P		P	P	P
Blueprinting & photocopying services	5614								P	P	P	P	P		P	P	P
Boarding & rooming houses	7213							S									
Boat rental	5322/ 5324	S										P	P			P	
Books & magazines (retail)	4512								P	P	P	P	P		P	P	P
Bottled gas (retail)	4543											P	P			P	
Bowling	7139									P	P	P	P		P	P	P
Building materials (retail)	4441									P		P	P			P	
Business & management consulting services	5416								P	P	P	P	P		P	P	P
Business associations	8139								P	P	P	P	P		P	P	P
Cameras & photographic supplies (retail)	4431								P	P	P	P	P		P	P	P
Candy, nut & confectionery (retail)	4452								P	P	P	P	P		P	P	P
Carpet & rug cleaning & repair services	5617											P	P			P	
China, glassware & metalware (retail)	4422								P	P	P	P	P		P	P	P
Chiropractors, optometrists, & other similar health services	6213								P	P	P	P	P		P	P	P
Cigarettes & cigars (retail)	4539								P	P	P	P	P		P	P	P
Clock, watch & jewelry repair services	8114								P	P	P	P	P		P	P	P
Commodity & security brokers, dealers & exchanges & services	5231								P	P	P	P	P		P	P	P
Consumer lending establishments / non-depository credit intermediation (i.e., payday loans)	5222								P	P	P	P	P		P	P	P
Construction equipment sales (retail)	4539											P	P			P	

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Convenience stores	4451								P	P	P	P	P		P	P	P
Convenience stores (with gasoline sales)	4471									S	S	P	P		P	P	P
Credit reporting, adjustment & collection services	5614								P	P	P				P		P
Credit unions & agricultural, business & personal credit service	5221								P	P	P	P	P		P	P	P
Crematory, funeral & mortuary services	8122								P	P	P	P	P		P	P	P
Curtains, draperies & upholstery (retail)	4422								P	P	P	P	P		P	P	P
Dairy products (retail)	4452								P	P	P	P	P		P	P	P
Dental laboratory services	3391										P	P	P		P	P	P
Dental services	6212								P	P	P	P	P		P	P	P
Department stores (retail)	4521								P	P	P	P			P		P
Detective & protective services	5616								P	P	P	P	P		P	P	P
Direct selling organizations (retail)	4543								P	P	P	P	P		P	P	P
Discount & variety stores (retail)	4521								P	P	P	P	P		P	P	P
Disinfecting & exterminating services	5617											P	P			P	
Drive-in or Drive-thru establishment (various businesses) that can provide a 5-car stack (see Chapter 400, Article II, Section 400.015)	NF								P	P	P	P	P		P	P	P
Drive-in or Drive-thru establishment (various businesses) that <i>cannot</i> provide a 5-car stack (see Chapter 400, Article II, Section 400.015)	NF								S	S	S	P	P		P	P	P
Drug Stores (retail)	4461								P	P	P	P	P		P	P	P
Dry cleaning & laundering pickup service	8123								P	P	P	P	P		P	P	P
Dry cleaning & laundering, self service	8123								P	P	P	P	P		P	P	P
Dry goods & general merchandise (retail)	4521								P	P	P	P	P		P	P	P
Duplicating, mailing & stenographic services	5614								P	P	P	P	P		P	P	P
Educational & scientific research services	6117									P	P	P	P		P	P	P
Eggs & poultry (retail)	4244								P	P	P	P	P		P	P	P

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Electrical motors & equipment maintenance & repair	8113									P	P	P	P			P	
Electrical supplies (retail)	4441									P	P	P	P		P	P	P
Employment services	5613								P	P	P	P	P		P	P	P
Farm machinery & equipment (retail)	4442	P								P		P	P			P	
Farm supplies (retail)	4442	P								P		P	P			P	
Feeds, grains & hay (retail)	4249	P								P		P	P			P	
Fish & seafood (retail)	4452								P	P		P	P			P	
Flea markets (permanent, used merchandise stores)	4533								S	S	S	S	P				
Flea markets & other direct selling establishments (temporary location, direct selling)	4543									S		S	S				
Floor coverings (retail)	4422									P	P	P	P		P	P	P
Florists (retail)	4531									P	P	P	P		P	P	P
Food lockers & storage services	3261									P	P	P	P			P	
Food Stands for temporary and seasonal periods	NF	S							S	S	S						
Fruits & vegetables (retail)	4452								P	P	P	P	P		P	P	P
Fuel oil (retail)	4543											P	P			P	
Furniture (retail)	4421								P	P	P	P	P		P	P	P
Furniture repair & re-upholstery services	8114								P	P	P	P	P		P	P	P
Fur repair & storage services	8114								P	P	P	P	P		P	P	P
Furriers & fur apparel (retail)	4481								P	P	P	P	P		P	P	P
Garden supplies & landscape nursery (retail)	4441								P	P	P	P	P		P	P	P
Gasoline service stations (retail)	4471								S	S	S	P	P		P	P	P
General stores (retail)	4529								P	P	P	P	P		P	P	P
Gifts, novelties & souvenirs (retail)	4532								P	P	P	P	P		P	P	P
Glass, paint & wallpaper (retail)	4441								P	P	P	P	P		P	P	P
Groceries (retail)	4451								P	P	P	P	P		P	P	P
Hardware (retail)	4441								P	P	P	P	P		P	P	P

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Health & exercise spas	7139								P	P	P	P	P		P	P	P
Hearing aids, optical goods, orthopedic appliances & other similar devices (retail)	4461								P	P	P	P	P		P	P	P
Heating & plumbing equipment & supplies (retail)	4441									P	P	P	P		P	P	P
Hobby supplies (retail)	4511								P	P	P	P	P		P	P	P
Holding & investment services	5239								P	P	P	P	P		P	P	P
Hotels, tourist courts, & motels	7211									P	P	P	P		P	P	P
Ice (retail)	4452								P	P	P	P	P		P	P	P
Industrial laundry & linen supply services	8123											P	P			P	
Ice cream & frozen desserts (retail)	4452								P	P	P	P	P		P	P	P
Insurance agents & brokers services	5242								P	P	P	P	P		P	P	P
Insurance carriers	5241								P	P	P	P	P		P	P	P
Janitorial services	5617											P	P			P	
Jewelry (retail)	4483								P	P	P	P	P		P	P	P
Landscape nursery & garden supplies (retail)	4441									P	P	P	P		P	P	P
Lapidary work	3399								P	P	P	P	P		P	P	P
Legal services	5411								P	P	P	P	P		P	P	P
Liquor (retail)	4453								P	P	P	P	P		P	P	P
Locksmith services	5616								P	P	P	P	P		P	P	P
Magazines & newspapers (retail)	4512								P	P	P	P	P		P	P	P
Mail order houses (retail)	4541									P	P	P	P		P	P	P
Massage services (therapeutic)	8121								P	P	P	P	P		P	P	P
Meats--retail	4451								P	P	P	P	P		P	P	P
Medical clinics, out-patient services	6214								P	P	P	P	P		P	P	P
Medical laboratory services	5417								P	P	P	P	P		P	P	P
Monuments (retail)	4539									S	S	P	P			P	
Mortuaries & Funeral Homes	8122					S			P	P	P	P	P		P	P	P

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Musical instruments & supplies (retail)	4511								P	P	P	P	P		P	P	P
News syndicate services	5191											P	P			P	
Pawn Shop (short-term lending)	5222								P	P	P	P	P		P	P	P
Pets & pet grooming services	4539								P	P	P	P	P		P	P	P
Photofinishing services	8129								P	P	P	P	P		P	P	P
Physician's services	6211								P	P	P	P	P		P	P	P
Race Tracks (automobiles, go-carts, motorcycles)	7112	P										P	P			P	
Radios, televisions, phonographs, recorders & tape players repair services	8112								P	P	P	P	P		P	P	P
Real estate agents, brokers & management services offices	5312								P	P	P	P	P		P	P	P
Recreational vehicles & equipment (retail)	441									P		P	P		P	P	P
Research, development & testing services	5413								P	P	P	P	P		P	P	P
Resorts (general)	7211	P												P	P		P
Restaurants	7222								P	P	P	P	P		P	P	P
Restaurants, drive-in	7222								P*	P*	P*	S	S		P	P	P
Retail trade not elsewhere listed	4539								P	P	P	P	P		P	P	P
Savings & loan associations	5221								P	P	P	P	P		P	P	P
Schools, barber	6115		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, beauty	6115		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, business	6114		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, computer	6114		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, correspondence	6113		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, dancing	6116		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, driving	6116		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, music	6116		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, professional	6113		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, stenographic	6111		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, trade	6115		S	S	S	S	S	S	P	P	P	P	P		P	P	P

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Second hand merchandise (retail)	4533										S	P	P		S	P	S
Shoe repair, shoe shining & hat cleaning services	8129								P	P	P	P	P		P	P	P
Shoes (retail)	4482								P	P	P	P	P			P	
Sporting goods (retail)	4511								P	P	P	P	P		P	P	P
Stationery (retail)	4532								P	P	P	P	P		P	P	P
Tailoring (custom)	8114								P	P	P	P	P		P	P	P
Taverns	7224								P	P	P	P	P		P	P	P
Taxicab dispatch	4853									P	P	P	P			P	
Telegraph communications office	4236								P	P	P	P	P		P	P	P
Telephone business office	3342								P	P	P	P	P		P	P	P
Telephone exchange stations	3342									P	P	P	P			P	
Television broadcasting studios	5151											P	P			P	
Temporary real estate sales offices (subject to Article IV, Sec.400.150)	5312		P	P	P	P	P	P									
Theaters, motion picture, indoor	5121									P	P	P	P		P	P	P
Theaters, motion picture, outdoor	5121											P	P			P	
Travel arranging services	5615								P	P	P				P	P	P
Vacation Rental Dwellings	7211	S	S	S	S	S	S	S		P	P	P	P			P	
Veterinarian services	5419	S							P	P	P	P	P		P	P	P
INSTITUTIONAL																	
Charitable & welfare services	6241									S	S		P			P	
Churches, synagogues & temples	8131	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Convents	8131		P	P	P	P	P	P	P	P	P						
Hospital services	6214		S	S		S	S	S	S	S	P	P	P		P	P	P
Labor unions & similar labor organizations	8139								P	P	P	P	P		P	P	P
Monasteries	8131	P															
Religious camps & retreats	8131	P															

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INDUSTRIAL																	
Advertising displays & signs (manufacturing)	339											P	P			P	
Agricultural chemicals & fertilizers (wholesale)	4246												P			P	
Air-conditioning, refrigerated equipment & supplies (wholesale)	4237											P	P			P	
Aircraft & parts (manufacturing)	3364											P	P			P	
Alcoholic beverages, beer & wine (wholesale)	4248											P	P			P	
Ammonia manufacturing, refining, or wholesale storage	3253/ 4249												P				
Ammunition, small arms (manufacturing)	3329											P	P			P	
Amusement, athletic & sporting goods & toys (manufacturing)	3399											P	P			P	
Apparel & accessories (manufacturing)	3159										S	P	P			P	
Apparel & accessories (wholesale)	4243											P	P			P	
Appliances (household) (manufacturing)	3352											P	P			P	
Appliances & Electronics Stores (wholesale)	4236											P	P			P	
Asphalt mixing / paving materials plants	3241												P			P	
Automatic temperature controls (manufacturing)	3345											P	P			P	
Automobile & other motor vehicle & equipment (manufacturing)	3361											P	P			P	
Automobile equipment (wholesale)	4231											P	P			P	
Bag manufacturing (except textile)	3222											P	P			P	
Bakery products manufacturing & distribution	3118										S	P	P			P	
Biological products (manufacturing)	3254											P	P			P	
Blacksmith & welding services	3169											P	P			P	
Blankbooks, loose leaf binders & devices (manufacturing)	3231											P	P			P	
Boat building & repair services	3366	S										P	P			P	
Bookbinding & related work (manufacturing)	3231											P	P			P	

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Books, magazines & newspapers distributing (wholesale)	4249											P	P			P	
Books (publishing & printing)	3231										P	P	P			P	
Boot & shoe (manufacturing)	3162										P	P	P			P	
Bottling & canning soft drinks & carbonated waters	3339											P	P			P	
Boxes & paperboard containers (manufacturing)	3222												P			P	
Brandy, brandy spirits & wine - (manufacturing)	3121										S	P	P			P	
Brooms & brushes (manufacturing)	3399											P	P			P	
Building construction -- general contracting services	2361/ 2362												P	P			P
Building materials & lumber (wholesale)	4233													P			P
Building paper & building board (manufacturing)	3221												P				P
Bus garaging & equipment maintenance	8129											P	P				P
Business forms (manufacturing)	3231											P	P				P
Cabinet making (manufacturing)	3371											P	P				P
Candy & other confectionery products (manufacturing)	3113										P	P	P				P
Canes, parasols & umbrellas (manufacturing)	3399										S	P	P				P
Canvas products (manufacturing)	3149										S	P	P				P
Cardboard, paperboard & die cut paper (manufacturing)	3221											P	P				P
Carpentry & wood flooring services	2383											P	P				P
Carpet & rug (manufacturing)	3261											P	P				P
Cement (hydraulic) (manufacturing)	3273												P				P
Ceramic wall & floor tile (manufacturing)	3271											P	P				P
Cereal preparations (manufacturing)	3112											P	P				P
Cheese (natural & processed) (manufacturing)	3115											P	P				P
Chemicals, industrial (wholesale)	4246											P	P				P
Chemicals, industrial organic & inorganic (manufacturing)	3251												P				P

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Chewing gum (manufacturing)	3113												P			P	
Chocolate & cocoa products (manufacturing)	3113										S	P	P			P	
Cleaning, polishing & sanitation preparations except soap & detergents (manufacturing)	3256												P			P	
Clocks, watches, clockwork operated devices & parts (manufacturing)	3345											P	P			P	
Clothing (manufacturing)	3152										S	P	P			P	
Coffee roasting & coffee products (manufacturing)	3119										S	P	P			P	
Commercial & industrial machinery, equipment & supplies (wholesale)	4238											P	P			P	
Communication equipment (manufacturing)	3342											P	P			P	
Compost dumps, compost manufacturing, centralized yard waste composting facilities	5622 & 3253	S											S			S	
Concrete brick & block (manufacturing)	3273												P			P	
Concrete products (manufacturing)	3273												P			P	
Concrete, ready-mix plants	3273	S											P			P	
Concrete construction & paving services	2373 & 2389											S	P			P	
Confectionery (wholesale)	4244										P	P	P			P	
Construction & lumber materials (wholesale)	4233										P	P	P			P	
Construction, mining, & materials handling machinery & equipment (manufacturing)	3331												S			P	
Cosmetics, perfumes & other toiletries (manufacturing)	3256										S	P	P			P	
Costume jewelry, novelties, buttons, & miscellaneous notions (manufacturing)	3399										S	P	P			P	
Cotton, man-made fibers, silk & wool - weaving & manufacturing	3131										S		P			P	
Crating & packing services	4889												P			P	
Curtains & draperies (manufacturing)	3132										S	P	P			P	
Cutlery, hand tools & general hardware	3322												P			P	

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(manufacturing)																	
Cut stone & stone products (manufacturing)	3279												P			P	
Dairy Products (manufacturing)	3115										S	S	P			P	
Dairy products (wholesale)	4244											S	P			P	
Dental equipment & supplies (manufacturing)	3391											S	P			P	
Diaper services	8123										P	P	P		P	P	P
Distilling, rectifying & blending liquors	3121										S	P	P			P	
Drugs, drug proprietaries & druggist sundries (wholesale)	4242										P	P	P			P	
Dry goods & notions (wholesale)	4243										P	P	P			P	
Dyeing & finishing textiles	3332										S		P			P	
Earthenware, table & kitchen articles (manufacturing)	3271										S		P			P	
Electrical apparatus & equipment, wiring supplies, & construction materials (wholesale)	4235										P	S	P			P	
Electrical contractor services	2382									S	S	S	P			P	
Electrical industrial apparatus (manufacturing)	3353											S	P			P	
Electrical transmission & distribution equipment (manufacturing)	3353												P			P	
Electrical generator plants	3353	P											P			P	
Electric utility maintenance yard	2221	P										S	P			P	
Electric lighting & wiring equipment (manufacturing)	3351											S	P			P	
Electrometallurgical products & processing (manufacturing)	3311											S	P			P	
Electronic components & accessories (manufacturing)	3344											S	P			P	
Electronic parts & equipment (wholesale)	4236										P	P	P			P	
Electrotyping & stereotyping / Photoengraving	3332										P	P	P			P	
Engineering, laboratory, & scientific & research instruments & associated equipment (manufacturing)	3345											P	P			P	

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Engines & turbines (manufacturing)	3353												P			P	
Envelope (manufacturing)	3222											S	P			P	
Equipment & supplies for service establishments (wholesale)	4238											P	P			P	
Equipment rental & leasing services	5324									S	S	P	P			P	
Explosives Manufacturing	3259												P				
Extracts & flavoring syrups (manufacturing)	3119										S	S	P			P	
Fabricated structural metal products (manufacturing)	3323												P			P	
Fabricated wire products (manufacturing)	3312												P			P	
Farm machinery & equipment (manufacturing)	3331												P			P	
Farm machinery & equipment (wholesale)	4238											P	P			P	
Farm products warehousing & storage excluding stockyards	4931									P		S	P			P	
Felt goods (manufacturing)	3132									S		P	P			P	
Firing Range, Indoor	7139												P			P	
Fish & seafood (wholesale)	4244											P	P			P	
Flour & other grain mill products (manufacturing)	3112												P			P	
Flour blending & preparing (manufacturing)	3118												P			P	
Freight forwarding services	4885											S	P			P	
Frozen desserts & ice cream (manufacturing)	3115										S	S	P			P	
Fruits & vegetables (wholesale)	4244										P	P	P			P	
Fur dressing & dyeing (manufacturing)	3161												P			P	
Fur goods (manufacturing)	3152										S	S	P			P	
Furniture & home furnishings (wholesale)	4232											P	P			P	
Furniture (household) (manufacturing)	3371												P			P	
Furniture (office) (manufacturing)	3372												P			P	

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Gas utility maintenance yard	2212	P										S	P			P	
Glass & glassware, pressed or blown (manufacturing)	3272										S	S	P			P	
Glue manufacturing	3255												P				
Grain (wholesale)	4245											P	P			P	
Greeting card (manufacturing)	3231										S	P	P			P	
Groceries (wholesale)	4244										P	P	P			P	
Handbags & other personal leather goods (manufacturing)	3161										S	P	P		S	P	S
Hardware (wholesale)	4237										P	P	P		P	P	P
Hardwood dimension & flooring (manufacturing)	3329												P			P	
Hats, caps, & millinery (manufacturing)	3152											P	P			P	
Hazardous waste treatment & disposal	5622												S				
Heating, apparatus (except electrical & plumbing fixtures) (manufacturing)	3334											S	P			P	
Ice (manufacturing)	3121											P	P			P	
Industrial leather belting & packing (manufacturing)	3169												P			P	
Industrial & commercial machinery, equipment & supplies (wholesale)	4234											P	P			P	
Industrial machinery & equipment (manufacturing)	3339												P			P	
Instruments for mechanical measuring & controlling except automatic temperature controls (manufacturing)	3345											P	P			P	
Jewelry & precious metals (manufacturing)	3399										S	P	P		S	P	S
Knit goods (manufacturing)	3132										S	P	P			P	
Lace goods (manufacturing)	3132										S	P	P			P	
Lamp shades (manufacturing)	3261										S	P	P			P	
Landfills -- trash transfer stations	5622											S	S				
Landscape contracting services	5617											P	P			P	
Lawn care -- services	5617											P	P			P	
Leather tanning & finishing (manufacturing)	3161												S			P	

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Lime products (manufacturing)	3274												S			P	
Linoleum, asphalted-felt-base, & other hard surface floor cover (manufacturing)	3261												S			P	
Liquid petroleum gas (wholesale)	4247											P	P			P	
Lockers, shelving, partitions & office store fixtures (manufacturing)	3372												P			P	
Luggage (manufacturing)	3149										S	S	P			P	
Machine shop (manufacturing)	3327											P	P			P	
Masonry, stonework, tile setting & plastering services	2381								P			P	P			P	
Matches (manufacturing)	3259												S			S	
Materials recovery/recycling facilities	5629											S	S			S	
Meat & meat packing products (wholesale)	4244											S	S			S	
Medical & surgical instruments & apparatus (manufacturing)	3391												P			P	
Medical chemicals (manufacturing)	3254												P			P	
Mortician's goods (manufacturing)	3399												P			P	
Motion picture distribution services	5121											P	P			P	
Motion picture production studios	5121											P	P			P	
Motorcycles, bicycles & parts (manufacturing)	3369												P			P	
Motor freight garaging & equipment maintenance	4841												P			P	
Motor freight terminals	4841											S	P			P	
Musical instruments & parts (manufacturing)	3399											S	P			P	
Newspapers publishing & printing	5111									P	P	P	P		P	P	P
Noodles, macaroni, spaghetti & vermicelli (manufacturing)	3119											P	P			P	
Nuts, bolts, screws, rivets, & washers, & screw machine products (manufacturing)	3261												P			P	
Office furniture (manufacturing)	3372												P			P	
Office/Warehouse	2362										P	P	P		P	P	P
Oilcloth, plastic fabric & vinyl products (manufacturing)	3133										S		S			P	

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Ophthalmic goods (manufacturing)	3391										P		P			P	
Optical instruments & lenses (manufacturing)	3333										P	P	P			P	
Ornamental iron works (manufacturing)	3323											S	P			P	
Orthopedic, prosthetic & surgical appliances & supplies (manufacturing)	3391											S	P			P	
Outdoor advertising services (not including signs)	5418											P	P			P	
Padding & upholstery filling (manufacturing)	3326											S	P			P	
Painting & paper hanging services	2383											P	P			P	
Paper & paper products (wholesale)	4241										P	P	P			P	
Paperboard containers & boxes (manufacturing)	3222												P			P	
Paperboard (manufacturing)	3221												S			P	
Paper coating & glazing (manufacturing)	3332												S			P	
Paper, except building paper (manufacturing)	3221												S			P	
Pens, pencils & other office & artist's materials (manufacturing)	3399												P			P	
Perfumes, cosmetics & other toiletries (manufacturing)	3256										S	S	P			P	
Periodicals, publishing & printing	5111										P	P	P		P	P	P
Petroleum bulk stations & terminals (wholesale)	4247											S	P			P	
Petroleum pipeline right-of-way	4861	P										P	P			P	
Petroleum refining	3332												S				
Pharmaceutical preparations (manufacturing)	3254											P	P			P	
Photographic equipment & supplies (manufacturing)	3333											P	P			P	
Photographic studios & services	5419								P	P	P	P	P		P	P	P
Planing mills & saw mills, general (manufacturing)	3219												P			P	
Plastics materials & synthetic resins, synthetic rubber, synthetic & other manmade fibers (except glass) (manufacturing)	3252										S	S	P			P	

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Railroad equipment & maintenance yard	4238											S	P			P	
Railroad equipment (manufacturing)	3365												S				
Railroad freight terminals	4882												P			P	
Railroad passenger terminals	4882											P	P			P	
Raincoats & other waterproof outer garments (manufacturing)	3152										S	S	P			P	
Recreational vehicles & equipment (manufacturing)	3361												P			P	
Refrigerated warehouses (except food lockers)	2382												P	P		P	
Refuse incineration	5622	P											S				
Road maintenance yards	3331											S	P			P	
Robes & dressing gowns (manufacturing)	3151										S	P	P			P	
Roofing & sheet metal contracting services	2381												P	P		P	
Rubber footwear (manufacturing)	3162										S	S	P		S	P	S
Rubber products, fabricated (manufacturing)	3262										S	S	P		S	P	S
Sand, gravel, and other mineral extraction	2123	S											S				
Sanitary paper products (manufacturing)	3221												S			P	
Sanitary waste landfill	5622	S											S				
Sausages & other prepared meat products (manufacturing)	3116											S	S			S	
Septic tank & related services	5629												P			P	
Service industry machines (manufacturing)	3332												P			P	
Sewage pressure control stations	2213	P											P	P		P	
Sewage sludge drying beds	2213	P											P	P		P	
Shades & venetian blinds (manufacturing)	3379												P	P		P	
Shoes (manufacturing)	3162										S	S	P			P	
Shoes (wholesale)	4243										P	P	P		P	P	P
Silverware & plated ware (manufacturing)	3399												S			P	

**SECTION 400.120 - PERMITTED & SPECIAL USES
LISTING BY ZONING DISTRICT**

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Soaps & detergents (except specialty cleaners) (manufacturing)	3256												S			P	
Solid waste Landfill	5622	S											S				
Solid waste/trash transfer stations	5621	S											S				
Soybean oil milling	3112												S			P	
Specialty Trade Contractors (i.e. concrete, electrical, masonry, framing, roofing, etc.)	238											P	P			P	
Steel pipe & tubes (manufacturing)	3311												P			P	
Steel wire drawing, steel nails & spikes (manufacturing)	3312												P			P	
Storage & warehousing of non-hazardous products	4931											P	P			P	
Storage & warehousing of household goods	4931										P	P	P		P	P	P
Taxicab garaging & maintenance	4853									P	P	P	P			P	
Telephone maintenance yard	3342											S	P			P	
Textile bags (manufacturing)	3149										S	P	P			P	
Threads & yarns (manufacturing)	3132												P			P	
Tire cord & fabric (manufacturing)	3149												P			P	
Tires & inner tubes (manufacturing)	3262												P			P	
Tires & inner tubes (wholesale)	4231											P	P			P	
Tobacco & tobacco products (wholesale)	4249										P	P	P			P	
Tobacco & snuff (manufacturing)	3122										S	S	P			P	
Tobacco leaf (wholesale)	4245											P	P			P	
Tobacco storing & re-drying	3122											P	P			P	
Transportation equipment & supplies (wholesale-except motor vehicles)	4238											P	P			P	
Truck wash services	8111									S		P	P			P	
Vegetable oil milling (except cottonseed & soybean)	3112												S			P	
Vitreous china plumbing fixtures, china, fillings & bathroom accessories (manufacturing)	3271												S			P	

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Vitreous china, table & kitchen articles (manufacturing)	3271										S		S		S	P	S
Wallpaper (manufacturing)	3221												S			P	
Water treatment plants	2213	P										P	P			P	
Water utility maintenance yards	2372	P										P	P			P	
Water well drilling services	2131	P										P	P			P	
Window cleaning services	5617										P	P	P			P	
Wire products (fabricated) (manufacturing)	3326												P			P	
Wooden containers (manufacturing)	3219												P			P	
Wool preserving (manufacturing)	3279												P			P	
Wool & mohair (wholesale)	4245										P	P	P			P	
PUBLIC, SEMI-PUBLIC, & RECREATIONAL																	
Airports, heliports, and landing fields	4881	S	S	S		S	S	S	S	S	S	P	P		P	P	P
Arenas & field houses (not ancillary to schools, colleges, or universities)	7112											P	P		P	P	P
Armed forces reserve centers	9281								P	P	S	P	P			P	
Art galleries & museums (public)	7121		P	P	P	P	P	P			P	P	P		P	P	P
Athletic field or playfields (public)	7139		P	P	P	P	P	P				P	P			P	
Auditoriums	7111										P	P	P		P	P	P
Automobile parking garages or lots (private fee lots)	8129									P*	P*	P	P		P	P	P
Boat Docks & Ferry Landings	4883	P										P	P			P	
Bus passenger terminals	4884									S		P	P			P	
Campgrounds	7212	S															
Cemeteries	8122	P	S	S		S	S		S	S			P			P	
Civic, social & fraternal associations and private clubs	8134	S	S	S		S	S		S	S	P	P	P		P	P	P
Community Centers	6241		P	P	P	P	P	P	S	S	S			P	P		P
Country Club	7139		S	S								P	P	P		P	
Day care centers / Nursery Schools	6244							S	P	P		S	S			P	

SECTION 400.120 - PERMITTED & SPECIAL USES
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Electricity regulating substations	3353	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Executive, legislative & judicial functions	9211								P	P	P	P	P		P	P	P
Exhibition halls	5311											P	P		P	P	p
Fairgrounds	7131	P										P	P			P	
Fire protection & related activities	9221	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Gas pressure control stations	4471											P	P			P	
Gas production plants	2111	S											P			P	
Gas storage & distribution points	2212	P											P			P	
Golf courses & country clubs	7139	P										P	P			P	
Golf driving ranges	7139	P										P	P			P	
Gymnasium, soccer, & other athletic clubs (not ancillary to schools, colleges, or universities)	7139	P										P	P		P	P	P
Helipad pads	4811		S	S		S	S	S	S	S	S	S	S		P	P	P
Ice skating rinks, indoor	7139									P		P	P			P	
Libraries	5191					P	P	P	P	P	P	P	P		P	P	P
Miniature Golf Courses	7139		S	S		S	S	S	S	S		P	P			P	
Motor vehicle emissions testing facility (on publicly-owned property)	8111					P											
Museums	7121						P	P	P	P	P				P		P
Parks and playgrounds, public	7121	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Penny arcades, Game stores, other arcade-type entertainment	7131								P	P	P				P		P
Public buildings or facilities erected by a governmental agency	NF	P							P	P	P	P	P		P	P	P
Public utility facilities (exclusive of rights-of-way)	9261	P							P	P	P	P	P		P	P	P
Radio, television, & microwave transmitting stations & towers	5151/ 5171	S										S	S			P*	
Recreation centers	7139	P	S			S	S	S	S	S	S	P	P	P	P	P	P
Roller skating rinks -- indoor	7139									P		P	P			P	
Schools, art	6115		S	S	S	S	S	S	P	P	P	P	P		P	P	P

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Schools, colleges	6113		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, elementary, Grades K-6	6111		S	S	S	S	S	S	P	P	P	P	P	P	P	P	P
Schools, junior colleges	6112		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, kindergarten/primary	6111		S	S	S	S	S	S	P	P	P	P	P	P	P	P	P
Schools, post-secondary not to include universities, colleges, junior colleges, professional schools & special training schools	6111		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, secondary, Grades 7-12	6111		S	S	S	S	S	S	P	P	P	P	P	P	P	P	P
Schools, technical	6115		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, universities	6113		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Schools, vocational	6112		S	S	S	S	S	S	P	P	P	P	P		P	P	P
Sewage treatment facilities	2213	P										P	P			P	
Skeet & trap shooting ranges	7139	S										S	S			P	
Social correctional, treatment & counseling services	9221										S	P	P			P	
Stadiums	7112											P	P		P	P	P
Substance abuse agency treatment centers and clinics (see Chapter 400, Article II, Section 400.015)	6214								S	S	S	S	S				
Swimming clubs	7139	P	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P
Tennis & soccer clubs	7139									P		P	P	P		P	
Theaters, legitimate	7111									P	P	P	P		P	P	P
Water storage (operated by public utilities)	9261	S							P	P	P	P	P		P	P	P

ARTICLE IV**SUPPLEMENTARY REGULATIONS****SECTION 400.125 – INTENT AND PURPOSE**

These regulations supplement and qualify regulations contained elsewhere in this Chapter. Unless otherwise stated, the regulations hereafter established shall apply to all districts established by this Chapter.

SECTION 400.130 – NUMBER OF PRINCIPAL BUILDINGS ON A LOT

Except for detached one-family and two-family dwellings, more than one principal building may be located on the same zoning lot provided that density and dimensional requirements of this ordinance shall be met for each principal building as though they were on individual lots.

SECTION 400.135 – PERMITS AND CERTIFICATES OF OCCUPANCY REQUIRED

Prior to the land preparation or construction of any building or structure permitted in accordance with the provisions of this Chapter and other applicable Chapters of the Washington City Code, the appropriate permits and certificate of occupancy must be secured as provided for in **Article XI, Section 400.490** of this Chapter.

SECTION 400.140 – CONFORMITY WITH DIMENSIONAL AND OFF-STREET PARKING REQUIREMENTS**A. Maintenance of Yards, Open Space, and Minimum Lot Area**

The maintenance of yards, other open space and minimum lot area required for a structure shall be a continuing obligation of the owner of such property on which it is located as long as the structure is in existence.

B. Requirements for Other Structures on a Lot

No required yards, other open space or minimum lot area allocated to any structure, shall be used to satisfy required yards, other open spaces or minimum lot area requirements for any other structure.

C. Obstructions

There shall be no obstructions permitted in required yards except as hereinafter set forth.

D. Compliance with Off-Street Parking Requirements

Except as provided for in **Article VI, Off-Street Parking and Loading Requirements**, no required off-street parking area required for a use on a zoning lot shall be used to satisfy the required off-street parking for a use of another zoning lot.

SECTION 400.145 – LOT AREA AND SETBACK EXCEPTIONS**A. Lot Area Exceptions**

1. In the R1-A, R1-B, R1-D, and R-2 Districts, where a lot of record on July 18, 1988 has less area or width than required within this zoning classification, the lot may be utilized according to the provisions applicable to the District, provided that the requirements concerning minimum depth of front yard, minimum width of side yard and minimum depth of rear yard are met. A reduction in the minimum lot area and/or lot width for detached one-family dwellings may be granted by the Zoning Administrator if the lot area and/or width are consistent with the prevailing pattern of the record subdivision in which the lot is located. In determining the prevailing pattern of a subdivision, the lot area and/or width of at least ten (10) of the closest lots shall be considered or, if there are fewer than ten (10) lots, the prevailing pattern of the lots on the block frontage shall be considered. In no case shall an exception be granted for any lot which is less than four-thousand five-hundred (4,500) square feet in area nor less than thirty seven and one-half (37-1/2) feet in width at the building setback line.
2. In the R-3 District, where a lot of record on July 18, 1988 has less area or width than required within this zoning classification, the lot may be utilized according to the provisions applicable to this District; provided however, that the requirements concerning minimum depth of front yard, minimum width of side yard and minimum depth of rear yard are met; provided further, however, that within this "R-3" District no larger than a four-family dwelling shall be constructed, regardless of lot size, unless the additional lot area requirements of **Section 400.085, Subsection (F), (4)** of this Chapter are met.

B. Lot Setback Exceptions

Every part of a yard between the property lines and the required building setback line shall be unoccupied and unobstructed by any structure or portion of a structure from ground level of the graded lot upward, except for:

1. All Yards:
 - a. Hedges, flagpoles and other customary yard accessories, ornaments and furniture are permitted in any yard subject to location and size limitations, height limitations and requirements limiting obstruction of visibility contained in this Chapter.
 - b. Steps, ramps, or wheelchair lifts, four (4) feet or less above grade, which are necessary for access to a permitted building or structure, or for access to a zoning lot from a street or alley. Guardrails, not exceeding forty-two (42) inches above the walking surface, are permitted as well.
 - c. Awnings and canopies, projecting three (3) feet or less into the required yard setback, except as provided for in paragraph 2. c. below.
 - d. Ordinary projections of chimneys or other vent pipes that are suitably concealed, projecting eighteen (18) inches or less into the required yard setback.
 - e. Fences, subject to the requirements of **Section 400.185, "Fence Regulations."**

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- f. Traffic control devices, pad-mounted transformers, service pedestals, splice boxes and similar appurtenances required for underground utility and cable systems.
2. Front Yards:
- a. Terraces, provided that such terraces shall not extend into the required front yard setback by more than ten (10) feet. Guardrails around terraces are permitted as well, provided that such guardrails shall be limited to forty-two (42) inches above the surface of such terraces.
 - b. One-story bay windows projecting three (3) feet or less into the required front yard setback.
 - c. Awnings, canopies and marquees in the “C” districts are permitted to project into the street right-of-way, subject to the requirements and limitations of the Building Code, but in no event may such building elements project to a point that is closer than 2 feet to the back of any curb line or designated on-street parking space.
 - d. Overhanging eaves and gutters projecting four (4) feet or less into the required front yard setback.
 - e. Off-street parking areas and access drives (see **Article VI, Section 400.255**, for limitations on the location for such areas).
 - f. Signs, subject to the regulations contained in **Chapter 405** of the Washington Municipal Code.
3. Rear Yards:
- a. Terraces, provided that such terraces may be covered, but not enclosed, and that no cover shall extend into the required rear yard setback by more than ten (10) feet. Guardrails around terraces are permitted as well, provided that such guardrails shall be limited to forty-two (42) inches above the surface of such terraces.
 - b. An elevated deck, covered or uncovered, provided that such deck shall not be enclosed nor shall extend into the required rear yard setback by more than ten (10) feet.
 - c. Accessory buildings, detached from the principal building, subject to requirements of the zoning district regulations of **Article III**.
 - d. Antennas and satellite dishes.
 - e. One-story bay windows projecting three (3) feet or less into the required rear yard setback.
 - f. Overhanging eaves and gutters projecting four (4) feet or less into the required rear yard setback.
 - g. Children's recreational equipment.

- h. Laundry drying lines.
 - i. Air conditioning equipment.
 - j. Off-street parking areas and access drives (see **Article VI, Section 400.255**, for limitations on the location for such areas).
4. Side Yards:
- a. Terraces, provided that such terraces shall not be located within two (2) feet of the side lot line. Guardrails around terraces are permitted as well, provided that such guardrails shall be limited to forty-two (42) inches above the surface of such terraces.
 - b. Overhanging eaves and gutters projecting into the required side yard setback for a distance not to exceed twenty-four (24) inches.
 - c. Air conditioning equipment located not less than two (2) feet from the side lot line provided that such equipment does not encroach into any City easement.
 - d. Off-street parking areas and access drives (See **Article VI, Section 400.255**, for limitations on the location for such areas).

C. Side Yard Setback Exception for Detached One-Family Dwellings

Within the “R” districts, a reduction in the minimum side yard setback for detached one-family dwellings may be granted by the Zoning Administrator if the side yard widths are consistent with the prevailing pattern of the subdivision in which the lot is located. In determining the prevailing pattern of a subdivision, the side yards of at least ten (10) of the closest lots shall be considered or, if there are fewer than ten (10) lots, the prevailing pattern of side yards on the block frontage shall be considered. In no case shall an exception be granted which eliminates any of the off-street parking requirements and which does not meet the following minimum standards:

- 1. A side yard of not less than four (4) feet in width.
- 2. A combined width of not less than nine (9) feet for both side yards of the lot.
- 3. A combined width of not less than nine (9) feet for the adjoining side yards of adjoining lots.

D. Setbacks Established by Recorded Subdivision Plat

Where a recorded subdivision plat establishes a building setback line that is greater than that required by the applicable district regulations, the recorded subdivision setback requirement shall be the minimum setback. In no event shall the setback be less than the minimum established for the zoning district.

E. Front Yard Setbacks for Corner Lots of Record

Where a lot of record is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot. However, in situations where the front face of an existing principal building is oriented to the narrower of the two front lot lines, the required front

yard building setback from the longer of the two front lot lines may be reduced to a distance of fifteen (15) feet, or the established setback in the applicable recorded subdivision plat, whichever is greater. This exception shall not apply to reverse corner lots.

SECTION 400.150 – ACCESSORY USES, BUILDINGS, AND STRUCTURES

A. Permitted Accessory Uses or Structures

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use" contained in Article II, "Definitions," including but not limited to, the following typical uses and subject to any limitations herein or as may be established by the individual district regulations:

1. Garages or carports.
2. A structure for storage or a greenhouse, when accessory to a one-family or two family dwelling and subject to size limitations of **Section 400.140, B** below.
3. Antennas and satellite dishes.
4. A child's playhouse.
5. Private recreation facilities, including tennis courts.
6. Outdoor swimming pools and hot tubs.
7. Statuary, arbors, trellises, barbecue stoves, dog houses, flag poles, fences, walls and hedges.
8. Off-street parking areas.
9. Signs, subject to the provisions of Chapter 405 of the Washington City Code and any other requirements of this Chapter.

B. Limitations on Accessory Uses and Structures

In the R1-A, R1-B, R1-C, R1-D, R-2, and R3 Residential Districts the following limitations and restrictions shall apply:

1. Accessory structures may occupy a required rear yard but such accessory structures shall not be nearer than five (5) feet to any side or rear lot line.
2. If a garage is located closer than ten (10) feet to the main building, it shall be regarded as part of the main building for the purpose of determining the side and rear yards.
3. Accessory buildings one hundred (100) square feet or less, where utilities are not connected, may encroach upon the side yard and rear yard setback areas, provided no overhangs encroach upon neighboring property.
4. Any accessory structure that is not part of the main structure shall be located in the side or rear yard.

5. The square footage of all accessory buildings combined must be less than the primary structure.
6. No accessory structure shall be constructed upon a lot until the construction of the main building has been actually commenced.
7. No more than two (2) accessory structures shall be allowed on a lot.

SECTION 400.155 – HOME OCCUPATIONS AND GROUP HOMES

A. HOME OCCUPATIONS

Home occupations are subject to the provisions as outlined below.

1. Permitted Home Occupations

Home occupations are permitted as an accessory use to a residential use in any “R” residential district subject to the definition and requirements of Article II of this Chapter. The following are typical examples of uses which often can be conducted within the limits established herein and thereby qualify as home occupations. Uses which qualify as home occupations are not limited to those named below, nor does this listing automatically qualify it as a home occupation:

- a. Artists, sculptors and authors or composers.
- b. Day care homes.
- c. Dressmakers, seamstresses, tailors.
- d. Home crafts, such as model-making, rug weaving and lapidary work.
- e. Ministers, rabbis, priests.
- f. Music and dance teachers, provided that instructions shall be limited to one (1) pupil at a time, except for occasional groups (see **Section 400.155, B, 1** below).
- g. Office facilities for architects, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions.
- h. Office facilities for sales representatives or manufacturers' representatives, when no sales are made or transacted on the premises (other than by telecommunications).
- i. Office facilities for contractors, cleaning services, landscapers, and other similar enterprises.
- j. Psychologists, counselors, and social workers, provided that the conduct of services be limited to one (1) client at a time, except for occasional groups (see **Section 400.155, B, 1** below).

- k. "Home occupation" shall include the use of a premise by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment but not for the general practice of his profession.
2. Prohibited Home Occupations

The following uses by their nature have a tendency, once started, to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area. Therefore, the uses specified herein (other than personal) shall not be permitted as home occupation:

- a. Any home occupation that involves periodic group meetings/sessions more than four (4) times during any consecutive twelve (12) month period.
 - b. Any home occupation that involves the congregation of two or more non-resident employees, clients, subcontractors, or other persons engaging in business activity at a dwelling unit.
 - c. Barber shops and beauty parlors.
 - d. Dancing schools.
 - e. Medical or dental offices or clinics, including chiropractors, veterinarians, podiatrists, and similar professions.
 - f. Motor vehicle repair or service.
 - g. Painting of vehicles or large household appliances.
 - h. Home occupations which negatively impacts the residential character of the neighborhood.
3. Home Occupations as Businesses

Any home occupation that becomes a business shall be relocated and removed from the residence.

B. GROUP HOMES

Group homes for the disabled meeting the definitions of "Group Homes" and "Disabled Persons" as set forth in **Article II** of this Chapter respectively are permitted uses in any residential district established under the provisions of **Article III** of this Chapter but are subject to the requirements as outlined below:

1. No group home may be established on any lot which is adjacent to any portion of the lot line of any existing group home, whether such existing group home is located within or outside the City.
2. No group home which is owned or operated in whole or in part by an "affiliated person or entity" (as that phrase is defined in **Article II** of this Chapter) that owns or operates, in whole or in part, an existing group home may be located on the same or opposite side of the street

upon which such an existing affiliated group home has any frontage within the same block as the existing affiliated group home, whether such existing affiliated group home is located within or outside the city,

3. Each group home shall provide sufficient off-street parking in conformity with the parking standards set forth in **Article VI** of this Chapter to accommodate the needs of the house parents, residents and visitors to the premises. The Zoning Administrator shall establish the required number of parking spaces for each group home based upon:
 - a. The number of house parents or guardians to reside in the home;
 - b. The reasonable needs and circumstances of the persons intended to reside in the home; and
 - c. The reasonably anticipated frequency and duration of visitors to the home.

Any person aggrieved by a decision by the Zoning Administrator as to the number or necessity of parking spaces may appeal that decision to the Washington Board of Adjustment pursuant to **Article XIII** of this Chapter.

SECTION 400.160 – MOBILE HOME PARKS

A. Mobile Home Park Requirements

In all districts where mobile home parks are permitted as special uses, in addition to the requirements of the **Special Use Regulations of Article V** of this Chapter the following shall apply.

1. Access to the mobile home park shall be from an major highway or street or a collector street, number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, no mobile home space shall be designed for direct access to a street outside the boundaries of the mobile home park and the interior access drives shall be at least thirty (30) feet in width, and asphaltic or concrete paved.
2. The minimum dimensions of the mobile home park shall be three hundred (300) feet by three hundred (300) feet, and the minimum total area of the mobile park shall be two (2) acres; provided however, that minimum area may be one (1) acre where the proposed park is to be located adjacent to an existing mobile home park containing an area of two (2) acres or more.
3. The minimum area for a mobile home site for parking one mobile home shall be two thousand five hundred (2,500) square feet with minimum dimensions thirty-five by forty (35 x 40) feet.
4. In addition to the requirement of Subsection (3), the mobile home park shall contain at least one thousand five hundred (1,500) square feet per mobile home for community facilities, including play space, utility rooms, parking and access roads.
5. The mobile home park shall be surrounded by a landscaped strip of open space fifty (50) feet wide along the street frontage with an arterial highway and twenty-five (25) feet wide along all other lot lines or street frontage.

6. No mobile home shall be parked closer than twenty (20) feet to any other mobile home or service building and no part of a mobile home shall extend closer than five (5) feet to the boundaries of the individual mobile home site.
7. Off-street parking spaces for automobiles shall be provided in the ratio of one and one-half (1½) spaces per mobile home in locations convenient to individual mobile homes or groups of mobile homes.
8. All occupied mobile homes shall have toilet and bathing facilities and shall be connected to public water supply and sanitary sewers. Proper provision shall be made for fire protection, refuse collection, laundry facilities, fuel storage and dusk to dawn lighting.
9. The proposed mobile home park shall comply with all provisions of this Chapter and Federal, State and local laws and regulations.

SECTION 400.165 – TEMPORARY USES

A. Temporary Uses Permitted

1. Christmas Tree Sales:

Christmas tree sales may be permitted in any of the business districts for a period not to exceed sixty (60) days. The site shall be cleared and cleaned within ten (10) days after Christmas day.

2. Contractor Offices:

Temporary buildings or trailers may be used as construction offices, field offices or for storage of materials to be used in connection with the development of a tract of land, provided that said temporary structures are removed from said tract within thirty (30) days after completion of the development. Temporary buildings or trailers must also be removed from said tract within thirty (30) days after voluntary suspension of work on the project or development or after revocation of building permits, or on order by the Zoning Administrator upon a finding that said temporary structure is deemed hazardous to the public health and welfare.

3. Real Estate Offices:

Temporary real estate offices or sales offices provided, however, such offices are only permitted to be located and used by the owner or developer within a development with a minimum of ten (10) individual lots provided further, however, that said owner or developer shall comply with the following requirements:

- a. Posting with the City of Washington, Missouri, a surety bond in the amount of one thousand dollars (\$1,000.00) to guarantee removal;
- b. Temporary real estate office or sales office, if located within a trailer, shall be removed from the development upon the expiration of one (1) year from the date of final plat approval of the first (1st) plat within the development in accordance with Section 490.050; or when ninety percent (90%) or more of the lots within the development have

been sold; or within sixty (60) days after voluntary suspension of work, whichever occurs first;

- c. The temporary real estate office or sales office, if located within a display home, shall be removed from the development when ninety percent (90%) or more of the lots within the development have been sold or within sixty (60) days after voluntary suspension of work, whichever occurs first;
 - d. The temporary real estate office or sales office may only be located within a trailer or a display home;
 - e. The temporary real estate office or sales office shall comply with all setback requirements;
 - f. The temporary real estate office or sales office shall be landscaped which shall be approved by the Zoning Administrator;
 - g. A minimum of four (4) off-street parking spaces shall be provided as directed by the Zoning Administrator;
 - h. The temporary real estate office or sales office shall be connected to the City of Washington water and sewer; and
 - i. The temporary real estate office or sales office shall only be in use between the hours of 8:00 A.M. and 8:00 P.M. Monday through Friday and 8:00 A.M. and 4:00 P.M. Saturday and Sunday.
4. Outdoor Amusement Activities:

The Zoning Administrator is authorized to approve the operation or conducting of an outdoor amusement activity on a temporary basis within any zoning district. For the purpose of this paragraph, "outdoor amusement activity" includes a circus, carnival, fair, arts and crafts festival, trade or animal show, concert, rally, parade, athletic competition and any similar activity not involving the erection of any permanent structure or facility. The Zoning Administrator may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. This approval is in addition to any building permit, or other permit or license required by law for any proposed activity or facility.

5. Food Stands:

Subject to the provisions of **Chapter 635, Sections 635.010 through 635.020** of the Washington City Code and the **Special Use Permit Regulations of Article V** of this Chapter, Food Stands for the temporary sale of seasonal fruits and vegetables, or other seasonal agricultural products are permitted as special uses in the AG, C-1, C-2, and C-3 Districts.

B. Limitations on Temporary Commercial Uses

1. Notwithstanding other provisions of this ordinance, temporary outdoor sales of products or services shall be limited to the tenant or owner/occupant of commercial property upon which

such outdoor sales take place. This shall not apply to temporary outdoor sales that are associated with food or agricultural products approved by the Health Department or non-profit organizations and where such sales are for charitable purposes only, or to temporary on-site services that are accomplished within a two-hour time period (e.g., windshield repair/replacement service).

2. Except for sidewalk sales within the C-2 or C-3 Commercial Districts and subject to any permit or licensure requirements of the Washington City Code, no temporary commercial activity shall take place within a street right-of-way.

SECTION 400.170 – ANNEXED TERRITORY

A. Zoning upon Annexation

Unless an ordinance annexing property provides otherwise, all territory which may be hereafter annexed to the City shall be classified in the "R-1A" Single-Family District until, within a reasonable time following annexation, the annexed territory shall be appropriately classified by amending this Chapter in accordance with Sections 400.150 to 400.190 of this Chapter.

B. Voluntary Annexation Petitions

1. Any request for voluntary annexation submitted to the City of Washington, Missouri, pursuant to Section 71.012 of the Revised Statutes of Missouri shall be accompanied by a cost deposit of two hundred dollars (\$200.00) for processing said request.
2. If the request for voluntary annexation is not approved by the City Council, the cost deposit shall be refunded to the applicant. If the request for voluntary annexation is withdrawn by the applicant, the cost deposit shall be forfeited to the City. If the request for voluntary annexation is contingent on the occurrence of one (1) or more events and these events do not transpire due to action or inaction by others than the City Council and the voluntary annexation is not approved by the City Council, then the cost deposit shall be forfeited to the City.

SECTION 400.175 – HEIGHT REGULATIONS

A. Height Limitations on Buildings

Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a District, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not to exceed seventy-five (75) feet, if the building is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the District in which the building is located.

B. Height Limitation Exceptions for Certain Building or Structure Elements

Chimneys, cooling towers, fire towers, monuments, stacks, tanks, water towers, solar energy devices and necessary mechanical appurtenances are not intended to be precluded by the provisions of this Chapter, and may exceed the height regulations set out in Subsection (A) of this Section upon securing a special use permit, as set out in Article V of this Chapter, after

appropriate consideration is given to the criteria set out therein, as well as the degree to which the structure interferes with or may have negative impacts on the surrounding uses.

SECTION 400.180 – AREA REGULATIONS

A. Front Yards.

1. An open, unenclosed, uncovered porch, such porch not to be above the first floor level, or paved terrace, may project into a front yard for a distance not exceeding ten (10) feet, and at least two (2) feet from the adjacent lot line. An enclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not exceeding four (4) feet.
2. When on the effective date of this ordinance (July 18, 1988) or subsequent amendments hereto, forty percent (40%) or more of a frontage on one (1) side of a street between two (2) intersecting streets was occupied by two (2) or more buildings, then the depth of the front yard heretofore established shall be adjusted in the following manner:
 - a. When the building furthest from the street provides a front yard no more than ten (10) feet deeper than the building closest to the street, then the depth of the front yard for the frontage is the average setback of the existing buildings.
 - b. When the situation differs from that in Subparagraph a. is within one hundred (100) feet of an existing building on each side, then the depth of the front yard is determined by a line drawn from the closest front corners of these two (2) adjacent buildings.
 - c. When the situation differs from that in Subparagraphs (a) or (b) and the lot is within one hundred (100) feet of an existing building on one (1) side only, then the depth of the front yard is the same as that of the existing adjacent building.
3. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of such lot shall not be reduced to less than thirty (30) feet. No accessory building shall project beyond the front yard line on either street.
4. Where lots have a double frontage, the required front yard shall be provided on both streets.

B. Side Yards

For the purpose of the side yard regulations, a two-family or multiple dwelling shall be considered as one (1) building occupying one (1) lot.

C. Rear Yards

Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, projecting into a rear yard not more than five (5) feet.

D. Alley Width

Where a lot abuts upon an alley, one-half (½) of the alley width may be considered as part of the required yard.

E. Lot Area per Family

Where a lot of record in separate ownership from adjacent property on July 18, 1988 has less area or width than required in the district in which it is located, the lot may be utilized according to the provisions applicable to the District in which it is located, provided that the requirements concerning minimum depth of front yard, minimum width of side yard and minimum depth of rear yard are met; provided further, however, that this exception shall not apply to the owner of a lot of record who owns one (1) or more lots of record adjacent to it each of which contains less than six thousand (6,000) square feet in area in which case these lots shall be combined to form one (1) or more lots which meet, or more closely approximate, the area and width required in the District in which it is located. Requirements for lot area per family shall not apply to fraternities, dormitories or sororities where no cooking facilities are provided in individual rooms or apartments.

F. Lots with Less Than Required Area

Where a lot of record has less area than required in the district in which it is located, the lot may be subdivided or re-subdivided, provided that after the subdivision or re-subdivision, the lot has more area than prior to the subdivision or re-subdivision.

SECTION 400.185 – FENCE REGULATIONS

A. Purpose and Intent

To encourage and protect the privacy and value of adjacent permitted uses and to reduce visibility obstructions, the following regulations are established for the location of types of fence devices permitted in all residential, commercial and industrial zoned districts.

B. Definitions

The following words shall have the meanings as set out herein:

FENCE

A structure and/or materials consisting of wood (rails or stakes), wire, masonry, or other similar materials erected so as to provide a barrier or enclosure along the boundaries of a yard or lot. Such fence may or may not have openings for sidewalks and driveways within its vertical surface depending on its construction and use.

SIGHT DISTANCE TRIANGLE

The triangle area of a lot bound by the property lines and a line connecting the two (2) points on the property lines a designated distance from the intersection of the property lines. The designated distance shall be as follows:

1. For corner lots on streets and alleys—twenty (20) feet.
2. For lot adjoining private driveways—ten (10) feet.

C. General Provisions

1. No permit shall be required for the erection, installation, or alteration of any fence within the City of Washington, Missouri except as may be required by **Chapter 500 (the “Building Code”)** of the Washington Municipal Code.
2. No wall, fence or other structure shall be erected or installed and no hedge, tree, shrub, growth or object of any kind shall be erected, installed or maintained across the sight distance triangle. The Zoning Administrator may require additional sight distance triangle area for clear sight and safety as determined by a traffic study.
3. Fences shall not exceed three and one-half (3½) feet in height above street grade within the required front yard setback.
4. The City shall not be responsible for the replacement of fences constructed over dedicated utility easements or public right-of-way which fences are removed by the City.
5. Owners of property upon which fences are located shall maintain said fences and remove any fence if it becomes unsightly or a menace to public health, safety and welfare.
6. A non-transparent fence or enclosure shall be placed around a solid waste dumpster of one (1) cubic yard or greater which is placed to serve any structure other than a single-family dwelling. The fence or enclosure shall be a minimum of one (1) foot wider of all sides and one (1) foot taller than the solid waste dumpster it encloses. Adequate doors shall be used which allow the solid waste dumpster to be easily removed from the enclosure.

D. Fence Regulations for Residential ("R") Districts

1. The use of barbed wire or any other similar material shall not be permitted on fencing.
2. Residential fences, excluding natural vegetation, shall not exceed eight (8) feet in height.
3. Ornamental dividers, plastic chains, posts or like materials erected along driveways or sidewalks, not exceeding three and one-half (3½) feet, shall not be considered a fence.
4. Fences shall be erected around swimming pools in accordance with the building codes of the City of Washington, Missouri.

E. Fence Regulations for Commercial ("C") and Industrial ("M") Districts

1. Fences higher than eight (8) feet may be approved for security and/or screening purposes by the Zoning Administrator.
2. Fences are permitted on any lot or paved area. Fences may encroach into the front yard setback provided they do not exceed three and one-half (3½) feet in height above street grade in commercially zoned property and six (6) feet in height above street grade in industrial zoned property.
3. Barbed wire shall be permitted only when the lowest strand is at least seven (7) feet above street grade, and only when used in conjunction with a fence of other materials.

SECTION 400.190 – LANDSCAPING, BUFFERING, AND SCREENING REQUIREMENTS**A. Purpose and Intent**

Green space and landscaped areas shall be provided in order to create attractive transition areas between properties; to minimize the impact of air, water and noise pollution; to provide shade and reduce glare, to minimize the visual impact of solid waste receptacles and other on-site storage areas; and to maintain and enhance the natural features of the site. These regulations provide standards and criteria landscaping which are intended to enhance the value of property, provide buffers between dissimilar uses, improve the physical appearance of the City and maintain an ecological balance. Maintaining and recreating an ecological balance is of increasing importance because of the land coverage of pavement and structures. These impervious surfaces create an increase in air temperature, water runoff, flooding, erosion, water pollution and ground water depletion. Vegetation effectively alters these imbalances through oxygen replacement, water absorption and abatement of noise, glare and heat. Landscape methods, which conserve water through the use of drought-tolerant plants and planting techniques, are encouraged.

B. Applicability

These standards and criteria contained with this Section are deemed to be minimum standards and shall apply to all new construction occurring within the City except that of single-family dwelling, two-family dwelling and agricultural zoning districts ("R-1A", "R-1B", "R-1C", "R-1D", "R-2", "AG").

C. Enforcement

1. The provisions of this Section shall be administered and enforced by the Zoning Administrator or authorized representative.
2. If, at any time after the issuance of a certificate of occupancy, it is determined that the approved landscaping does not conform to the standards and criteria in this Section, a notice shall be sent to the owner citing the violation and describing what action is required to comply with this Section. The owner shall have thirty (30) days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this Section. It is the responsibility of the owner of the property that these requirements are complied with.

D. Permits

1. No permits shall be issued for the improvement of any site, the construction of any building, or the establishment of any use for which a landscape plan is required by this Section until such plan has been submitted to and approved by the Zoning Administrator or authorized representative.
2. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan required below.
3. Temporary certificates of occupancy will be issued when seasonal climates do not allow for the planting of vegetation. A landscape plan shall be submitted and a schedule for completion

shall be established to be in conformance with the requirements of this Section. Financial assurance must be given by the developer for the estimated cost of the landscape plan.

E. Landscape Plans

1. The landscape plan may be submitted concurrently with the site plan or preliminary plat to the City Engineering Department. The Zoning Administrator, or authorized representative, shall review such plans and shall approve them if the plans are in accordance with criteria set forth in this Section. If the plans are not in accord, they shall be disapproved and shall be returned to the developer accompanied by a written statement setting forth the changes necessary to bring the plans into compliance.
2. Landscape plans shall contain the following information:
 - a. A minimum scale of one (1) inch equals fifty (50) feet;
 - b. The location of all existing and proposed plant and landscaping materials to be used including plants, or other landscape features;
 - c. The person responsible for the preparation of the landscape plan.
3. The landscape plan shall provide, to the maximum extent practicable, for the preservation of existing trees. It is the intent to discourage the practice of removing all existing trees in the improvement or development of properties within the City.
4. Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques (known as xeriscape) are encouraged.

F. Maintenance

The owner of the property shall be responsible for maintaining, in a neat and orderly manner at all times, the landscaping required by this Section. Plant materials shall be maintained in a healthy and growing condition that is appropriate for the season of the year. Plant materials which die shall be replaced with a healthy plant material of similar variety and meeting all requirements of this Section.

G. General Standards and Definitions

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

BUFFERYARD/BUFFER AREA

A unit of land containing trees, shrubs, and other plants, berms, fences or walls and used to visibly separate one use from another or to block noise, lights, or other nuisances. Bufferyards are used to create a transition from one zoning district to another.

CALIPER OR DIAMETER AT BREAST HEIGHT (DBH)

A measurement of the size of a tree equal to the diameter of its trunk measurement at four and one-half (4½) feet above natural grade. For newly planted trees, the caliper measurement will be taken six (6) inches above natural grade.

COVERAGE

Grass, ground cover, shrubs and other living landscape materials shall be used to cover all open ground. Landscaping materials such as mulch, bark, etc., can be incorporated into a landscape plan where appropriate.

FENCE

An opaque structure and/or materials consisting of wood, masonry or vinyl erected so as to provide an enclosure along the boundaries of a lot.

GROUND COVER

Ground covers used in lieu of grass whole and in part shall be planted in such a manner as to present a finished appearance and reasonable complete coverage within one (1) year after time of planting.

LANDSCAPE PLAN

A plan designed to indicate the location of proposed landscaping within a development as well as existing landscaping to be retained. A landscape plan is submitted concurrently with either a preliminary or site plan.

LAWN GRASS

Grass areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales, berms, or other area subject to erosion.

LOCATION

Trees, as required by this Section, shall be located in front of the building line, but shall not be located in front of a street right-of-way. Location of new trees shall not be allowed in the following areas:

1. Street trees shall not be closer than ten (10) feet to any curb, and;
2. Street trees shall not be placed within ten (10) feet of street inlets or manholes.

QUALITY

All trees and shrubs used in conformance with the provisions of this Section shall have well-developed leaders and topes, and root characteristics of the species, cultivator or variety and shall show evidence of proper pruning. All plant materials must be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.

SHRUBS AND HEDGES

Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen.

TREES

Trees shall be of species common to or adapted to this area of Missouri.

H. Minimum Open Space Requirement

All property shall comply with the minimum open space requirement of the district in which the property is located.

I. Minimum Buffer Area Requirements

For all zoning districts as provided for in **Article III** of this Chapter, except those districts provided for in **Section 400.115, “Planned Development Districts”**, the following minimum buffer area requirements shall apply.

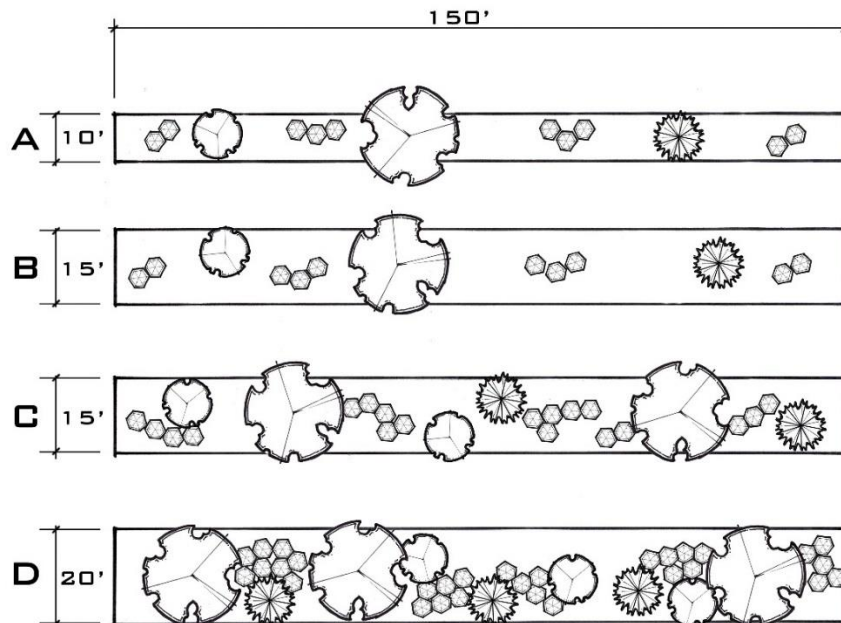
- a. A single "plant unit" for Bufferyards shall consist of the total plantings designated in one (1) of the columns below in the Table of Standard Plant Units:

TABLE OF STANDARD PLANT UNITS		
Type of Plant and Size	Standard Plant Unit	Alternative Unit
Canopy Tree	1	1
Understory Tree	1	0
Shrubs	10	9
Evergreen Tree	1	3

- b. The number of Plant Units required for a Bufferyard is dictated by the width of the Bufferyard that is required per the regulations of the zoning district involved and as required by the Table of Bufferyard Standards below and as depicted in the Bufferyards examples following the Table:

TABLE OF BUFFERYARD STANDARDS		
Bufferyard	Number of Plant Units	Bufferyard Width
A	1	10 Feet
B	2	15 Feet
C	3	15 Feet
D	4	20

BUFFERYARDS



The exact placement of required plants and structures shall be the decision of each user except that the following requirements shall be satisfied:

1. All Bufferyard areas shall be seeded with lawn, ground cover or prairie grass unless a natural ground cover is already established.
2. Required plant materials for Bufferyards shall be planted with the following minimum sizes:

VEGETATION SIZE OR HEIGHT	
Canopy Tree	2 inch caliper
Evergreen Tree	6 feet height
Understory/Ornamental Tree	1.5 inch caliper
Shrubs	18 inch median height

3. Where the amount of frontage will require a fractional number of plant units, the requirements will be as follows: When the fraction is less than one-half (.5), the number required shall be the amount of the next lowest whole number, but not less than one (1). When the fraction is one-half (.5) or greater, the required amount will be the next largest whole number
4. A Bufferyard may be used for passive recreation. It may contain pedestrian, bike or jogging trails provided that: no plant material is eliminated, the total width of the Bufferyard is maintained and all other regulations of controlling ordinances are met.
5. The property owner shall maintain the minimum Bufferyard planting requirements of this Section and replace as necessary to maintain the required plant units.
6. In lieu of a landscaped buffer, the City Council may require fencing which meets the requirements set forth in **Section 460.185 (E)(1) and (2)** so long as it is opaque in nature only.
7. Except for those zoning districts provided for in **Article III, Section 400.115, “Planned Development Districts”**, the following "Bufferyard matrix" identifies the type of Bufferyard (established in **Section 400.190 (I)** above) required to separate different zoning district types:

MINIMUM BUFFERYARD MATRIX				
	LDR	MDR	HDR	C/M
LDR	-	-	B	D
MDR	-	-	A	C
HDR	B	A	-	B
C/M	D	C	B	-

Zoning District Key to Bufferyard Matrix	
Bufferyard Type	Applicable Zoning District
Low Density Residential (LDR)	AG, R-1A, R-1B
Medium Density Residential (MDR)	R1-C, R1-D, R2
High Density Residential (HDR)	R3
Commercial/Industrial (C/M)	C1, C2, C3, M1, M2

8. Buffer area requirements for “Planned Development” zoning districts shall be subject to the development plan requirements for the proposed planned district as provided for in **Article III, Section 400.115, G.**

J. Minimum Requirements for Off-Street Parking and Vehicular Use Areas

1. The interior of parking lots and vehicular use areas for uses requiring site plans shall be landscaped in accordance with the following criteria. Areas used for parking or vehicular storage, which are under, on, or within buildings are exempt from these standards.
2. Interior landscaping. For sites containing parking and vehicular use areas totaling thirty (30) or more parking spaces or the gross floor area is twelve thousand (12,000) or more square feet, a minimum of five percent (5%) of the parking or vehicular use area shall be devoted to living landscape which includes grass, ground cover, plants, shrubs and trees. Gross parking shall be determined by calculating the total area used for parking, including circulation aisles. The following additional criteria shall apply to the interior of parking and vehicular use areas:
 - a. Interior landscape areas shall be protected from vehicular encroachment or overhangs through appropriate wheel stops or curbs.
 - b. There shall be a minimum of two (2) ornamental trees or one (1) shade tree planted for each thirty (30) parking spaces or twelve thousand (12,000) square feet of parking or vehicular use area, or fraction thereof.
 - c. Interior areas of parking and vehicular use areas shall contain planting islands located so as to best relieve the expense of paving. Interior planting areas shall be a minimum of one hundred (100) square feet for each ornamental tree and two hundred (200) square feet for each shade tree dimensional in such a way as to provide a suitable area for planting.

K. Sight Distance Visibility

1. Strict compliance with these landscape requirements shall not be required if it would cause visibility obstructions and/or blind corners at intersections.
2. Landscaping, except required grass and low ground cover, shall not be located closer than five (5) feet from the edge of any accessway pavement.
3. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the City Traffic Engineer, the requirements set forth herein shall be modified to the extent necessary to remove the conflict.

L. Utility Easements

Utility easements shall be agreed to with the affected utility prior to submission of landscape plans. Within utility construction requirements, easements shall be provided at locations that minimize their impact on required Bufferyards and perimeter landscaping. Planting in or adjacent to a utility easement shall be coordinated with the utility.

SECTION 400.195 – PERFORMANCE STANDARDS**A. Hazardous Conditions**

Every use shall be so operated as to comply with the applicable standards and enforcement provisions contained in the most current Building Code and Fire Prevention Code, as adopted by the City of Washington.

B. Vibration

Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot lines of the property on which the use is located.

C. Noise

The sound pressure level, to be measured as described below, shall not exceed the following decibels (dB) in the various octave bands when adjacent to the designated types of use districts.

Octave Band (cycles per second)	Sound Level in Decibels (dB)	
	All Dwelling Districts	All Business Districts
37.5 to 75	58	73
75 to 150	54	69
150 to 300	50	65
300 to 600	46	61
600 to 1200	40	55
1200 to 2400	33	48
2400 to 4800	26	41
over 4800	20	35

Method of Measurement: Measurements are to be made at the property line of sound source that is adjacent to a dwelling or business property located within a dwelling or business district. The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American National Standards Institute, Inc.

Intermittent Sounds: Intermittent sounds that normally would be objectionable within residential areas (e.g., exterior paging system) shall be controlled so as not to become a nuisance to a residential area.

D. Odor and Waste

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, refuse, water-carried waste, pollutants or other matter which in any manner creates a nuisance beyond the property line of a particular use.

E. Glare and Heat

Any operation producing intense glare or heat shall be performed in an enclosure in such a manner as to be imperceptible along any lot line without instruments.

F. Exterior Lighting

Lighting within any property that unnecessarily illuminates another property and interferes with the use and enjoyment of such other property is prohibited. In furtherance of this requirement, the following exterior lighting guidelines for commercial and industrial buildings and sites shall apply:

1. Scope of Provisions

The following regulations shall apply to all uses and to all development, including new commercial or light industrial development or redevelopment of sites and buildings within the zoning districts with a “C” or “M” designation and to all such projects being considered for parcels to be rezoned to these district designations or to Planned Development Districts that may involve commercial or industrial uses (PD-C, PD-I, or PD-MXD) under **Article III, Sections 400.090 through 400.115** of this ordinance. In addition, these provisions shall apply in the same districts in circumstances where:

- a. a new tenant wishes to make exterior lighting changes to an existing site and building;
- b. a project requires the amendment of an existing, approved site plan;
- c. a project requires a new or amended condition use permit; and
- d. any lighting change is to be made to an existing site and/or building involving new fixtures, standards, heads, or luminaires

2. General Guidelines and Standards

- a. Site lighting shall include all lighting on property, other than lighting within a fully enclosed building, provided that site lighting shall include interior lighting when used as accent lighting, as provided in **subsection 2. i.** below.
- b. Site lighting fixtures shall be compatible with the building design and the adjoining landscape and shall not be used in such a manner as to the turn the building itself into “signage”.
- c. Excessive brightness of site lighting shall be avoided.
- e. Site lighting shall not spill over to adjacent sites or properties.
- f. Site lighting shall not create glare which is directed toward or reflected onto adjoining properties.
- g. Site lighting shall not create glare which is directed toward or reflected onto streets, or interior drives where such glare could negatively impact vehicular or pedestrian safety.
- h. Except as may be provided elsewhere in this section, site lighting shall at no time be directed upward, in a radiating and/or moving or sweeping pattern, or at any angle which will light surfaces other than building walls, parking or pedestrian areas, and landscaped areas, and shall not create lighting patterns which will direct light toward residential areas.

-
- i. The use of neon tubing of any color is only permitted as part of trade dressing on the exterior of a building as described in an approved site plan.
 - j. At the time of filing any application for any use, development, amendment or change as set out in subsection (a) hereof, a lighting plan for site lighting shall be provided on a separate sheet. The following information shall be submitted as part of the lighting plan:
 - (1) Manufacturer's catalog cut sheet or other graphic and narrative description of the light standards, fixture heads, and/or luminaires with specification data.
 - (2) Photometric curves indicating both vertical and horizontal candle-power distribution.
 - (3) A plan of the site superimposed with a grid of not more than twenty (20) feet between light sources showing the calculated footcandle levels at average site grade at the center of each twenty (20) foot grid.
 - k. All site lighting shall be installed utilizing underground cable.
 - l. For non-single family residential uses, lights shall be installed in all parking areas containing five (5) or more parking spaces and shall be illuminated between dusk and dawn. For nonresidential uses, lights shall be installed in all parking areas containing five (5) or more parking spaces and shall be illuminated between dusk and dawn whenever said premises are open for operation. "Open for operation" shall be any time that a retail business is open for the sale of goods or services or a retail, office, or industrial facility actually has employees working within or upon said premises, other than guards, watchmen, or home occupations.
 - m. Notwithstanding anything to the contrary herein, lighting in connection with temporary display and promotion of events may be approved by the Zoning Administrator or his or her duly designated representative in the manner as otherwise provided for in the Washington Municipal Code
3. Illumination standards:
- a. Except as otherwise provided in the following provisions of this section, all parking and loading areas and walkways shall be illuminated so as to produce a uniform minimum average illumination within such areas of two (2) footcandles of illumination, measured at the ground level.
 - b. Lighting fixtures or standards without cutoff-type luminaires or with globe-style luminaires shall be no higher than fifteen (15) feet and shall have a maximum illumination output of not more than ten thousand (10,000) lumens.
 - c. In non-Industrial areas lighting fixtures or standards with a cutoff-type luminaire shall be no higher than thirty-five (35) feet with a maximum average illumination of the property, measured at ground level over the site, of ten (10) footcandles and shall be of a flat lens design, not a drop down lens design.

- d. In Industrial areas, lighting standards for parking, loading, and staging areas shall be in accordance with a lighting plan approved by the City, but in no event will a fixture exceed sixty (60) feet in height.
- e. Except as may be otherwise approved by City Engineer and/or the city's designated representative, where parking and loading areas are adjacent to residential areas, the maximum average illumination of the area between the rear building wall line and the property line abutting a residential area shall be one (1) footcandle measured at ground level over the site, provided that at the property line abutting a residential area, the maximum illumination of the property shall be no higher than one-tenth (0.1) footcandle.
- f. Where parking or loading areas abut residential property, the fixture head shall be of an appropriate type which controls the lighting pattern and shield such residential property from direct view of the light source. In order to achieve this end, reflector shields may be required for fixture heads.
- g. Globe-style fixture heads (including other shapes such as acorn or cylinder styles) may only be used as decorative accents along the front of properties or buildings. Globe-style fixture heads shall be of the types which are frosted or translucent so that the bulb lighting source is not visible and that emitted light is diffused.
- h. All light standards, whether on internal drives and parking areas or public right-of-ways shall be of similar design as approved in the larger overall (concept) approved site plan.
- i. Lighting of all site areas shall use current lighting bulb/luminaire technology that minimizes energy consumption without creating oddly-colored light or inducing significant color changes to building façade materials.

G. Visibility at Intersections

Notwithstanding any other provisions of this Chapter or Article, on any corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially obstruct or impede vision between a height of two and one-half (2-1/2) and ten (10) feet above the center line 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 twelve (12) feet from the point of intersection.

F. Enforcement of Performance Standards

1. Whenever, in the opinion of the Zoning Administrator, there is a reasonable probability that any use or occupancy violates these performance standards, he is hereby authorized to employ qualified professionals or technicians to perform whatever investigations and analyses in order to make a determination on whether or not a violation exists.
2. In the event that a violation is found to exist, the violator shall be liable for the reasonable fee of the professionals and/or technicians employed to perform such investigations and analyses only if the violator has been given reasonable notice of the pending investigation and informed of the violators' liability for the costs of such investigations and analyses. Such fees may be recovered as a penalty in the same manner as, and in addition to, the penalties specified in **Article I, Section 400.035** of this Chapter.

SECTION 400.200 – SOLAR PANEL PLACEMENT AND INSTALLATION

A. Purpose and Intent

1. Solar energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce a municipality’s energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.
2. The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is an element of community and environmental sustainability that the City of Washington wishes to recognize.
3. The ordinance aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefor.

B. Definitions

ACCESSORY STRUCTURE

A structure, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto, and is located on the same lot or premises as the principal building.

ALTERNATIVE ENERGY SYSTEMS

Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS

A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.

COLLECTIVE SOLAR

Solar installations owned collectively through subdivision homeowner associations, college student groups, “adopt-a-solar-panel” programs, or other similar arrangements.

EXPEDITED REVIEW

The grant of a priority status to an application that results in the review of the application ahead of applications filed prior thereto, including applications which may be currently under review by the applicable agency.

FLUSH-MOUNTED SOLAR PANEL

Photovoltaic panels and tiles that are installed flush to the surface of a roof and which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.

NET-METERING

A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

PERMIT GRANTING AUTHORITY

The City of Washington authority charged with granting permits for the operation of solar energy systems.

PHOTOVOLTAIC (PV) SYSTEMS

A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

QUALIFIED SOLAR INSTALLER

A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on the list of eligible installers or NABCEP’s list of certified installers may be deemed to be qualified solar installers if the City determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

ROOFTOP OR BUILDING MOUNTED SOLAR SYSTEM

A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

SMALL-SCALE SOLAR

For purposes of this Ordinance, the term “small-scale solar” refers to solar photovoltaic systems that produce up to ten kilowatts (kW) per hour of energy or solar-thermal systems which serve the building to which they are attached, and do not provide energy for any other buildings.

SOLAR ACCESS

Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR COLLECTOR

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR EASEMENT

An easement recorded pursuant to Missouri law, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

SOLAR ENERGY EQUIPMENT/SYSTEM

Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

SOLAR PANEL

A device for the direct conversion of solar energy into electricity.

SOLAR STORAGE BATTERY

A device that stores energy from the sun and makes it available in an electrical form.

SOLAR-THERMAL SYSTEMS

Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

C. Applicability

1. The requirements of this Section shall apply to all Small Scale solar energy systems (residential, commercial, multi-family and condominium) modified or installed after the effective date of this Ordinance.
2. Solar energy systems for which a valid permit has been properly issued or for which installation has commenced prior to the effective date of this article shall not be required to meet the requirements of this Section except in accordance with sub-section F, (5), (6), and (7).
3. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.
4. Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit “collective solar” installations or the sale of excess power through a “net billing” or “net-metering” arrangement in accordance with state or federal statute.

D. Permitting

1. No Small Scale solar energy system or device shall be installed or operated in the City except in compliance with this article.
2. To the extent practicable, and in accordance with Washington Municipal Code, the accommodation of solar energy systems and equipment and the protection of access to

sunlight for such equipment shall be encouraged in the application of the various review and approval provisions of the Washington Municipal Code.

3. Rooftop and Building-Mounted Solar Collectors: Rooftop and building mounted solar collectors are permitted in all zoning districts in the City subject to the following conditions:
 - a. Building permits shall be required for installation of all rooftop and building-mounted solar collectors, except:
 - (1) A building permit shall not be required for Flush-Mounted Photovoltaic Panels.
 - b. Any height limitations of the Washington Municipal Code shall not be applicable to solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve, and that such structures do not obstruct solar access to neighboring properties.
 - c. Placement of solar collectors on flat roofs shall be allowed as of right in non-historic districts, provided that panels do not extend horizontally past the roofline.
4. Building-Integrated Photovoltaic (BIPV) Systems: BIPV systems are permitted outright in all zoning districts.
5. Ground-Mounted and Free Standing Solar Collectors: Ground-mounted and free standing solar collectors are permitted as accessory structures in all zoning districts of the City, subject to the following conditions:
 - a. Building permits are required for the installation of all ground-mounted solar collectors.
 - b. The location of the solar collector meets all applicable setback requirements for accessory structures in the zoning district in which it is located.
 - c. The height of the solar collector and any mounts shall not exceed [20] feet when oriented at maximum tilt.
 - d. Solar energy equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.
 - e. Freestanding solar energy collectors shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping, or other screening which will harmonize with the character of the property and surrounding area.
6. Solar-Thermal Systems: Solar-thermal systems are permitted in all zoning districts subject to the following condition:
 - a. Building permits are required for the installation of all solar-thermal systems.
7. Solar energy systems and equipment shall be permitted only if they are determined by the City not to present any unreasonable safety risks, including, but not limited to, the following:

- a. Weight load
 - b. Wind resistance
 - c. Ingress or egress in the event of fire or other emergency.
8. Installations in designated historic districts as shall be subject to the design review requirements of the Washington Historic Preservation Commission and set forth in **Article X, Sections 400.420 through 400.475** of this Chapter unless such installations are not visible from the street.

F. Safety

1. All solar collector installations must be performed by a qualified solar installer as defined in **Section 400.200, B** above.
2. Prior to operation, electrical connections must be inspected by a Washington Code Zoning Administrator and by an appropriate electrical inspection person or agency, as determined by the City.
3. Any connection to the public utility grid must be inspected by the appropriate public utility.
4. Solar energy systems shall be maintained in good working order.
5. Rooftop and building-mounted solar collectors shall meet the Fire Prevention and Building Code standards currently in effect under the Washington Municipal Code.
6. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the City's Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of City and other applicable laws and regulations.
7. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the twelve-month period.

G. Appeals

1. If an individual is found to be in violation of the provisions of this Section, appeals should be made in accordance with the established procedures of the **Article XIII** of this Chapter.
2. If a building permit for a solar energy device is denied because of a conflict with other goals of the City, the applicant may seek relief from the City Board of Adjustment in accord with the provisions of **Article XIII**, which shall regard solar energy as a factor to be considered, weighed and balanced along with other factors.

H. Responsibility Regarding Other Properties

1. Nothing in this Section or elsewhere in this Chapter shall mean that the City assumes any responsibility for actions on the part of adjoining property owners such as building

construction or addition, planting of trees, signage installations, or other such activities legally permitted by right-or-special use permit under this Chapter or other provisions of the Washington Municipal Code that may impact the performance of any solar installation allowed by right or by permit under this Section.

2. Any property owner installing solar energy equipment may acquire a solar (property) easement from one or more adjoining property owners to provide protection for sunlight access from such activities as noted above; however, the City assumes no responsibility for the extent to which any such easement might affect use of the adjoining property under provisions of this Chapter or other provisions of the Washington Municipal Code.

ARTICLE V**SPECIAL USE REGULATIONS****SECTION 400.205 – INTENT AND PURPOSE**

Special uses are those types of uses which tend to be problematic because they; (1) have a tendency to generate significant traffic volumes and/or turning movements, (2) have operational characteristics that may have a detrimental impact on adjacent or nearby properties, or (3) have other characteristics which may impact public health, safety, or welfare; but can be approved if such uses meet the criteria established herein. Special uses also include public and quasi-public uses affected with the public interest. In order to ensure that detrimental impacts are avoided or mitigated to a satisfactory level, special uses must be reviewed and may be approved in accordance with the provisions of this Article. Special uses are listed for each zoning district (see **Article III, Section 400.120** of this Chapter).

SECTION 400.210 – COUNCIL MAY AUTHORIZE SPECIAL USE

The City Council, by special permit after public hearing, and subject to such protective restrictions as it deems necessary, may authorize the location, extension, or structural alteration of any one of the buildings or uses listed in each District as a special use.

SECTION 400.215 – APPLICATION FOR A SPECIAL USE PERMIT**A. Written Application to be Filed**

A written application shall be filed with the Zoning Administrator to obtain a special permit for the uses hereinafter set forth in this Section, or for uses previously issued a special use permit where alteration or an extension is requested. The application must be signed by the owner of the parcel for which the special use permit is sought along with the applicant if different than the owner.

B. Submission to Planning and Zoning Commission

Upon receipt of an application, together with a site plan and necessary descriptive material of the entire parcel including all permitted and special uses, the Zoning Administrator shall submit the application to the Planning and Zoning Commission.

C. Application Restriction

No more than one (1) application for a special use permit for the same use shall be submitted by any applicant or owner within a six (6) month period.

SECTION 400.220 – PLANNING AND ZONING COMMISSION REVIEW

The Commission shall review the application based on the criteria set forth in **Section 400.230 of this Article**, approve or disapprove the application, and submit a report of its recommendations to the City Council.

SECTION 400.225 – CITY COUNCIL ACTION

The City Council shall hold a public hearing in accordance with the procedures set forth in **Article VII of this Chapter**. No action shall be taken upon any applications for a proposed building or use referred to above until and unless the report of the Planning and Zoning Commission has been filed; provided however, that if no report is received from the Commission within forty-five (45) days, the City Council may proceed with its action upon the application. The City Council shall vote on the Special Use Permit based upon a determination of the criteria set forth in Section 465.050 and following the public hearing.

SECTION 400.230 – CRITERIA FOR REVIEWING APPLICATIONS**A. Factors for Consideration**

In considering whether or not such application for a Special Use Permit should be granted, it shall be the duty of the Commission and the Council to give consideration to the effect of the requested use on the health, safety, morals and general welfare of the residents of the area in the vicinity of the property in question and the residents of the City generally. In considering the Special Use, the Commission and the Council may consider, among other factors, the following:

1. The compatibility of the proposal, in terms of both use and appearance, with the surrounding neighborhood.
2. The comparative size, floor area and mass of the proposed structure in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.
3. The frequency and duration of various indoor and outdoor activities and special events, and the impact of these activities on the surrounding area.
4. The capacity of adjacent streets to handle increased traffic in terms of traffic volume, including hourly and daily levels.
5. The added noise level created by activities associated with the proposed use.
6. The requirements for public services where the demands of the proposed use are in excess of the individual demands of adjacent land uses, in terms of police and fire protection, and the presence of any potential or real fire hazards created by the proposed use.
7. Whether the general appearance of the neighborhood will be adversely affected by the location of the proposed use on the parcel.
8. The impact of night lighting in terms of intensity, duration and frequency of use, as it impacts adjacent properties and in terms of presence in the neighborhood.
9. The impact of the landscaping of the proposed use, in terms of maintained landscaped areas versus areas to remain in a natural state, as well as the openness of landscape versus the use of buffers and screens.
10. The impact of a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking areas and service areas, in terms of noise transfer, water runoff and heat generation.

SECTION 400.235 – REVOCATION

Any Special Use Permit granted by the City Council and not exercised and put to use within one (1) year of the date of the approval of said Special Use Permit shall be vacated and such Special Use Permit shall become null and void, unless extended by the Council.

SECTION 400.240 – SECURITY

The Planning and Zoning Commission may recommend, and the City Council may require prior to the passage of any ordinance granting a Special Use Permit, a surety bond, escrow cash, or equivalent, to insure the installation, construction and continued maintenance of any landscaping, screening or grading required with respect to any buffer strip, signs or any other additional requirements which form conditions with respect to the granting of a Special Use Permit.

ARTICLE VI**OFF-STREET PARKING AND LOADING REQUIREMENTS****SECTION 400.245 – INTENT AND PURPOSE**

It is the purpose of these off-street parking and loading requirements to provide for sufficient accessory use areas for the temporary parking of motor vehicles and for loading and unloading of transport vehicles associated with large multi-family dwellings, commercial uses, and industrial uses. The requirements for off-street parking and loading spaces are intended to reduce the congestion on the streets due to excessive use of such streets for parking and/or loading and unloading of motor vehicles.

However, certain exceptions from these requirements are provided for under special circumstances. These exceptions are provided as a practical matter so as not to unduly limit the reuse of existing developed properties by strictly imposing off-street parking space standards. Even with the exceptions from the regulations contained in this Article, it is not the intent to permit such exceptions that would result in undue impacts of overflow parking from one use onto other properties or public rights-of-way.

SECTION 400.250 – APPLICABILITY

For every use, activity or structure permitted by this ordinance, and for all buildings or structures erected in accordance therewith, there shall be provided sufficient space for access and off-street standing; parking; circulation; unloading and loading of motor vehicles that may be expected to transport their occupants, whether as patrons, residents, customers, employees, guests or otherwise, to an establishment, activity or place of residence at any time under normal conditions for any purpose. Except as otherwise provided for in this Article, when a use is expanded or changed, accessory off-street parking and loading shall be provided in accordance with the regulations herein for the area or capacity of such expansion or change.

SECTION 400.255 – DESIGN AND LOCATION REQUIREMENTS**A. Construction Requirements**

1. Surfacing and Drainage:
 - a. Parking Areas: All open off-street parking areas and driveways shall be graded and paved with a durable dust-free and hard material, such as bituminous hot mix or portland cement concrete, or some comparable material. Off-street parking areas for one-family and two-family dwellings, shall be paved as specified above. All parking areas and driveways shall be properly drained so as to avoid surface "puddling" or any nuisance or damage to adjacent property.
 - b. Loading Areas: All loading spaces shall be improved with a compacted select gravel base, not less than seven (7) inches thick, and surfaced with an all-weather dustless material, such as bituminous hot mix or portland cement concrete, suitably designed for intended use.

2. Perimeter Curbing:

Except for parking areas accessory to one-family and two-family dwellings, fixed and permanent wheel bumpers or curbs of concrete or comparable material at least four (4) inches high shall be installed for each parking stall which is located along the perimeter of any off-street parking area.

B. Vehicular Access and Circulation

1. Access:

- a. Access to Parking and Loading Areas: Off-street parking or loading areas shall be provided with vehicular access via curb-cuts and access drives from an improved street or alley which will least interfere with vehicular and pedestrian traffic. Except for off-street parking accessory to one-family and two-family dwellings, such parking areas shall be designed to avoid motor vehicles backing into public streets, alleys or sidewalks.
- b. Access to Parking and Loading Spaces: Each off-street parking and loading space shall be accessible directly from an aisle or driveway. The only exception to this requirement is off-street parking associated with residential dwellings (other than apartment dwellings) and parking reserved exclusively for vehicle sales, leasing, or rental.

2. Parking Area Delineations:

All parking lots shall be striped to provide a visible indicator for vehicle circulation and parking maneuvers. Parking spaces and other circulation markings shall be restored, as necessary, to maintain a clear identification of separate parking stall spaces and other markings at all times.

3. Traffic Control:

Vehicular traffic to, from and within an off-street parking or loading area shall be controlled by appropriate traffic control signs, surface markings and curb islands. All parking areas which will, in the opinion of the Zoning Administrator, generate a significant volume of traffic movement shall have its entrances clearly marked and designated as to direction of traffic flow or other conditions of use of the access driveway by the use of low-profile signs.

C. Location of Parking Areas

1. All required off-street parking shall be provided on the same zoning lot occupied by the use or building to which it is appurtenant, except as provided for below.
2. In the event that there exist practical difficulties in satisfying the requirement for parking spaces and/or if the public safety and convenience would be adequately served by another location, the Zoning Administrator may authorize an alternate location, subject to the following conditions:
 - a. If parking is to be located elsewhere than on the lot which the principal use is located, then the "off-site" property to be utilized for parking shall be in the same possession (either by deed, or by easement, or long-term lease which has a term equal to or

exceeding the projected life or term of lease of the facility) as the owner of the principal use. In addition, the owner of property used for off-site parking shall be bound by covenants filed in the office of the Franklin County Recorder of Deeds, requiring such owner, successors, assigns to maintain the required number of off-street parking spaces during the existence of such principal use utilizing the property for parking.

- b. Such off-site parking areas shall be located not more than three-hundred (300) feet from the nearest primary entrance to the principal building being served, provided the lot, for which off-site parking is to be provided, is located in a zoning district that permits a parking lot or structure as a principal use. In addition, such off-site parking areas shall not be located so as to cause persons to cross an arterial street to get from said parking area to the principal use which it serves.

D. Parking and Loading Area Setback Requirements

1. Except as otherwise limited by the provisions of this ordinance, parking areas, circulation aisles, and driveways may be located in a required front yard, side yard, or rear yard.

Exception: Where no building setback is required by this ordinance, or where a parking area is located adjacent to a similarly zoned property and cross-access is provided between the two properties, the five (5) foot setback requirement shall not apply to the cross-access drive.

2. On lots developed with one-family or two-family dwellings, no motor vehicle shall be permitted to be parked between the dwelling and any street unless such vehicle is parked upon a driveway. Said driveway shall conform to all of the following standards:
 - a. The driveway shall not be wider than forty (40) percent of the width of the lot on which the driveway is located or thirty-six (36) feet, whichever is less;
 - b. The driveway shall not cover more than forty (40) percent of the required front yard; and
 - c. In all instances, no vehicle shall be parked so as to have any portion of the vehicle located over a public or private sidewalk or pedestrian way.

E. Dimensional Standards

1. Parking Areas:

Except for off-street parking associated with one-family, two-family dwellings, and as otherwise provided in this section, the minimum dimensional requirements shown in **Figure 1** shall apply to all off-street parking areas.

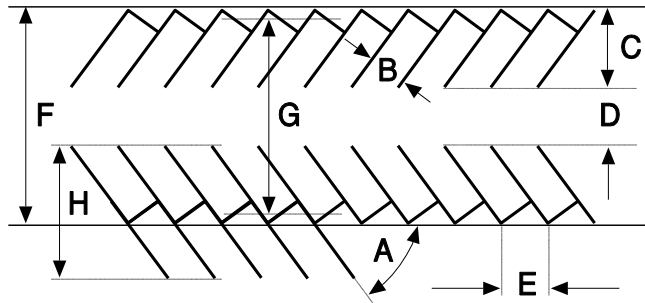
2. Loading Areas:

The area of loading berths or spaces shall be at least twelve (12) feet in width and at least twenty-five (25) feet in length (forty-five [45] feet for tractor/trailer loading berths), exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.

3. Exceptions to Dimensional Standards:

- a. Additional aisle width and turning radii may be required to accommodate emergency vehicles and equipment, or where the aisle serves as a principal means of access and circulation within the site, including access to loading spaces, drive-through facilities, or trash storage facilities.
- b. If the desired parking angle is not specified in this section, the Zoning Administrator may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensional standards specified in this section.
- c. The Zoning Administrator may authorize a reduction in the vehicle projection (stall depth), as specified in this section, where parking stalls front along the curbed perimeter portion of the parking area (without wheel stops or bumpers). This reduction shall only be permitted where such a reduction will not result in an obstruction to pedestrians on adjacent sidewalks and where there is sufficient clearance between the curb and the vehicle overhang. The reduction shall comply with the dimensional limitations contained in Figure 2.

FIGURE 1



KEYS TO FIGURE 1

A	Angle of parking stalls
B	Stall width
C	Vehicle projection (stall depth, perpendicular to curb)
D	Aisle width
E	Curb length per parking stall
F	Width of parking bay (curb to curb)
G	Width of parking bay (double loaded aisle)
H	Width of double loaded parking stalls

	A*		
	45°	60°	90°
B	9.0'	9.0'	9.0'
C	19.7'	21.0'	19.0'
D**	12.5'	17.5'	25.0'
E	12.7'	10.5'	9.0'
F	51.9'	59.5'	63.0'
G	45.6'	55.0'	--
H	33.1'	37.5'	38.0'

* Parallel parking spaces shall be 9' x 22' adjacent to a 22' two-way aisle or 15' one-way aisle. This does not apply to on-street parallel parking spaces.

** Aisle widths indicated in the above table are for one-way vehicle flow except for ninety (90) degree angled parking stalls. All two-way aisles shall have a minimum width of twenty-two (25) feet.

FIGURE 2

Parking Stall Angle	Allowable Reduction in Stall Depth	Minimum Overhang Clearance
45°	1' - 6"	2' - 6"
60°	1' - 9"	2' - 9"
90°	2' - 0"	3' - 0"

* Stall depth, measured perpendicular to curb (vehicle projection).

** Unobstructed horizontal clearance measured from the front of curb.

- d. Vehicle stacking lanes (queuing or waiting area for drive-through facilities) shall be a minimum of 11' x 20' per required stacking space.
- e. A ninety (90) degree compact car stall dimension of not less than 8' x 17' may be used for off-street parking that is in excess of the minimum required parking spaces as set forth in this Article. To the extent possible, such smaller parking spaces shall be located in a single contiguous area that is clearly marked for use by compact vehicles only. Aisle widths associated with allowable compact car parking spaces shall be the same as required in this section.
- f. Off-street parking spaces for vehicles, other than personal passenger vehicles, shall be of a size (exclusive of aisle, drives and maneuvering space) sufficient to accommodate the length and width of the vehicle as well as the opening of vehicle doors for ingress and egress.

F. Landscaping Requirements (See Article IV, Section 400.190, J)

SECTION 400.260 – SUPPLEMENTARY OFF-STREET PARKING AND LOADING REGULATIONS

A. Determination of Required Number of Spaces

- 1. Employees:

Employees, when used as a measurement for determining the number of parking spaces, shall be based on the number of employees that can be expected to be on the premises during the largest shift. The number of employees shall be based on the use activity operating at full capacity.

- 2. Floor Area:

Except as otherwise described in the Minimum Off-Street Parking and Loading Spaces (Section 6.5) the term "floor area," as employed in this Article, shall include the sum of the area of horizontal surfaces of all floors of a building, measured from the exterior faces of

exterior walls, less the floor area devoted to elevators, stairwells, mechanical rooms, restrooms, and areas devoted to off-street parking or loading.

3. Uses Not Specifically Established on Site Plan or Not Listed in Schedule of Required Parking:

If there is any uncertainty with respect to the amount of parking space required by the provisions of this Article as a result of any indefiniteness as to the proposed use of a building or of land, the maximum requirement for the general type of use that is involved shall govern. In the event that a development proposal includes uses not specifically listed in the Schedule of Required Parking and Loading, the Zoning Administrator shall determine the number of required parking spaces based on the similarity of such use(s) to other uses contained in Section 6.5 of this Article.

4. Fractional Parking Spaces:

When application of the schedule of parking requirements as hereinafter provided calls for a certain number of parking spaces, plus a fraction of a space, then such fraction shall be rounded up to the nearest whole number to determine the number of spaces required.

B. Handicapped Parking

1. The Zoning Administrator may require a specific number of handicapped parking spaces to be sized and located to allow safe, accessible vehicle parking for the physically handicapped. The number and design of such spaces shall not be less than standards established by the Americans with Disabilities Act (ADA) and any standards for such design established by the Missouri Department of Transportation. The following minimum standards shall be applicable:
 - a. Handicapped parking spaces shall be twelve (12) feet in width and twenty (20) feet in depth and marked with the international symbol for disabled parking spaces.
 - b. A handicapped parking space shall be situated preferentially within the general parking area. Additionally, it shall be in a location which affords maximum safety and minimum exposure or risk to the disabled individual in traversing the path from his/her vehicle to the store or other facility which is his/her public destination.
 - c. The parking space shall be designated as reserved for the handicapped by a painted symbol on the paved area and shall be further designated as such with signage at a point four (4) feet above the paved surface so as to be clearly visible to the driver of any vehicle attempting to park in the space provided.

C. Parking for Multiple-Use Buildings

The number of parking spaces required for land or buildings used for two or more purposes, shall be the sum of the requirements for the various uses, computed in accordance with this Article. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as provided for in **Section 400.265** of this Chapter.

D. Prohibited Off-Street Parking Activities and Uses

The following off-street parking uses are expressly prohibited:

1. Off-street parking of vehicles or vehicular parts or accessories in violation the Washington Municipal Code.
2. The use of recreational vehicles for living, sleeping or housekeeping purposes when parked or stored in a dwelling zoning district.
3. Trucks and trailers designed and manufactured for or used for specific commercial purposes, including, but not limited to, wreckers, dump trucks, tracked vehicles, buses, construction vehicles and equipment vehicles and equipment carriers, bottling works delivery trucks, grain trucks and refrigerated trucks, are prohibited from parking in all residential districts as provided for in **Article III of this Chapter**. Vehicles (excluding mobile homes, recreational trailers, boats and recreational vehicles) licensed to haul in excess of twenty four thousand (24,000) pounds are not permitted. No mobile home, etc., may be parked in a front yard, as defined in **Section 400.180, Subsection (A)** of this Chapter, for a total of thirty (30) days in a calendar year. Notwithstanding anything to the contrary in Subsection (C) of this Section, any type commercial vehicle, regardless of licensed or gross vehicle weight, delivering or picking up merchandise for delivery or employed in performing a repair or construction service may park for the purpose of making such pickup or delivery or for the duration of the period during which a repair or construction service is being performed on or to property in the area where parked.

E. Use of Parking Spaces

Except as expressly permitted by this ordinance, no off-street parking area shall be utilized for any other purpose.

F. Use of Loading Spaces

No loading space shall be utilized for any other purpose nor be used to satisfy any of the required off-street parking spaces.

G. Lighting

Lighting Standards for Parking Lots, Loading Areas, Access Drives, Private Drives and Other Public Activity Areas shall be in compliance with the provisions of **Article IV, Section 400.195, F.**

SECTION 400.265 – MINIMUM REQUIRED OFF-STREET PARKING AND LOADING SPACES**A. General Provisions**

1. **Sub-sections 400.265, B and C** of this Article contain the required minimum number of parking and loading spaces for permitted uses, special uses, and uses authorized under the Planned Development procedure. In no case shall these standards be waived, except as provided for in **Sub-section 400.265, B.**

2. For proposed uses not listed in the table of **Sub-section 400.265, C**, the Table of Permitted and Special Uses of **Article III, Section 400.120** may be used to determine the requirements based on the similarity of use. Uses in the same NAICS sector will, in many instances have similar requirements. As an example, offices for accountants (NAICS Code 5411) will have similar requirements for those of architects or attorneys (also NAICS Code 5411). However, offices that have higher employment density (such as data processing or clearinghouse operations) may have greater requirements. In such instances the provisions of A,3 below shall apply.
3. In situations where a use is proposed that the schedule of parking and loading requirements does not adequately address parking requirements for such use, then such use shall be considered a special use, if not already special use. The special use permit for such use shall specify the required number of off-street parking spaces that satisfies the peak demand for parking associated with such use. In making its determination, the Planning and Zoning Commission and City Council shall consider information on the parking demand associated with the proposed use as presented by the applicant and the Zoning Administrator.
4. Parking spaces for multiple-family subdivisions may be located and vehicles authorized to park in Residential Districts may be parked in the side or rear yards and in the front yard only where provisions for such parking are an integral part of the plan as shown on a final plat. Driveways and parking areas shall be an improved surface of either asphalt or concrete.
5. Parking facilities may be jointly used by certain land uses as follows:
 - a. Up to fifty percent (50%) of the required parking spaces for:
 - (1) Theaters, public auditoriums, bowling alleys, dance halls, night clubs, or cafes, and
 - (2) Up to one hundred percent (100%) of the parking spaces required for a church or school auditorium, may be provided and used jointly by:

Banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in Subparagraphs (1) and (2) above.
 - b. However, any such joint use arrangement as outlined above must be accompanied by a written agreement assuring their use and retention the allotted parking spaces for such purposes that shall be properly drawn and executed by the parties concerned and shall be filed with the application for a building permit or occupancy permit.

B. Exceptions to the Minimum Off-Street Parking and Loading Space Requirements

1. Exception for the C-3 District:
 - a. Sub-sections 400.265, B and C of this Article shall not apply to any re-occupancy of existing buildings or structures, whether or not the new use is similar to the previously permitted use, when located within the following area of the C-3, Central Commercial District.
 - b. This exception does not apply to expansion or change in use of a building or site where such expansion or change in use would result in a reduction in the number of existing off-

street parking spaces accessory to the building or site. In addition, this exception does not apply to redevelopment of any site located within the above described area.

2. Parking Exception for Places of Worship:

On-site parking facilities required for places of worship may be reduced by not more than fifty (50) percent where such facilities are located in a non-residential district and within five-hundred (500) feet of public or private parking lots having sufficient spaces to make up for the reduction. The use of an off-site public parking lot may only be authorized under the special use permit procedure (see Article 9). The use of an off-site private parking lot shall comply with **Section 6.3-3, paragraph "2a,"** and be subject to the approval of the Zoning Administrator.

3. Exception for Elderly Housing:

The off-street parking requirements, for housing marketed and intended for occupancy by elderly persons, may be reduced to 0.75 spaces per dwelling unit subject to the special use permit procedure (see **Article V**) or the procedures associated with planned development districts (see **Article III, Section 400.115**). Approval of such a reduction shall be predicated on reserving an area on the site to accommodate the additional parking, that would otherwise be required, should conversion to conventional housing occur in the future.

4. Exception for Change of Use of Existing Commercial Buildings:

A reduction in the number of required off-street parking spaces for the re-use of a commercial building, existing prior to the effective date of this ordinance, may be authorized under the special use permit procedure (see **Article V**), subject to the following conditions:

- a. the reduction shall not exceed twenty-five (25) percent of the off-street parking space requirements for the proposed use;
- b. no reduction shall be made in the amount of existing available off-street parking spaces on-site;
- c. the proposed use does not involve an expansion of the building that would result in additional parking requirements;
- d. notwithstanding compliance with other standards contained in this Article (e.g., setbacks and landscaping), any portion of the site that can be reasonably converted to off-street parking shall be so used to satisfy a portion of the parking requirement; and
- e. the reduction shall not result in "spill-over" parking on adjacent or nearby properties.

In making its determination, the Plan Commission and City Council shall consider information on the parking demand associated with the proposed use as presented by the applicant and City staff.

C. Schedule of Off-Street Parking Space Requirements

Use	Minimum Parking Requirement
Amusement centers (indoor)	1 space for each 50 square feet devoted to amusement devices, virtual reality games, restaurants and bar areas
Amusement centers (outdoor)	1 space for each 200 square feet of enclosed building space devoted to customer service and administration; plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity
Animal hospitals and veterinary clinics	1 space for each 200 square feet of floor area
Automobile and truck sales, rental, and leasing	1 space for each 400 square feet of floor area of sales and showroom area; plus 1 space for each 3,000 square feet of open lot area devoted to sale or display of motor vehicles; (see also Vehicle repair or service facilities)
Banks and other financial institutions	1 space for each 200 square feet of floor area (see also Drive-in/Drive-Thru facilities)
Banquet centers, bingo halls (except as may be associated with churches, lodges, or other such uses), and reception halls	1 space for every 5 seats; or where no fixed seating is provided, 1 space for each 50 square feet of floor area, exclusive of kitchen, restrooms and storage areas; plus spaces as required herein for affiliated uses (if any)
Barber and beauty shops	3 spaces for each haircut or styling station
Bed and Breakfast Homestays and Bed and Breakfast Residences	2 parking spaces for each dwelling or unit.
Bowling alleys	5 spaces for each bowling lane; plus spaces otherwise required for any additional uses such as restaurants, bars, and indoor amusement centers
Car wash, full-service (as a principal use, with or without automated washing equipment)	6 spaces; plus 6 stacking spaces for each washing bay
Car wash, full-service (as an accessory use, with or without automated washing equipment)	3 stacking spaces for each washing bay
Car wash, self-service	4 stacking spaces for each washing bay; plus 1 parking space per washing bay for drying vehicles; plus 2 stacking spaces for each vacuuming station which is separated from

Use	Minimum Parking Requirement
Church	the stacking lanes to the washing bays 1 parking space for each 8 seats in the main auditorium.
College, university or similar institution of higher learning	1 parking space for each 5 seats in the main auditorium or 3 spaces for each classroom, whichever is greater.
Community center, library, museum, or art gallery	10 parking spaces plus 1 additional space for each 300 square feet of floor area in excess of 2,000 square feet.
Convenience stores	1 space for each 250 square feet
Day care centers	1 space for every 5 individuals cared for as authorized by state licensing
Drive-in or drive-thru facilities in conjunction with other uses (except as may be otherwise provided for herein)	A minimum of a 5 car stack volume will be provided, on the lot, from any call in window.
Drive-in restaurant or establishment serving meals, lunches or drinks to patrons, either in their cars or in the building	1 parking space for each 75 square feet of floor area in the building.
Dwellings, apartments.	2 spaces for each dwelling unit
Dwellings, one-family (including attached one-family and detached one-family)	2 spaces for each dwelling unit
Dwellings, two-family	2 spaces for each dwelling unit, except that 1.5 spaces may be provided for each dwelling unit in unified developments containing at least 8 two-family or attached one-family dwellings and subject to approval under the "Planned Development" procedure.
Entertainment, assembly or exhibition places, all without fixed seat	1 parking space for each 100 square feet of floor area used therefor.
Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service, clothing or shoe repair or service shop	2 parking spaces plus 1 additional parking space for each 300 square feet of floor area over 1,000.
Gasoline stations	2 spaces; Gasoline stations offering other retail goods for sale, in enclosed space accessible by the customer, shall also comply with the parking requirements for Convenience stores. Gasoline stations providing vehicle repair or maintenance services shall also comply with the parking requirements for Vehicle repair or service facilities. Gasoline station having accessory

Use	Minimum Parking Requirement
	car wash facilities shall provide vehicle stacking spaces in accordance with Car wash, full service.
Gymnasiums	1 space for each 100 square feet of floor area (not applicable to gymnasiums associated with schools); plus spaces otherwise required for spectator seating (if applicable)
Hospital (areas devoted to patient beds and nursing care but not including areas devoted to office, clinic, outpatient services, or other dedicated such uses)	1 space for every 2 beds, plus 1 space for every staff doctor and employee on the maximum shift
Hotel or motel	1 parking space for each sleeping room or suite, plus 1 space for each 200 square feet of commercial floor area contained therein, excluding the area of sleeping rooms or suites.
Ice and roller skating rinks	1 space for each 100 square feet of skating area; plus spaces otherwise required for spectator seating
Kennels	1 space per 400 square feet of floor area, but not less than 3 spaces
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment	1 parking space for each 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
Medical and dental offices	See Offices
Mortuary or funeral home	1 parking space for each 50 square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
Nursing home or residential group home	1 parking space for each 4 bed plus 1 space for every employee
Offices (Business, professional or public office building, studio, bank, medical or dental clinic)	4 1/2 spaces for every 1000 sq. ft. of gross floor area
Personal service establishment, household service establishment or automotive service establishment, except as otherwise specified herein	2 parking spaces plus 1 parking space for each 300 square feet of floor area over one thousand 1,000 square feet.
Plumbing, heating, and air conditioning equipment sales or service	1 space for each 300 square feet of floor area devoted to sales area; plus 1 space for each vehicle customarily used in the operation of the use or stored on the

Use	Minimum Parking Requirement
	premises
Printing or plumbing shop or similar service establishment	1 parking space for each 3 persons employed therein.
Private club or lodge	One parking space for every 10 members, or 1 parking space for each 300 square feet of floor area, whichever is greater.
Racquet sport courts, including handball, racquetball, squash, and tennis courts	3 spaces for each court; plus spaces otherwise required for spectator seating (if applicable)
Recreation centers, general purpose	1 space for each 300 square feet of floor area
Restaurant (without drive-in or drive thru facilities), night club, or cafe	1 parking space for each 4 seats, plus 1 space for each 30 square feet of floor area devoted to standing areas (exclusive of kitchen, restroom, and storage areas)
Retail store	1 parking space for each 250 square feet of floor area.
Sanitarium, convalescent home, home for the aged, or similar institution	1 parking space for each 5 beds.
School (high school or similar educational institution)	10 parking spaces per classroom or 1 parking space for each 4 seats in the primary assembly room, whichever is greater.
School (other than high schools and colleges or universities)	1 parking space for each 10 seats in the main auditorium or three 3 spaces for each classroom, whichever is greater.
Sports arena, stadium or gymnasium (except school)	1 parking space for each 5 seats.
Swimming pools	1 space for each 75 square feet of pool area, including patio areas; plus spaces otherwise required for spectator seating (if applicable)
Theater or auditorium (except school)	1 parking space for each 5 seats or bench seating spaces.
Used car lots and similar open sales displays	1 parking space for each 1,000 square feet of sales display area. When such open sales display is located on a lot with any other use permitted by this Chapter, the parking provided shall be in addition to that required by the other use.
Warehousing, self-service storage	5 spaces for the first 5,000 square feet of storage area; plus 1 space for each additional 5,000 square feet of storage area

D. Schedule of Off-Street Loading Space Requirements

1. Offices, Institutional, and Personal or Community Service Establishments:

Uses including but not limited to schools, administrative or professional offices, medical or dental offices, indoor recreation facilities, and places of public assembly shall provide loading spaces in accord with the provisions of **Table A** below.

2. Apartment Dwellings:

Any building containing more than fifty (50) dwelling units shall provide one (1) loading space for every two hundred (200) units or fraction thereof.

3. Business, Commercial, or Industrial Uses:

Every building containing over three thousand (3,000) square feet of floor area designed or adaptable for retail business purposes, or manufacturing, warehouse (other than self-service storage), or wholesale uses shall be provided with loading spaces in accordance with **Table A** below.

Floor Area	Loading Spaces Required
2,000 to 10,000 square feet	1
10,001 to 50,000 square feet	2
50,001 to 100,000 square feet	3
each additional 100,000 square feet	1

4. Each 10 ft. by 40 ft. loading space shall have a height clear of obstruction of not less than 14 ft.

ARTICLE VII**SITE PLAN REVIEW REQUIREMENTS****SECTION 400.270 – DEVELOPMENTS SUBJECT TO SITE PLAN REVIEW****A. APPLICABILITY**

The requirements of this Article shall apply to all developments, except for the following:

1. Developments subject to the Planned Development procedure (see **Article III, Section 400.115**)
2. Developments subject to Special Use Permit approval (see **Article V**).
3. Detached single-family and two-family dwellings involving only one structure located on individual lots, including accessory structures.
4. Additions to non-residential buildings, or new accessory non-residential buildings, when the addition or new accessory building is less than twenty-five (25) percent of the existing principal building and the addition or new accessory building does not exceed 5,000 square feet in gross floor area; no new curb cuts are required; and when such new construction does not reduce existing parking or significantly modify existing on-site circulation as determined by the Zoning Administrator.
5. Canopies constructed over existing walkways, loading docks, or pump islands, where such new construction does not reduce existing parking or significantly modify existing on-site circulation as determined by the Zoning Administrator.

The above exceptions to site plan review in no way relieves any other requirements for submission of plans as may be required by the Washington Building Code or other regulations requiring certain plans.

SECTION 400.275 – SITE PLAN SUBMITTAL REQUIREMENTS**A. SITE PLAN CONTENT**

The site plan shall contain the following information:

1. Name, address, and telephone number of the property owner and, if different, the person or firm submitting the plan (may be submitted on a separate sheet).
2. Location map of the property in question (may be submitted on a separate sheet).
3. North arrow and plan scale. The plan scale shall be one inch equals twenty feet (1" = 20') to one inch equals fifty feet (1" = 50') in any increments of ten (10) feet on one or more sheets not less than eight and one-half inches by eleven inches (8-1/2" x 11") or greater than thirty-six inches by forty-eight inches (36" x 48") in size. The Zoning Administrator may authorize a different plan scale, so long as the scale is in ten (10) foot increments and the resulting site plan clearly shows the information required herein.

4. Out-boundary of the lot, including all dimensions and bearings, both linear and angular, radii and arcs, necessary for locating the boundaries of the lot. Also include the lot number and subdivision name, if applicable.
5. The area of the lot in square feet or acres to the nearest tenth of an acre.
6. Delineation and identification of all easements (existing and proposed).
7. The zoning district classification of the lot and of adjacent parcels, where different than the site.
8. Delineation of existing buildings, to be retained and proposed buildings. Also indicate the proposed use of the building(s) and the distances, in feet, from the lot lines and right-of-way line(s).
9. Delineation of minimum building setback requirements.
10. A tabulation of the number of multiple-family dwelling units by number of bedrooms, if applicable.
11. Delineation of off-street parking spaces, including itemization of the number of spaces required and proposed and fire lanes. Also indicate typical dimensions for parking stalls, circulation aisle and fire lane widths, parking bay widths, angle of stalls, and location and dimensions of handicapped parking stalls.
12. Delineation and dimensions of existing and proposed type of pavement and curbing, including the location of existing and proposed curb cuts. Also indicate right-of-way line of streets abutting the site.
13. Grading, storm drainage and erosion control plans, in accordance with the requirements of City of Washington Municipal Code, MODOT and any other applicable regulation.
14. The approximate location and size of existing and proposed sanitary and storm sewers, culverts, water mains and fire hydrants, and other underground utilities.
15. In situations where landscaping and/or screening is required by this ordinance (**see Article IV, Section 400.190**), provide a landscape plan showing existing and proposed landscaping, including the name and size of plant material. Also, provide plans and elevation details of any man-made screening material as may be required by this ordinance (e.g., required fencing between residential and non-residential uses, and required screening of mechanical equipment and trash disposal containers).
16. Location, type, dimensions and size of all signs associated with the proposed development (see Article 7).
17. Provide an exterior lighting plan for all parking and common pedestrian areas.
18. Topography of the project area with contour intervals of five feet or less, unless waived by the Planning and Zoning Commission as clearly unnecessary to review of the project.

19. Storm water run-off and detention plans in compliance with the requirements of **Chapter 420, Section 410.035** and any additional information, beyond the requirements listed above, that may be requested by the Zoning Administrator or the Planning and Zoning Commission when such additional information is determined to be necessary for evaluating the proposed development.

SECTION 400.280 – SITE PLAN REVIEW PROCEDURES

A. SITE PLAN SUBMISSION AND STAFF REVIEW

1. Submission by Applicant:

The applicant shall submit 5 paper copies and a digital file of the information required by Section 400.275 to the Engineering and Planning Department.

2. Completeness of Submittal:

Upon receipt of the site plan and associated information, the Zoning Administrator shall review the documents to determine acceptability for submission. If the Zoning Administrator determines the submittal is complete, then the submittal shall be date stamped.

3. Staff Review:

After the site plan has been accepted for review, the Zoning Administrator shall obtain comments on the site plan, or relevant portions thereof from the City Engineer, Water and Waste Water Superintendent, Building Official, Fire Chief, and/or other City staff as may be appropriate.

- a. Staff may recommend changes to the site plan that would improve the functionality of the proposed development or mitigate any potential adverse impacts of the proposed development on neighboring properties.

SECTION 400.285 – SITE PLAN CHANGES AND AMENDMENTS

A. MINOR CHANGES

Minor changes to the approved site plan may be permitted with the express written consent of the Zoning Administrator. No change, which may be authorized under this paragraph, shall cause any of the following:

1. Creation of any situation which would not be in conformance with this ordinance, the Washington Municipal Code, or other applicable codes or regulations;
2. A change in use or the character of the development;
3. An increase in building site coverage over 5%.
4. An increase in the intensity of use (e.g., an increase in the number of dwelling units);
5. A reduction in approved buffer areas and landscaped areas; or

6. A change in traffic circulation, either on or off-site.

The Zoning Administrator may first seek the concurrence of the appropriate City staff prior to rendering a decision on approving a minor change to the site plan.

B. SITE PLAN AMENDMENTS

Any changes to the site plan, other than minor changes authorized by the Zoning Administrator, shall require the submission of a new site plan. The procedures for review of a new or revised plan shall be the same as for the initial application.

ARTICLE VIII**NON-CONFORMING SITUATIONS****SECTION 400.290 – APPLICABILITY****A. PROVISIONS TO APPLY**

The provisions of this Article shall apply to all non-conforming situations as defined herein. Establishment of any use or development of land after the effective date of this ordinance or amendment thereto, which does not comply with the regulations contained in this ordinance or amendment thereto, shall be considered a violation of this ordinance and not a non-conforming situation.

B. EXISTENCE OF SITUATION

A non-conforming situation shall not be deemed to have existed on the effective date of this ordinance or amendment thereto, unless:

1. At the time of its creation it was valid;
2. It was in existence on a continuous basis and to its fullest extent on such date; and
3. If such non-conforming situation is a use, such use had not been discontinued, as herein defined, on such date.

SECTION 400.295 – DEFINITIONS

In addition to any applicable definitions as provided for in **Article II** or in other provisions of this Chapter, the following definitions related to non-conforming situations shall apply:

DISCONTINUANCE

The non-use of the non-conforming use for twenty-four (24) consecutive months.

NON-CONFORMING SITUATION

A non-conforming situation is one which lawfully existed prior to the effective date of this ordinance or any amendment thereto, and which fails to conform to one or more of the applicable regulations of this ordinance or such amendment thereto. For purposes of this Article, non-conforming situations are divided into the following categories:

NON-CONFORMING USE

A non-conforming situation that occurs when property is used for a purpose made unlawful by the regulations of this ordinance which govern the use of property, including uses that do not comply with the performance standards established in **Article IV, Section 400.200**.

DIMENSIONAL NON-CONFORMITY

A non-conforming situation that involves any of the following:

1. The height of a structure, or the relationship between an existing building or buildings and other buildings or lot lines, which does not conform to the applicable dimensional regulations (e.g., setbacks) contained in this ordinance;

2. A lot of record that does not meet the minimum area or dimensional requirements of the district in which the lot is located;
3. Development of property, including buildings and other improvements thereon, which do not comply with regulations governing intensity of use, such as density (e.g., dwelling units per acre), and maximum building or site coverage;
4. Provision of off-street parking or loading spaces which does not meet the minimum requirements, or exceptions thereto, as specified in **Article VI** of this ordinance; or
5. Any other situation where improvements to land do not comply with any quantitative or dimensional standard applicable such improvement.

Where such a dimensional non-conformity relates to a building or structure, the term "non-conforming structure" shall be considered synonymous with the term dimensional non-conformity.

SECTION 400.300 – NON-CONFORMING USES

A. AUTHORITY TO CONTINUE USE

Any non-conforming use of part or all of a structure or any non-conforming use of land, not involving a structure or only involving a structure which is accessory to such use of land, may be continued, so long as otherwise lawful, subject to the following provisions:

1. Ordinary Repair and Maintenance:
 - a. Normal maintenance and incidental repair or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure; provided, however, that this subsection shall not be deemed to authorize any violation of paragraphs 2 through 5 below, and **Section 400.300, B, C, and D of this Article**.
 - b. Nothing in this Article shall be deemed to prevent the strengthening or restoring of a structure to a safe condition in accordance with an order of the Zoning Administrator, and where such restoration will not be in compliance with **Section 430.310** of this Article.

2. Remodeling:

Except as provided for in **Section 400.300, F**, no structure shall be remodeled unless the use thereof shall thereafter conform to all provisions of this ordinance. For purposes of this section, the term "remodel" shall mean to reconstruct or relocate exterior walls, bearing walls or bearing partitions; or to substantially alter the exterior appearance of a building by adding or removing architectural elements.

3. Expansion of Use:

Except as provided for in **Section 400.300, F**, no non-conforming use of a lot or building shall be enlarged, expanded or extended to occupy a greater area of lot or building than was

occupied on the effective date of this ordinance, or amendment thereto, and no additional accessory use, building or structure shall be established thereon.

4. Enlargement of Building or Structure:

Except as provided for in **Section 400.300, F**, no building or structure that is devoted in whole or in part to a non-conforming use shall be enlarged or added to in any manner, unless such building or structure addition and the entire use thereof (both existing space and the addition) shall thereafter conform to all of the provisions of this ordinance.

5. Moving:

No structure that is devoted in whole or in part to a non-conforming use shall be moved, in whole or in part, to any other location on the same or any other lot, unless the entire structure and use thereof shall thereafter conform to all of the provisions of this ordinance after being so moved. No non-conforming use of land shall be moved, in whole or in part, to any other location on the same or any other lot, unless such use shall thereafter conform to all of the provisions this ordinance after being so moved.

6. Compliance with Performance Standards:

Any non-conforming use shall be brought into conformance with the performance standards established in **Article IV, Section 400.200**, of this ordinance upon the effective date of this ordinance, or any applicable amendment thereto.

B. CHANGE OF USE

A non-conforming use shall not be changed to any use other than a permitted use in the zoning district in which the property is located. When a non-conforming use has been changed to any permitted use, it shall not thereafter be changed back to a non-conforming use.

C. DISCONTINUANCE OF USE

No building or land used in whole or in part for a non-conforming use which is discontinued and remains idle or unused for a continuous period of two (2) years, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the use regulations of the District in which such building is located.

D. NON-CONFORMING ACCESSORY USES

No use which is accessory to a principal non-conforming use shall continue after such principal use has been discontinued, as defined herein.

E. STATUS OF SPECIAL USES OR USES APPROVED UNDER SITE PLAN REVIEW

1. Existing uses which were issued a special use permit and continue to be classified as special uses under the applicable district regulations of this ordinance, or amendment thereto, shall not be considered a non-conforming use. Such a use may continue, subject to compliance with the conditions set forth in the special use permit. The same applies to uses approved with conditions of use attached under the site plan review procedure, which under this ordinance are classified as a special use.
2. Existing uses which were issued a special use permit or site plan review approval prior to effective date of this ordinance or amendment thereto, but are no longer permitted as a special use or as a permitted use upon such effective date, shall be considered a non-conforming use, subject to the provisions of this Article.
3. Uses existing prior to the effective date of this ordinance, or amendment thereto, which were not classified as a special use, but are so classified upon such effective date, shall be deemed a lawful conforming use. In the event that such existing use is to be altered (other than maintenance and remodeling), expanded, intensified, or otherwise changed, then such use shall be required to obtain a special use permit, pursuant to the procedures set forth in **Article V** of this Chapter.

F. Exceptions

Any structure devoted to a non-conforming dwelling use (e.g., a dwelling located in a non-dwelling district where such uses are not permitted), may be remodeled, extended, expanded and enlarged; provided that after any such remodeling, extension, expansion, or enlargement, such structure shall not be used to accommodate a greater number of dwelling units than such structure accommodated prior to any such work, and provided that such work does not create any dimensional non-conformities, except as may be authorized under **Section 400.305** below. This paragraph shall not be deemed to authorize any violation of **Section 400.300, A (paragraphs 5 and 6), Section 400.300, B, C, D, or E.**

SECTION 400.305 – DIMENSIONAL NON-CONFORMITIES

Any existing dimensional non-conformity may be continued, so long as otherwise lawful, subject to the following provisions:

A. NON-CONFORMING LOTS OF RECORD

Lots of record, established prior to the effective date of this ordinance, or amendments thereto, that have any dimensional non-conformities, may be used for purposes allowable by this ordinance, subject to the requirements and limitations established under **Article IV, Section 400.145** of this ordinance and the further requirements and limitations established as follows:

1. Such lot, when located in any non-dwelling district, shall not be less than five thousand (5,000) square feet nor less than forty (40) feet in width; shall only be used for open space or an office building; and any buildings placed thereon shall meet the required setbacks of the applicable district regulations, subject to setback exceptions established under **Article IV, Section 400.145** of this ordinance.

2. In any event, a non-conforming lot of record shall not be used for the development of a freestanding principal structure, unless;
 - a. Such lot was owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by the zoning ordinance adopted by the City; and
 - b. Has remained in separate and individual ownership from adjoining tracts of land continually during the entire time that creation of such lot has been prohibited by the applicable zoning ordinance.
3. Nothing in this section shall prohibit the combination of a non-conforming lot of record, or portions thereof with another adjoining lot, or lots, so as to create zoning lots, which comply with the requirements of this ordinance. Such consolidations may be accomplished under the subdivision procedures specified in **Chapter 410** of the Washington Municipal Code or treated as a zoning lot as defined in **Article II** of this ordinance.

B. NON-CONFORMING STRUCTURES

1. Non-conforming Structures Associated with Conforming Uses:

Any non-conforming structure, which is associated with a conforming use, may remain as a non-conforming structure, subject to the following provisions:

- a. **Enlargement, Repair, Alterations:** Any such structure may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except as may be permitted under **Section 400.305, C** of this Article.
- b. **Damage or Substandard Conditions:** Any such structure shall be subject to the provisions of **Section 400.310** of this Article.
- c. **Moving:** No such structure shall be moved, in whole or in part, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the provisions of this ordinance after being moved.

2. Dimensional Non-Conformity Associated with Non-conforming Uses:

Any dimensional non-conformity associated with a non-conforming use, may remain non-conforming, subject to the regulations contained in **Sections 400.300** and **400.310** of this Article.

C. EXCEPTIONS TO NON-CONFORMING DWELLINGS

A one-family or two-family dwelling, which lawfully existed prior to the effective date of this ordinance, or amendment thereto, and which fails to comply with the dimensional requirements of this ordinance, may be expanded and such expansion may encroach upon required building setbacks; provided, however, that such addition shall only be permitted to extend to the horizontal or vertical plane of the building's exterior wall or the building's height which is in non-conformance with a required setback or building height limitation. In other words, the addition

shall not create a dimensional non-conformity that is greater than the existing dimensional non-conformity.

D. OTHER DIMENSIONAL NON-CONFORMITIES

Any other dimensional non-conformities may remain non-conforming, so long as any modification to a building site or the structures thereon, as may be permitted by this Article, does not create any increase in the degree of such other dimensional non-conformity and no reduction in required off-street parking shall be permitted, except as may be provided for under **Article VI** of this ordinance.

SECTION 400.310 – DAMAGE OR SUBSTANDARD CONDITIONS

A. RESTORATION

Except as otherwise provided in **Chapter 405** as applies to signs, nothing in this Article shall be deemed to prohibit the restoration of any structure and its use where such structure has been damaged, by any means, to an extent less than fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any foundation associated with such structure) at the time of damage, as determined by the Zoning Administrator; provided, however, that the restoration of such structure and its use in no way increases any former non-conformity, and provided that restoration of such structure is begun within six (6) months of such damage and diligently prosecuted to completion within one (1) year following such damage.

B. DAMAGE

When a building, the use of which does not conform to the provisions of this Chapter, is damaged by fire, explosion, Act of God or the public enemy, to the extent of more than seventy-five percent (75%) of its value, it shall not be restored except in conformity with the District regulations of the District in which the building is situated. When a building, the use of which does not conform to the provisions of this Chapter, is damaged by fire, explosion, Act of God or the public enemy, to the extent of less than seventy-five percent (75%) of its value, it may be restored if the Board of Adjustment finds some compelling public necessity requiring the continuance of the non-conforming use.

C. CODE VIOLATION

When a structure is determined by the Zoning Administrator, to be in violation of the Building Code or any applicable health or safety code, and the cost of placing the structure in condition to satisfy the standards under such codes exceeds seventy-five (75) percent of the reconstruction cost of the entire structure, as determined by the Zoning Administrator, such non-conforming structure shall not be restored for the purpose of continuing a non-conforming use.

ARTICLE IX

WIRELESS COMMUNICATIONS FACILITIES AND SUPPORT STRUCTURES

SECTION 400.315 – INTENT AND PURPOSE

The intent and purposes of this Ordinance are to address the following factors related to wireless communication facilities and support structures in the City as follows:

A. LOCATION

Provide for the appropriate location and deployment of wireless communications infrastructure to better serve the citizens and businesses of the City of Des Peres and the metropolitan St. Louis area;

B. IMPACTS

Minimize adverse visual impacts of wireless facilities and support structures through careful design, siting, landscape screening and innovative camouflaging techniques;

C. DISGUISE OF SUPPORTING STRUCTURES

Encourage the use of disguised support structures so as to protect the architectural and scenic quality of the City;

D. COMPLIANCE WITH CURRENT STATE LAW

Comply with applicable law including the Federal Telecommunications Act of 1996, 47 USC 332, and the Missouri Uniform Wireless Communications Infrastructure Deployment Act, 67.5090 et seq RSMo

SECTION 400.320 – DEFINITIONS

ACCESSORY EQUIPMENT

Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.

ANTENNA

Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

APPLICANT

Any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application.

APPLICATION

A request submitted by an applicant to the City to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for collocation of a wireless facility or replacement of a wireless facility on an existing structure.

BUILDING PERMIT

A permit issued by the City prior to commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any new wireless support structure, solely to ensure that the work to be performed by the applicant satisfies the applicable building code.

COLLOCATION

The placement or installation of a new wireless facility on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

ZONING ADMINISTRATOR

The person as designated by the City Administrator of the City of Washington in accordance with the provisions of Article XI, Section 400.480 of this Chapter.

DISGUISED SUPPORT STRUCTURE

Any freestanding, manmade structure designed for the support of wireless facilities, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include but are not limited to clock towers, campaniles, observation towers, pylon sign structures, water towers, artificial trees, flag poles and light standards.

ELECTRICAL TRANSMISSION TOWER

An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.

EQUIPMENT COMPOUND

An area surrounding or near a wireless support structure within which are located wireless facilities.

EXISTING STRUCTURE

A structure that exists at the time a request to place wireless facilities on a structure is filed with an authority. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with applicable building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole.

FAA

The Federal Aviation Administration.

FCC

The Federal Communications Commission.

HEIGHT

The vertical distance measured from the base of a structure at ground level to its highest point, including the main structure and all attachments thereto.

STANDARD OUTDOOR ADVERTISING STRUCTURES

All signs which advertise products, services or businesses which are not located on the same premises as the sign, including billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground.

REPLACEMENT

Includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the preexisting wireless facilities or wireless support structure.

SUBSTANTIAL MODIFICATION

The mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed.

1. Increases the existing vertical height of the structure by:
 - a. More than ten percent; or
 - b. The height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; or
2. Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);
3. Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or
4. Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty square feet.

UTILITY

Any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, waste water, data, cable television, or telecommunications or internet protocol-related services.

UTILITY POLE

A structure owned or operated by a utility that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.

WATER TOWER

A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

WIRELESS COMMUNICATIONS SERVICE

Includes the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the Communications Act of 1934, 47 USC 301.

WIRELESS FACILITY

The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services;

WIRELESS SUPPORT STRUCTURE

A structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles.

SECTION 400.325 – PERMITTED USES

Satellite earth stations less than six (6) feet in diameter and receive-only home television antennae are allowed as accessory uses in all districts without any permit and wireless facilities and support structures which meet any of the following criteria may be constructed, repaired or modified upon receipt of a building permit issued by the Building Official:

A. COLLOCATION AND REPLACEMENT

Collocation and replacement applications, provided that no permit may be issued for collocation to a certified historic structure as defined in Section 253.545 R.S. Mo or as designated in accordance with the provisions of **Article X** of this Chapter until at least one public hearing has been held by the Building Official within 30 days prior to issuance. The Director shall provide public notice of such public hearing in the same manner as required for proposed zoning code changes. Such applications are subject to **Section 400.340, A** of this Article, but no other zoning or land use requirements, including design or placement requirements, or public hearing review.

B. ROOF MOUNTING

The mounting of wireless facilities in or on the roof of any existing building other than a single-family residence, provided that the building was not constructed primarily for the support of antennae and provided that the height of the facilities does not exceed twenty (20) feet from its mounting and that such use is not otherwise prohibited by ordinance.

C. COMMERCIAL OR PUBLIC RADIO OR TELEVISION

Wireless facilities or support structures for the operations of a commercial or public radio or television station licensed by the Federal Communications Commission or a local, state or federal law enforcement or emergency agency may be installed as permitted by law in non-residential districts.

D. INSTALLATION ON ELECTRICAL TRANSMISSION TOWERS

The installation or mounting of antennae on any electrical transmission towers located in any commercial zoning district of the city is permitted subject to written proof that such installation is permitted by the applicable utility.

E. DISGUISED SUPPORT STRUCTURES

The installation of a disguised support structure and related wireless facilities as part of a building or structure that is otherwise allowed in the district in which located.

F. AMATEUR RADIO FACILITIES

Wireless facilities or support structures for the operation of a licensed amateur radio facility within the city. The permit application must be accompanied by proof that the applicant or an occupant of the property is a licensed amateur radio operator and is subject to the following requirements:

1. The Building Official shall issue an amateur radio antenna/ structure permit if it is determined that:
 - a. any antenna(s) mounted on a roof shall not extend more than sixty-eight (68) feet above grade;
 - b. any tower-mounted antenna(s) shall not extend more than sixty-two (62) feet above grade when fully extended; and (c) the requirements of this section regarding location, structural components and wiring are complied with. Permits for ground mounted antennas and supports intended exclusively for the support of wire antennas which are so erected as to be readily capable of being relocated from time to time shall describe the area within which such an antenna or support may be positioned.
2. Any person desiring to install, erect or maintain an amateur radio antenna at any height greater than set forth in the preceding subsection shall file an application therefor with the Board of Adjustment. No fee shall be required for this application. The Board of Adjustment may grant a permit to allow construction to such height as it shall determine if it finds that topographical circumstances or other operational parameters of the antenna(s) and the associated radio equipment so require and that there are adequate provisions to protect adjoining properties.
3. Wireless facilities or support structures for licensed amateur radio uses that are ground-mounted shall be located in the rear of the lot between the rear line of the principal building on the lot and six (6) feet from the rear lot line. No such antenna, nor any portion of any base or support therefore, may be closer than six (6) feet to any lot line; provided, further, that on corner lots no antenna may be closer to any street than the principal building.

SECTION 400.330 – SPECIAL USES

All wireless facilities and support structures to be installed, built or otherwise modified that are not expressly permitted by **Section 400.325** herein, and not prohibited by **Section 400.335** below, shall require a special use permit issued in accordance with the procedures contained in **Article V – Special Use Regulations** of this Chapter, as well as a building permit.

SECTION 400.335 – PROHIBITED USES

Except as otherwise provided in **Section 400.325**:

A. RESIDENTIALLY-ZONED DISTRICTS

No wireless facilities or support structures shall be permitted in residentially-zoned districts, other than for licensed amateur radio uses.

B. TOTAL HEIGHT

No wireless facilities or support structures shall be permitted to have a total height in excess of one hundred (100) feet.

C. INSTALLATIONS ON BUILDINGS

Wireless facilities installed on a building shall not exceed twenty (20) feet from the highest point of the building, other than for licensed amateur radio uses.

D. ADVERTISING OR SIGNAGE

Unless a disguised support structure is in the form of a standard outdoor advertising structure, the placement of advertising or signs on wireless support structures is prohibited.

SECTION 400.340 – GENERAL CONDITIONS

The general criteria and preferences for approving wireless facilities and support structures under this section shall be as follows:

A. BUILDING CODES AND SAFETY STANDARDS

All wireless facilities and support structures shall meet or exceed the standards and regulations contained in applicable state and local building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering.

B. REGULATORY COMPLIANCE

All wireless facilities and support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other federal or state agency with the authority to regulate such facilities and support structures. Should such standards or regulations be amended, then the owner shall bring such facilities and support structure into compliance with the revised standards or regulations within six (6) months of the effective date of the revision unless a different date is established by the controlling agency.

C. SUPPORTS

No more than one antenna tower may be erected on any lot in the city; provided, however, that a support used exclusively for the support of a wire antenna for a licensed amateur radio facility and being no wider than six (6) inches at grade and having a height no greater than fifty (50) feet above grade shall not be considered as an antenna tower for purposes of calculating the permitted number of such towers under this subsection.

D. LIGHTING

Wireless facilities and support structures shall not be illuminated at night unless required by the FAA or other federal or state agencies, in which case, a description of the required lighting scheme will be made a part of the application.

E. DESIGN.

1. Wireless facilities and support structures should, to the extent reasonably possible, be architecturally and visually compatible with surrounding buildings, structures, vegetation and/or uses already in the area or likely to exist under the regulations of the underlying zoning district.
2. Wireless support structures, except disguised support structures, shall maintain a galvanized steel finish or, subject to the requirements of the FAA, FCC or any other applicable federal or state agency, be painted a neutral color consistent with the natural or built environment of the site.
3. Wireless facilities other than antennae shall have an exterior finish compatible with the natural or built environment of the site, and shall also comply with such other reasonable design guidelines as may be required by the city.
4. Wireless facilities mounted on buildings should be made to appear as unobtrusive as possible by location as far away as feasible from the edge of the building and by making them a color consistent with the natural or building backdrop.
5. Wireless facilities shall be screened by appropriate landscaping and/or fencing. Wireless support structures shall be surrounded by a landscape strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier to a minimum height of six (6) feet. Evergreen trees shall be a minimum of six (6) feet tall and deciduous trees not less than two and one-half (2½) inches in caliper at time of planting. Said landscape strip shall be exterior to any security fencing. In lieu of the required landscape strip, a minimum six (6) foot high decorative masonry fence or wall may be approved by the city upon demonstration by the applicant that an equivalent degree of visual screening is achieved.
6. All wiring to or from ground mounted antennas or antenna towers located more than five (5) feet from the nearest building wall shall be underground; provided, however, that feed lines to and from antennas for licensed amateur radio facilities which must be open to the air in order to operate as designed (so called open wire feed lines) need not be enclosed or located underground.

F. LOCATION AND SETBACK.

1. Wireless support structures, except disguised support structures, shall not be located within two hundred (200) feet of any residential structure.
2. All wireless support structures, except disguised support structures, shall be separated from any residential structure at least a distance equal to the height of the support

structure plus ten feet. Support structures on parcels adjacent to residentially-zoned property shall, at a minimum, meet the setbacks of the applicable zoning district as required for the principal structure along the adjoining property lines. No support structure may be placed on residentially-zoned property closer to any residential structures on adjoining properties than the distance from the support structure to the principal structure located on the lot on which the support structure is located.

SECTION 400.345 - MISCELLANEOUS

A. GUYWIRES

For any guyed wireless support structure, ground anchors shall be located on the same parcel as the structure and such anchors shall meet the setbacks required for accessory buildings within the zoning district.

B. ON-SITE STORAGE

Vehicle or outdoor storage on the site of any wireless facilities or support structure is prohibited.

C. PARKING

On-site parking for periodic maintenance and service shall be provided at all locations of wireless facilities and support structures.

D. REMOVAL OF UNUSED OR OBSOLETE FACILITIES

Any wireless facility or support structure no longer used for its original communications purpose shall be removed at the owner's expense. The owner and applicable co-users shall provide the city with a copy of any notice to the FCC of intent to cease operations and shall have ninety (90) days from the date of ceasing operations to remove the facility and/or support structure. In the case of co-use, this provision shall not become effective until all users cease operations. Any wireless support structure not in use for a period of one (1) year shall be deemed a public nuisance and may be removed by the city at the owner's expense. Removal of facilities shall not be a condition of approval of any application.

E. EVIDENCE OF PROPERTY USE RIGHTS

Prior to the issuance of a building or conditional use permit, other than for a collocation or replacement application, the city may require submittal of easement documents, lease agreements or other documentation of evidence of the right to utilize the property for location of wireless facilities and/or support structures.

SECTION 400.350 – TIME LIMITS AND FEES

A. TIME LIMITS

All applications regarding wireless facilities and support structures shall be processed in accordance with the time limits established by sections 67.5090 to 67.5103 R.S. MO.

B. Fees

Fees for applications regarding wireless facilities and support structures shall not exceed the limits established by sections 67.5090 to 67.5103 R.S.MO.

ARTICLE X

HISTORIC PRESERVATION

SECTION 400.355 – PURPOSE AND INTENT

A. DECLARATION

The City Council finds and declares as a matter of public policy that it is the intent of this Chapter to:

1. Preserve, protect, enhance and perpetuate those structures, buildings and improvements which reflect significant elements of the City of Washington's cultural, artistic, engineering, historic or other heritage;
2. Foster civic pride in the beauty and accomplishments of the past;
3. Promote the use and perpetuation of significant structures within the historic preservation design area for the education, stimulation and welfare of the people of the City;
4. Develop and maintain appropriate settings and environments for structures within the historic preservation design area;
5. Preserve and encourage harmonious architectural styles, reflecting the City's distinct phases of its history;
6. Foster knowledge of the living heritage of the past;
7. Promote and protect the public health, safety and general welfare of the citizens of the City, including orderly development and coordination of municipal growth and services;
8. Minimize visual blight and avoid inappropriate and poor quality of design; and
9. Promote and encourage continued private ownership and use of buildings and other structures to further the objectives of this Chapter.

B. MAP

The area of the City applicable to these provisions of the Article were enacted by Ordinance Number 06-10020, enacted May 1, 2006, which adopted a historic preservation design area map that is on file in the City offices.

SECTION 400.360 - DEFINITIONS

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

ALTERATION

Any act or process that changes one (1) or more of the exterior architectural features of a structure including, but not limited to, the erection, construction, reconstruction or removal of any structure.

AREA

A specific geographic division of the City of Washington.

BOARD OF ADJUSTMENT

The Board established pursuant to Article XIII of this Chapter.

CERTIFICATE OF REVIEW

A certificate issued by the WHPC indicating its review of plans for alteration, construction, removal or demolition of a landmark or of a structure within a historic preservation design area.

COMMISSIONERS

Members of the Washington Historic Preservation Commission (WHPC).

CONSTRUCTION

The act of adding to an existing structure or the erection of a new principal or accessory structure on a lot or property.

COUNCIL

The City Council of the City of Washington.

DEMOLITION

Any act or process which destroys, in part or in whole, a landmark or a structure within a historic preservation design area or which threatens to destroy a landmark or a structure within a historic preservation design area by failure to maintain it in a condition of good repair and maintenance.

DESIGN GUIDELINE

A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

EXTERIOR ARCHITECTURAL APPEARANCE

The architectural character and general composition of the exterior of a structure including, but not limited to, the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

HISTORIC PRESERVATION DESIGN AREA

An area designated by ordinance of the City Council and which may contain within definable geographic boundaries one (1) or more landmarks and which may have within its boundaries other properties or structures which, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic preservation design area. The historic preservation design area is defined by the historic preservation design area map.

LANDMARK

A property or structure designated as a "landmark" by ordinance of the City Council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the City of Washington.

MINIMUM MAINTENANCE

The minimum regulations governing the conditions and maintenance of all existing structures, as set out in the 2003 Property Maintenance Code for the City of Washington as such existing structures code shall be amended from time to time by the City of Washington.

OWNER OF RECORD

The person, corporation or other legal entity listed as owner on the records of the County Recorder of Deeds.

PUBLIC IMPROVEMENT PROJECT

An action by the City of Washington or any of its departments or agencies involving major modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping or other portions of the public infrastructure servicing commercial, residential or industrial development.

REMOVAL

Any relocation of a structure on its site or to another site.

REPAIR

Any change that is not construction, removal or alteration.

STOP WORK ORDER

An order of the WHPC directing an owner, occupant, contractor or subcontractor to halt an action for which a certification of review is required and notifying the owner, occupant, contractor or subcontractor of the application process for a certification of review.

STRUCTURE

Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae and towers and swimming pools.

WHPC

The Washington Historic Preservation Commission.

SECTION 400.365 – HISTORIC PRESERVATION COMMISSION

A. COMPOSITION OF COMMISSION

The Washington Historic Preservation Commission shall consist of seven (7) members, all of whom shall be residents of the City of Washington, all of whom shall be appointed by the Mayor and approved by the City Council. The Mayor shall make every reasonable effort to appoint persons with a demonstrated interest in the historical preservation of the City of Washington. To the extent available in the community, the Washington Historic Preservation Commission shall include professional members representing such disciplines as architecture, law, real estate brokerage, history or any other fields related to historic preservation.

B. TERMS

The term of office of the members of the WHPC shall be for five (5) years, excepting that the membership of the first (1st) WHPC appointed shall serve respectively for terms of one (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; two (2) for four (4) years; and two (2) for five (5) years. Vacancies shall be filled for the unexpired term only.

C. COMPENSATION

The citizen members shall serve without compensation.

D. OFFICERS

Officers shall consist of a Chairman and a Vice Chairman elected by the WHPC, who shall serve a term of one (1) year and shall be eligible for re-election. The Chairman shall preside over meetings. In the absence of the Chairman, the Vice Chairman shall perform the duties of the Chairman. If both are absent, a temporary Chairman shall be elected by those present. The officers shall assure that the following duties of the WHPC are performed.

1. Preparation of minutes of each WHPC meeting.
2. Publication and distribution of copies of the minutes, reports and recommendations of the WHPC to the members of the WHPC.
3. Provision of notice as required herein or by law for all public hearings conducted by the WHPC.
4. Notification to the Mayor of vacancies on the WHPC and expiring terms of members; and
5. Preparation and submission to the City Council of a complete record of the proceedings before the WHPC on any matter requiring City Council consideration.

E. MEETINGS

A quorum of the WHPC shall consist of at least four (4) members. All decisions or actions of the WHPC shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the WHPC at the beginning of each calendar year or at any time upon the call of the Chairman. No member of the WHPC shall vote on any matter which may materially or apparently affect the property, income or business interest of that member. No action shall be taken by the Commission which could in any manner deprive or restrict the owner of a property in its use, modification, maintenance, disposition or demolition until such owner shall first have had the opportunity to be heard at public meeting of the WHPC as provided herein. The Chairman, and in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the WHPC shall be open to the public. The WHPC shall keep minutes of its proceedings, showing the vote, indicating such fact and shall be immediately filed in the office of the WHPC and shall be a public record.

F. FUNDING

The City Council shall annually appropriate funds, within budget limitations, for the operation of the WHPC. The WHPC may, with the consent of the City Council, apply for, receive or expend any Federal, State or private grant, grant-in-aid, gift or bequest in furtherance of the general purposes of this Article.

G. POWERS AND DUTIES

The WHPC shall have the following powers and duties:

1. To adopt its own procedural regulations, provided that such regulations are consistent with this Chapter and the Revised Statutes of the State of Missouri.
2. To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas that exemplify the cultural, social, economic, political or architectural history of the nation, State or City.

3. To investigate and recommend to the City Planning & Zoning Commission and to the City Council the adoption of ordinances designating properties or structures having special historic, community or architectural value as "landmarks".
4. To investigate and recommend to the City Planning & Zoning Commission and to the City Council the adoption of ordinances designating areas as having special historic, community or architectural value as "historic districts".
5. To keep a register of all properties and structures which have been designated as landmarks or historic districts, including all information required for each designation.
6. To confer recognition upon the owners of landmarks and property or structures within historic districts by means of certificates, plaques or markers and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another.
7. To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse and on procedures for inclusion on the National Register of Historic Places.
8. To nominate landmarks and historic districts to the National Register of Historic Places and to review and comment on any National Register nominations submitted to the WHPC upon request of the Mayor or Council.
9. To inform and educate the citizens of Washington concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures and pamphlets and by holding programs and seminars.
10. To hold all meetings or public hearings specified in this Chapter, to review applications for construction, alteration, removal or demolition affecting proposed or designated landmarks or structures within historic districts and to issue certificates of review for such actions.
11. To issue stop work orders for any construction, alteration, removal or demolition undertaken without a certificate of review.
12. To develop specific design guidelines for the alteration, construction or removal of landmarks or property and structures within historic districts.
13. To review proposed zoning amendments, applications for special use permits or applications for zoning variances that affect proposed or designated landmarks and historic districts. The Zoning Administrator shall send applications for special use or zoning variations to the WHPC for comment at least fifteen (15) days prior to the date of the hearing by the City Planning & Zoning Commission or Board of Adjustment.
14. To administer on behalf of the City of Washington any property or full or partial interest in real property, including easements, which the City of Washington may accept as a gift or otherwise acquire, upon authorization and approval by the City Council.
15. To make recommendations to the City Council concerning the application for and utilization of any Federal, State or private grant, grant-in-aid, gift or bequest furthering the general purposes of this Chapter.

16. To make recommendations to the City Council concerning budgetary appropriations to further the general purposes of this Chapter.
17. To call upon available City staff members as well as other experts for technical advice.
18. To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time.
19. To testify before all boards and commissions, including the City Planning & Zoning Commission and the Board of Adjustment, on any matter affecting historically and architecturally significant property, structures and areas.
20. To develop a preservation component in the Master Plan of the City of Washington and to recommend it to the City Planning & Zoning Commission and to the City Council.
21. To periodically review the Washington zoning ordinance and to recommend to the City Planning & Zoning Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts.
22. To undertake any other action or activity necessary or appropriate to the implementation of the purpose of this Chapter.

SECTION 400.370 SURVEYS AND RESEARCH**A. IDENTIFICATION**

The WHPC shall undertake an ongoing survey and research effort in the City of Washington to identify neighborhoods, areas, sites, structures and objects which have historic, community, architectural or aesthetic importance, interest or value. As part of the survey, the WHPC shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs. Before the WHPC shall on its own initiative nominate any landmark for designation, it shall develop a plan and schedule for completing a survey of the City of Washington to identify potential landmarks. The WHPC shall then systematically identify potential landmarks and adopt procedures to nominate them in groups based upon the following criteria:

1. The potential landmarks in one (1) identifiable neighborhood or distinct geographical area of the City of Washington.
2. The potential landmarks associated with a particular person, event or historical period.
3. The potential landmarks of a particular architectural style or school or of a particular architect, engineer, builder, designer or craftsman.
4. Such other criteria as may be adopted by the WHPC to assure systematic survey and nomination of all potential landmarks within the City of Washington.

SECTION 400.375 – NOMINATION OF LANDMARKS AND HISTORIC DISTRICTS

A. GENERAL

Nominations shall be made to the WHPC on a form prepared by it and may be submitted by a member of the WHPC, the owner of record of the nominated property or structures or the City Council.

B. CRITERIA FOR DESIGNATION OF NOMINATION

The WHPC shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure or area meets one (1) or more of the following criteria:

1. Its character, interest or value as part of the development, heritage or cultural characteristics of the community, County, State or country.
2. Its location as a site of a significant local, County, State or national event.
3. Its identification with a person or persons who significantly contributed to the development of the community, County, State or country.
4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.
5. Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, County, State or country.
6. Its embodiment of elements of design, detailing, materials or craftsmanship which renders it architecturally significant.
7. Its embodiment of design elements that make it structurally or architecturally innovative.
8. Its unique location or singular physical characteristics that make it an established or familiar visual feature of the neighborhood, community or City, or the fact that it has yielded or may be likely to yield information important in history.
9. Its character as a particularly fine or unique example of a utilitarian structure including, but not limited to, farmhouses, gas stations or other commercial structures with a high level of integrity or architectural significance.
10. Its suitability for preservation or restoration.

SECTION 400.380 – REPORT AND RECOMMENDATION OF WHPC

A. TIME FRAME FOR ACTION

The WHPC shall, within forty-five (45) days from receipt of a completed nomination in proper form, adopt by resolution a recommendation stating whether or not the nominated landmark or historic district meets the criteria for designation in Section 480.040. The resolution shall be

accompanied by a report to the City Planning & Zoning Commission containing the following information:

1. Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation.
2. Explanation of the integrity or lack of integrity of the nominated landmark or historic district.
3. In the case of a nominated landmark found to meet the criteria for designation:
 - a. The significant exterior architectural features of the nominated landmark that should be protected.
 - b. The types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit that should be reviewed for a certificate of review.
4. In the case of a nominated historic district found to meet the criteria for designation:
 - a. The types of significant exterior architectural features of the structures within the nominated historic district that should be protected.
 - b. The types of alterations and demolitions that should be reviewed for a certificate of review.
5. Proposed design guidelines, including minimum maintenance requirements, for applying the criteria for review of certificates of review to the nominated landmark or historic district.
6. The relationship of the nominated landmark or historic district to the ongoing effort of the WHPC to identify and nominate all potential areas and structures that meet the criteria for designation.
7. Any initial recommendation as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district.
8. A map showing the location of the nominated landmark and the boundaries of the nominated historic district.
9. The recommendation and report of the WHPC shall be sent to the City Planning & Zoning Commission within seven (7) days following the vote on the resolution and shall be available to the public at the offices of the Zoning Administrator.

SECTION 480.385 – NOTIFICATION OF NOMINATION.

The City Planning & Zoning Commission shall schedule and hold a meeting on the nomination following receipt of a report and recommendation from the WHPC as to whether or not a nominated historic district meets the criteria for designation. The meeting shall be scheduled, held and conducted in the same manner as other meetings to consider applications for Zoning Map amendments or ordinance amendments. Notice of the date, time, place and purpose of the meeting and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators.

SECTION 400.390 – DETERMINATION BY THE CITY PLANNING & ZONING COMMISSION.

Within sixty (60) days following the close of the meeting of the City Planning & Zoning Commission, the City Planning & Zoning Commission shall make a determination upon the evidence as to whether or not the nominated landmark or historic district meets the criteria for designation. Such a determination shall be made upon a motion and vote of the City Planning & Zoning Commission and shall be accompanied by a report to the City Council stating the findings of the City Planning & Zoning Commission concerning the relationship between the criteria for designation described in **Section 400.375** and the nominated landmark or historic district and all other information required by **Section 400.380**.

SECTION 400.395 – NOTIFICATION OF DETERMINATION

Notice of the determination of the City Planning & Zoning Commission, including a copy of the report, shall be sent by regular mail to the owner(s) of record of a nominated landmark and owners of all property within a nominated historic district and to the nominator within seven (7) days following a determination of the City Planning & Zoning Commission as to whether or not the nominated landmark or historic district meets the criteria for designation, a copy of the resolution and report accompanied by a recommendation as to whether or not the nominated landmark or historic district shall be designated shall be sent to the City Council.

SECTION 400.400 – ACTION BY CITY COUNCIL**A. PERIOD FOR ACTION**

The City Council shall, within sixty (60) days after receiving the report and recommendation from the City Planning & Zoning Commission, either reject the proposed designation or designate the landmark or historic district by an ordinance. The City Council shall hold a public hearing before enacting the ordinance and provide notice and take testimony in the same manner as provided in **Section 400.385**. Any ordinance shall be accompanied by a written statement explaining the reasons for the action of the City Council.

B. WRITTEN NOTICE

After the public hearing, the City Clerk shall provide written notification of the action of the City Council by regular mail to the nominator, the owner(s) of record of the nominated landmark or of all property within a nominated historic district. The notice shall include a copy of the designation ordinance or resolution passed by the City Council and shall be sent within seven (7) days of the City Council action. A copy of each designation ordinance shall be sent to the WHPC, the City Planning & Zoning Commission and the Zoning Administrator.

SECTION 400.405 – APPEAL.

A determination by the City Council as to whether or not to designate a property as a landmark or historic district shall be a final administrative decision, as that term is defined in Chapter 536, R.S. MO.

SECTION 480.410 - THE DESIGNATION ORDINANCE.

Upon designation, the landmark or historic preservation design area shall receive the supplemental classification "H" for historic preservation design area and the designating ordinance shall prescribe the significant exterior architectural features; the types of construction, alteration, demolition and removal other than those requiring a building or demolition permit that should be reviewed for review, the design guidelines, including minimum maintenance standards, for applying the criteria for review of review; permitted uses; special uses; height and area regulations; minimum dwelling size; floor area; sign regulation and parking regulations. The official Zoning Map of the City of Washington shall be amended to show the boundaries of the supplemental zoning designation. Any designation of an area as a "historic district" shall be regarded as a supplemental zoning designation and shall not affect in any way the underlying zoning designation as provided in other Articles of this Chapter.

SECTION 400.415 – AMENDMENT AND RESCISSION OF DESIGNATION.

Designation may be amended or rescinded upon petition to the WHPC and compliance with the same procedure and according to the same criteria set forth herein for designation.

SECTION 400.420 – CERTIFICATE OF REVIEW — SCOPE.**A. MANDATORY DESIGN REVIEW**

This Chapter shall establish a mandatory design review for all developments located within the historic preservation design area as depicted on the Historic Preservation Design Review Map.

B. MAP EFFECT

The Historic Preservation Design Review Map and all the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if such map and all the notations, references and other information shown thereon were all fully set forth or described herein, which Historic Preservation Design Review Map is properly attested and is on file with the City Clerk.

SECTION 400.425 – DESIGN REVIEW**A MUNICIPAL IMPROVEMENTS**

City Officials charged with design responsibility for any municipal improvement, structure or sign within the historic district shall hold preliminary discussions on the proposed project with the WHPC to obtain its preliminary recommendations with respect to environmental, historic, architectural, aesthetic and design considerations of the project. The WHPC shall review municipal improvements at the completions of the design development phase and construction document phase or at any other time it deems necessary to further the purposes of this Chapter. Any significant deviations from a plan approved by the WHPC shall be resubmitted to the WHPC for its further review and recommendation. The WHPC's recommendations on municipal improvements shall not be binding upon the City, but shall be considered in the decisions of City Officials and the City Council.

B. REQUIREMENT

No person shall begin or substantially change any development subject to review under this Chapter without first obtaining design review by the WHPC and obtaining a certificate of review or, in the case of demolition, a waiver as a result of review.

C. PERMITS

No City permit or approval shall be issued for any development for projects requiring WHPC review without first obtaining design review by the WHPC and obtaining a certificate of review or, in the case of demolition, a waiver as a result of review.

D. DEMOLITION

No demolition of any building or structure subject to review under this Chapter shall begin without first obtaining design review by the WHPC of the proposed replacement development and obtaining a certificate of review. In the event the applicant has not determined a replacement development, the WHPC may, after reviewing the effects of the demolition, issue a waiver of design review prior to demolition if it finds that the proposed demolition prior to design review would not be detrimental to the purposes of this Chapter. In the event of a finding by the City of an unsafe condition, an abatement order may be issued by the City without compliance with this Subsection; provided, that all reasonable efforts have first been made to preserve and correct unsafe conditions rather than damage or demolish valuable buildings, structures or objects.

SECTION 400.430 – EXEMPTIONS

A. NO CERTIFICATE REQUIRED

The following activities do not require a certificate of review or review by the WHPC:

1. Ordinary repair or maintenance (to include painting).
2. Emergency repairs.
3. Interior remodeling or interior decoration.
4. Exterior facade improvements on structures located outside of the historic preservation design review area.

SECTION 400.435 – CERTIFICATE OF REVIEW REQUIRED

A. CERTIFICATE REQUIRED

The following activities require a certificate of review or review by the WHPC:

1. Exterior facade improvements on all structures located within the historic preservation design review area.
2. All new construction to include primary and accessory structures within the National Register Historic Districts on the Historic Preservation Design Review Map and the historic preservation design review area.

SECTION 400.440 – DESIGN REVIEW — NOT BINDING ON APPLICANT

The recommendations of the WHPC set forth in a certificate of review shall be advisory only and shall not be binding on the applicant or any other person; provided however, that the applicant may, at his/her option, agree to certain binding conditions contained therein in the course of approval of a variance, special use permit or other City approval related to the development.

SECTION 400.445 – OPTIONAL PRE-APPLICATION REVIEW

Prior to submitting an application for design review and/or building permit, any person proposing a development which is subject to review under this Chapter may submit the plans required in **Section 480.170** in preliminary or sketch form so that the comments and advice of the WHPC may be incorporated into the plans submitted for application. Such pre-application consultations are encouraged to assist project proponents to achieve the best possible development and to facilitate timely review of the proposal whenever an application is made on the project.

SECTION 400.450 – DESIGN REVIEW — APPLICATION**A. APPLICATIONS FOR DESIGN REVIEW**

Applications for design review shall be submitted to the WHPC at the Planning and Engineering Services Department and shall consist of a completed application on a form prescribed by the WHPC, accompanied by a site plan showing the location of the building or buildings, parking, exterior lighting, signs and landscaping; exterior elevations of the front and side with a description of the type and finished color or exterior siding, windows and roofing to be used; detailed drawings of architectural features, signs and trim; historic and "as is" photographs of the subject building or site and adjacent structures. All diagrams shall be drawn to scale. The WHPC may request additional information necessary for their review and recommendation.

B. APPLICATIONS FOR A SPECIAL USE PERMIT

Applications for a special use permit pursuant to **Article V** or variance pursuant to **Article XIII** shall submit their plans for review and recommendation to the WHPC at least fifteen (15) days prior to the first (1st) hearing scheduled on the proposed development.

SECTION 400.460 – DESIGN REVIEW — PROCESS**A. NOTIFICATION**

Upon receipt of a completed application for review, the Zoning Administrator shall notify the WHPC and forward the application to its members.

B. PUBLIC MEETING

The WHPC shall set a public meeting time and place as soon as possible to review the application according to the design review standards established pursuant to Section 480.190. The WHPC shall request the applicant and may request any design professionals assisting the applicant to attend the meeting. If the applicant or the applicant's representative fails to attend the meeting, an alternate meeting shall be scheduled by the WHPC within thirty (30) days of the initial meeting; provided that in such event, the thirty (30) day review period prescribed in Subsection (E) of this Section shall not commence from the date of the application but shall instead commence on the date to which the meeting on the subject application is continued. Failure of the applicant or the

applicant's representative to attend either the initial or continued meeting set for review of the application shall constitute a failure of the application requirements and no permits shall be granted by the City on the project unless and until the applicant has reapplied for review and obtained a certificate of review pursuant to this Chapter.

C. REVIEW

The WHPC may, in the execution of its review, assign any portion of the review of any application to any member or committee of the WHPC; provided that final action to issue a certificate of review shall be made by a majority vote of the members present.

D. PROCESS

Upon receipt of an application for a permit for development subject to review under this Chapter, the Zoning Administrator shall:

1. Inform the applicant of the review requirements;
2. Report receipt of the application to the WHPC;
3. Assist the WHPC in considering building, zoning, sign and fire code requirements which may apply to the proposed development; and
4. Shall not issue any such permit until a certificate of review has been obtained.

E. PERIOD OF REVIEW

Unless an extension is authorized by the applicant, the WHPC shall complete its review within thirty (30) days of receipt of a complete application. In the event the WHPC fails to issue a certificate of review within such period, a certificate of review shall be deemed to have been issued without recommendation as if the WHPC had so acted.

SECTION 400.465 – DESIGN REVIEW — STANDARDS AND GUIDELINES**A. ARCHITECTURAL CRITERIA**

Design guidelines for review of applications for certificates of review shall, at a minimum, include the following architectural criteria:

1. Height - The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.
2. Proportions of windows and doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district.
3. Relationship of building masses and spaces - The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.
4. Roof shape - The design of the roof should be compatible with the architectural style and character of the landmarks and surrounding structures in a historic district.

5. Landscaping - Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts.
6. Scale - The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.
7. Directional expression - Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alterations, construction or partial demolition should be compatible with its original architectural style and character.
8. Architectural details - Architectural details including materials, colors and textures should be treated so as to make a landmark compatible with its original character of significant architectural style and to preserve and enhance the landmark or historic district.
9. Signage - The character of signs should be in keeping with the historic or architectural character of a landmark or historic district. Character of a sign includes the number, size, area, scale, location, type (e.g., off-site advertising signs and on-site business signs), letter size or style and intensity and type of illumination.
10. Minimum maintenance - Significant exterior architectural features should be kept in a condition of good repair and maintenance. All structural and mechanical systems should be maintained in a condition and state of repair that will present decay, deterioration or damage to significant architectural features or otherwise adversely affect the historic or architectural character of structures within a historic district.

B. STANDARDS FOR REVIEW

In its review of proposals which are subject to this Chapter, the WHPC shall be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (revised 1983) including, but not necessarily limited to, the following standards for rehabilitation set forth therein:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment or to use a property for its originally intended use.
2. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building. These changes may have acquired significance in their own right and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
6. Distinctive architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

C. ADDED OR MODIFIED STANDARDS AND GUIDELINES

In addition, the WHPC may also from time to time adopt by rule additional or modified standards and guidelines as authorized by the City Council as provided in this Chapter.

SECTION 400.470 – CERTIFICATE OF REVIEW

Whenever the WHPC has completed its review, it shall issue a certificate of review on form prescribed by the WHPC. The certificate of review shall include, but not necessarily be limited to, the following information: the name of the applicant, the date the certificate is issued, the location of the proposed development, a brief narrative description of the development, specific reference to any and all plans submitted by the applicant, whether or not the WHPC finds the proposed development to be contributing to the historic district and any and all specific design recommendations made by the WHPC on the application.

SECTION 400.475 EFFECT OF REVIEW ON OTHER APPROVALS**A. LIMITATIONS ON CERTIFICATE**

Issuance of a certificate of review by the WHPC does not constitute or imply approval of any other permit or approval which may be required for the development.

B. AUTHORITY OF OTHER BODIES

No provision of this Chapter shall be interpreted as limiting the authority of the hearings body or decision-making body to impose conditions as authorized elsewhere in this Title.

C. APPLICABILITY OF OTHER PROVISIONS OF THIS CHAPTER

Properties subject to review pursuant to this Article shall be subject to the provisions set forth in this Chapter, as well as the bulk use, setback and other provisions of the zoning district in which they are located. Nothing contained in this Chapter shall be construed to repeal, modify or waive any applicable provisions of State or local laws, rules, regulations or ordinances.

D. LIMITATIONS ON POWERS OF WHPC

Neither the WHPC nor its members are delegated any executive or legislative power, authority or responsibility.

ARTICLE XI**ADMINISTRATION AND ENFORCEMENT****SECTION 400.480 – ZONING ADMINISTRATOR**

The Director of Planning, Director of Public Works, City Engineer, Building Official or a person of the same or similar title as formally designated by the City Administrator of the City of Washington shall be responsible for interpreting and administering the provisions of this ordinance and shall have primary responsibility for the enforcement of this ordinance by means of the duties specified herein. For the purposes of this Chapter this person shall be referred to in this Chapter as “Zoning Administrator”. Without limiting the generality of the previous sentence, the duties and authority of the Zoning Administrator shall be as follows:

A. DUTIES AND RESPONSIBILITIES OF THE ZONING ADMINISTRATOR

The duties and responsibilities of the Zoning Administrator shall include, but not necessarily be limited to, the following:

1. The Zoning Administrator shall provide the Planning and Zoning Commission with review, analysis, reports and recommendations on:
 - a. Petitions for rezoning (Zoning Map Amendments);
 - b. Proposed text amendments to this ordinance;
 - c. Special use permit applications; and
 - d. Planned developments.

As applicable, the Zoning Administrator shall obtain and compile the comments from other City staff with respect to the above subjects.

2. Determine whether applications for building permits are in compliance with applicable requirements of this ordinance.
3. Furnish to the various department superintendents or other employees of the City such information as will aid in ensuring the proper compliance with this ordinance and other codes of the City.
4. Administer the various review procedures associated with, but not necessarily limited to, the following:
 - a. Site plan review provisions contained in **Article VII**, "Site Plan Review Procedure;"
 - b. Special use permit review provisions contained in **Article V**;
 - c. Compliance with “PD” Planned Development requirements and review procedures of Article III, Section 400.115; and

- d. Other review and administrative tasks associated with the compliance with this Chapter as may be specified herein or as directed by the City Administrator.
5. Provide administrative support to the Board of Appeals. This includes receiving, filing and forwarding to the Board of Appeals, all information constituting the record upon which actions appealed from are taken.
6. Supervise the preparation of updates to the Official Zoning Map.
7. Except as otherwise provided for in this ordinance, notify in writing any person responsible for violating any of the provisions of this ordinance, indicating the nature of the violation and ordering the necessary corrective action.
8. May cause the cessation of any erection, construction, reconstruction, alteration, conversion, maintenance or use in violation of this ordinance by issuing a stop work or stop use order.
9. May refer any violation of this ordinance to the City Attorney for prosecution or other appropriate action when deemed necessary.

The Zoning Administrator may adopt such administrative policies as necessary to the carrying out of such duties.

SECTION 400.485 – PLANNING & ZONING COMMISSION

A. CREATION OF THE COMMISSION

1. There is hereby created a Commission to be known as the Planning and Zoning Commission (or also referred to as “the Commission”) which shall consist of nine (9) members, including the Mayor, a member of the Council selected by the Council and seven (7) citizens appointed by the Mayor and approved by the Council.
2. All citizen members of the Commission shall serve without compensation.
3. The term of each of the citizen members shall be for four (4) years, except that any citizen member now serving on the existing Plan Commission shall serve until his or her appointment expires.
4. Any vacancies in the membership shall be filled for the unexpired term by appointment as aforesaid. The Council may remove any citizen member for cause stated in writing and after public hearing.
5. The terms of the member of the City Council and the Mayor shall correspond to their respective official tenures.

B. Officers, Meetings, Rules and Regulations, and Records

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

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

C. Employees and Consultants

The Planning and Zoning Commission may appoint such employees as it may deem necessary for its work. The Commission may also contract with City planners, engineers, architects and other consultants for such services as it may require; provided, that an appropriation has been made authorizing payment for such services.

D. Powers and Duties Generally

1. The Planning and Zoning Commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duty to consult with public officials and agencies, public utility companies, civic, educational, professional and other organizations and with citizens with relation to the protecting and carrying out of the plans. The Commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall, upon request furnish to the Commission within a reasonable time such available information as it shall require for its work. The Commission, its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to fulfill its functions, promote City Planning and carry out the purposes of this Chapter.
2. The Planning and Zoning Commission shall immediately, upon the City annexing unincorporated areas into the City of Washington, make recommendations to the City Council as to the proposed zoning for said newly annexed area.

E. Comprehensive City Plan, Preparation, and Contents

It shall be the function and duty of the Planning and Zoning Commission to make and adopt a comprehensive Plan for the physical development of the City. Such Plan, with the accompanying maps, plats, charts and descriptive matter, shall show the Commission's recommendations for the development of the area, including, among other things; the general location, character and extent of streets, viaducts, bridges, waterways, water fronts, boulevards, highways, parkways, playgrounds, squares, parks, air fields and other public ways, grounds and open spaces; the general location of public buildings and other public property; and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; as well as a zoning plan for the control of the height, area, bulk, location and use of buildings and premises and of population density; the general location, character, layout and extent of community centers and neighborhood units; and the general character, extent and layout of the re-planning of blighted districts and slum areas and the establishment of fire zones. The Commission shall hold public hearings on any major final report before submitting the same to the City Council for its action thereon and the Council shall not hold its public hearings or take action until it has received the final report of the Plan Commission on the particular proposition to be acted on.

F. Purpose of the Comprehensive City Plan

In the preparation of a City Plan, the Planning and Zoning Commission shall make careful comprehensive surveys and studies of present conditions and the future growth of the City, with due regard to its relation to neighboring territory. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design, arrangement, wise and efficient expenditure of public funds and the adequate provisions of public utilities and other public requirements.

G. Designated Zoning Commission and Comprehensive Zoning Plan

1. The Planning and Zoning Commission is hereby appointed as the Zoning Commission of the City.
2. The Planning and Zoning Commission of the City is hereby authorized and directed to make and adopt a revised or new comprehensive Zoning Plan for the City, in accordance with the provisions of and for the purposes enumerated in Chapter 89, R.S. MO., and which plan shall be administered in accordance with the provisions of such Chapter 89, R.S. MO.
3. After having prepared a preliminary plan and holding public hearings thereof, the Planning and Zoning Commission shall submit its final report to the Council.

SECTION 400.490 – PERMITS AND CERTIFICATES OF COMPLIANCE

Prior to the land preparation or construction of any building or structure permitted in accordance with the provisions of this Chapter and other applicable Chapters of the Washington City Code, the following requirements must be met:

A. Grading of Property and Permit Requirement

1. Grading, filling, excavating or any change in the grade or property that involves the moving, depletion or replacement of more than fifty (50) cubic yards of material or changes the existing elevation by more than two (2) feet requires a permit, as per **Section 400.490, A, 2** below. At no time shall any grading be detrimental to surrounding property in appearance or in the diversion of storm water drainage.
2. An application for a grading permit shall be submitted to the City Engineer and shall be accompanied by a plan and size for permanent filing, drawn to scale showing the area to be graded, the depth of cut and fill and an estimate of total cubic cut and fill. The plan shall be approved by the City Engineer. Furthermore, a record of the application and plan shall be kept in the office of the City Engineer. The application for a grading permit shall be accompanied by a fee in the amount of fifteen dollars (\$15.00) per acre which shall be paid to the City Clerk.

B. Building Permit

An application for a building permit shall be submitted to the Zoning Administrator and each application for a building permit shall be accompanied by a plat in duplicate in a form and size suitable for permanent filing and drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and locations of the building to be erected, and such other information as may be necessary to provide for the enforcement of this Chapter. The property shall be surveyed by a licensed surveyor. A record of the applications and plats shall be kept in the office of the Zoning Administrator.

C. Certificate of Occupancy

1. Subsequent to the passage of the ordinance adopting these zoning regulations, no change in the use of occupancy of land, nor any change of use or occupancy in an existing building other than for single-family dwelling purposes shall be made, nor shall any new building be occupied for any purpose until a Certificate of Occupancy has been issued by the Zoning Administrator. Every Certificate of Occupancy shall state that the new occupancy complies with all provisions of this Chapter.
2. Certificates for occupancy and compliance shall be applied for coincidentally with the application for a building permit and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
3. No permit for the excavation for or the erection or alteration of any building shall be issued before the application has been made for a Certificate of Occupancy and no building or premises shall be occupied until that certificate and permit are issued.
4. A Certificate of Occupancy shall be required of all non-conforming uses of land or buildings created by the passage of this ordinance. Application for such Certificates of Occupancy for non-conforming uses shall be filed with the Zoning Administrator by the owner or lessee of the land or building occupied by such non-conforming use within two (2) years from the effective date of this ordinance. It shall be the duty of the Zoning Administrator to issue a Certificate of Occupancy for a non-conforming use upon the filing of an application for the same. Nothing in this Chapter shall prevent the continuance of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

SECTION 400.495 – ENFORCEMENT**A. CONSTRUCTION AND USE SHALL COMPLY WITH PLANS AND PERMITS**

All permits issued on the basis of plans (including site plans approved by the Planning and Zoning Commission) and/or permits issued by the Zoning Administrator authorize only the use, arrangement, and/or construction set forth in such approved plans and/or permits and no other use, arrangement, or construction.

B. ENTRY AND INSPECTION OF LAND AND BUILDINGS

Members of the Council, Planning and Zoning Commission, the Zoning Administrator and building inspectors are hereby empowered in the performance of their duties, to enter upon any

property in the City of Washington for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs, or placards required to effectuate the purpose and provisions of this ordinance.

SECTION 400.500 – VIOLATIONS

A. PROCEEDINGS TO PREVENT VIOLATIONS

1. General

- a. In case any building or structure, including fixtures, is constructed, reconstructed, altered, converted, or maintained, or any building or structure, including fixtures, or land, is used in violation this ordinance, the City may institute any appropriate action or proceeding to:
 - (1) prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use;
 - (2) prevent the occupancy of the building, structure, or land;
 - (3) prevent any illegal act, conduct, business, or use in or about the premises; or
 - (4) restrain, correct, or abate the violation.
- b. Any owner or tenant of real property, within 1,200 feet in any direction of the property on which the building or structure in question is located, who shows that their property or person will be substantially affected by the alleged violation may seek action to prevent such violation as provided for by law. Without abrogating the aforementioned procedure to remedy an alleged violation, such owner or tenant may notify the Zoning Administrator, in writing, of the alleged violation. Upon receipt of such notice, the Zoning Administrator shall take whatever action is warranted and inform the complainant, in writing, what actions have been or will be taken.

2. Procedure Upon Discovery of Violations:

- a. If the Zoning Administrator finds that any provision of this ordinance is being violated, the Zoning Administrator shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Zoning Administrator's discretion.
- b. The final written notice (and the initial written notice may be the final notice) shall advise that the Zoning Administrator's decision or order may be appealed to the Board of Appeals in accordance with Article XII, "Appeals to the Board of Adjustment," of this Chapter.
- c. In cases where delay would threaten the public health, safety, or welfare, the Zoning Administrator may seek enforcement without prior written notice by invoking a stop work or stop use order and institute any of the penalties or actions authorized in Section 400.500, (B) below.

B. PENALTIES AND REMEDIES FOR VIOLATIONS

1. The owner or agent of a building or premises in or upon which a violation of any provision of this Chapter has been committed or shall exist, or the lessee or tenant, of an entire building or entire premises in or upon which a violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court, or by confinement in the County Jail for not more than one (1) year, or by both such fine and confinement.

2. This ordinance may also be enforced by any appropriate equitable action.

ARTICLE XII
AMENDMENTS

SECTION 400.505 – COUNCIL MAY AMEND.

The City Council may from time to time, on its own motion or on petition, amend, supplement, change, modify, or repeal by ordinance the boundaries of Districts or regulations, or restrictions herein established.

SECTION 400.510 – PETITION

A. FILING OF PETITION

Before any action shall be taken as provided in this Chapter, the party proposing or recommending a change in the District regulations or District boundaries shall file a petition with the Zoning Administrator at least fifteen (15) working days prior to the next regularly scheduled meeting of the City Planning Commission. The applicant for a rezoning shall submit a fee of one hundred fifty dollars (\$150.00) to the City Clerk along with its application.

B. PETITION SIGNED BY PROPERTY OWNER

The petition shall be signed by the owner of the property for which a change in the District regulations or District boundaries is requested if different than the applicant.

C. REFILING OF PETITION FOR SAME

No more than one (1) petition for the same change in District regulations or District boundaries for the same parcel shall be submitted by any applicant or owner within a six (6) month period.

D. FEE FOR SPECIAL USE PERMIT

Any applicant for a special use permit shall submit a fee of one hundred fifty dollars (\$150.00) to the City Clerk along with its application.

SECTION 400.515 – PLAN COMMISSION REVIEW.

Any proposed amendment, supplement, change, modification or repeal shall be first submitted to the Plan Commission for its recommendation and report.

SECTION 400.520 – PUBLIC HEARING

Upon the filing of the recommendation and report by the Plan Commission with respect to any proposed amendment, supplement, change, modification or repeal, or upon failure to report in thirty (30) days, the Council shall proceed to hold a public hearing in relation thereto, giving at least fifteen (15) days' notice of the time and place of such a hearing, and if a proposed amendment, change or modification recommends a change in the District boundaries by rezoning of certain property, then such notice shall, in addition to the legal description of the property, contain a commonly recognized designation or address; which notice shall first be published in a newspaper having a general circulation in the City.

SECTION 400.525 – CITY COUNCIL ACTION

A. CITY COUNCIL VOTE

The City Council shall vote on the amendment based on the following conditions:

1. All rezoning actions shall require a favorable vote of a majority of the full membership of the City Council, except as provided below.
2. Rezoning shall require a favorable vote by at least two-thirds (2/3) of a majority of the full membership of the City Council if the City Planning Commission recommends against the rezoning.
3. If a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the City Clerk, duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys), included in such proposed amendment, supplement, change, modification or repeal, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the District proposed to be changed, such amendment, supplement, change, modification or repeal shall not become effective except by a favorable vote of at least two-thirds (2/3) of all the members of the City Council.

ARTICLE XIII

APPEALS TO THE BOARD OF ADJUSTMENT

SECTION 400.530 – ESTABLISHMENT

A Board of Adjustment is hereby established. The word "Board," when used in this and the following Sections shall be construed to mean the Board of Adjustment.

SECTION 400.535 – COMPOSITION

A. MEMBERSHIP

The Board of Adjustment shall consist of five (5) members, all of whom shall be residents appointed by the Mayor and approved by the City Council.

B. TERM OF OFFICE

The term of office of the members of the Board of Adjustment shall be for five (5) years except that the membership of the first Board appointed shall serve respectively for terms of 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. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Mayor and the City Council upon written charges and after public hearing.

C. OFFICERS

The Board of Adjustment shall elect its own Chairman and Vice Chairman who shall serve for one (1) year.

D. RULES AND REGULATIONS

The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Chapter.

E. MEETINGS

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the Acting Chairman, may administer 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 a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for that purpose.

SECTION 400.540 – APPEALS

A. GENERALLY

1. Appeals to the Board of Adjustment on any matter over which the Board is herein specifically granted jurisdiction may be taken by any person aggrieved or by an officer, department or board, other than the Board of Adjustment, or Bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board of Adjustment by general rule, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
2. The Notice of Appeal shall be accompanied by a fee of sixty dollars (\$60.00) as and for the fee for the appeal. No appeal shall be allowed unless the appeal fee has been paid to the City.

B. STAYS OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the Certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a Court of Record on application or notice to the Zoning Administrator on good cause shown.

C. HEARING

The Board shall fix a reasonable time for the hearing of the appeal, give not less than fifteen (15) days' notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

SECTION 400.545 – POWERS OF THE BOARD.

A. POWERS

The Board of Adjustment shall have the following powers:

1. Powers relative to errors. 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 this Chapter.
2. Powers relating to variations. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reasons of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property which conditions are not generally prevalent in the neighborhood, the strict application of the area regulations of this Chapter would result in peculiar and exceptional difficulties to, or exceptional and undue hardship upon, the owner of such property, the Board is hereby empowered to authorize upon an appeal relating to such property, a variation from such strict application so as to relieve such difficulties or hardships.

3. Powers relative to exceptions. Upon appeal, the Board is hereby empowered to permit the following exceptions:
 - a. To permit the extension of a District where the boundary line of a District divides a lot in single ownership as shown of record.
 - b. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or by the public enemy to the extent of less than seventy-five percent (75%) of its value where the Board shall find some compelling public necessity requiring a continuance of the non-conforming use.
 - c. To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.
 - d. To add to the permitted uses in the "C" Commercial and "M" Industrial Districts when the Board has determined that a use is comparable to those already permitted in such District.
 - e. To interpret the provisions of this Chapter where the street layout actually on the ground varies from the street layout as shown on the map fixing the several Districts, which map is on file in the office of the City Clerk.
 - f. To vary the parking regulations of this Chapter whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
 - g. To vary such other regulations as shall appear in the Zoning Ordinance of the City of Washington, Missouri, where such variance is necessary to prevent exceptional and undue hardship upon the owner of such property, to the extent authorized by Missouri law.
4. Board may affirm, modify, or reverse decision. In exercising the above-mentioned powers, such Board may, in conformity with the provisions of this Chapter, 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. In considering all appeals to this Chapter, the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the District Map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets, or increase the danger of fire or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City of Washington. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence specifying the reason for granting or denying the variation.
5. Vote of four (4) members of Board required to reverse. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any

matter upon which it is required to pass under this Chapter, or to effect any variation in this Chapter.

**SECTION 400.550 – PETITION OF PERSONS, OFFICERS, DEPARTMENTS, ETC.,
AGGRIEVED BY DECISION OF BOARD**

A. PETITION TO THE COUNTY CIRCUIT COURT

Any person jointly or severally aggrieved by any decision of the Board of Adjustment or of any officer, department, board or bureau of the City may present to the Circuit Court having jurisdictions in the County a petition duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the office of the Board.

B. COURT PROCEEDING

Upon the presentation of such petition, the Court may allow a Writ of Certiorari directed to the Board for review of the data and records acted upon or it may appoint a referee to take additional evidence in the case. The Court may reverse or affirm or may modify the decision brought up for review.

C. COSTS

Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

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ARTICLE I

PURPOSE AND GENERAL PROVISIONS

SECTION 405.005 – PURPOSES AND INTENT

A. PURPOSES AND INTENT

The purposes and intent of these sign regulations are:

1. To encourage the effective use of signs as a means of communication in the City;
2. To maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
3. To improve pedestrian and traffic safety;
4. To minimize the possible adverse effect of signs on nearby public and private property; and
5. To enable the fair and consistent enforcement of these sign restrictions.

B. AUTHORITY

This sign Chapter is adopted under the zoning authority of the City of Washington in furtherance of the more general purpose set forth under the Zoning Code as contained in Chapter 400 of the Washington Municipal Code.

C. PROVISIONS TO GOVERN

The provisions of this Chapter shall govern the construction, alteration, repair and maintenance of all signs and outdoor display structures for on-premises signs.

D. ZONING CODE PRECEDENCE

Where more restrictive in respect to location, use, size or height of signs and outdoor display structures, the limitations of the zoning code of **Chapter 400** and the regulations of this chapter affecting required light and ventilation requirements and use of land shall take precedence over the regulations of the Washington City Code.

SECTION 405.010 – PLANS, SPECIFICATIONS AND PERMITS REQUIRED

A. SIGN PERMIT REQUIRED FOR CONSTRUCTION

If a sign requiring a permit under the provisions of this Chapter is to be placed, constructed, erected or modified on a lot or parcel, the owner of the lot shall secure a sign permit with the Zoning Administrator or his/her designee prior to the construction, placement, erection, or modification of such a sign in accordance with requirements of **Article V, Section 405.065** of this Chapter.

B. PERMIT TO BE MAINTAINED

The property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section **405.075**.

C. NO SIGNS IN PUBLIC RIGHTS-OF-WAY

No signs shall be erected in the public right-of-way except in accordance with Section **485.080**.

ARTICLE II**INTERPRETATION, APPLICABILITY, AND DEFINITIONS****SECTION 405.015 – INTERPRETATION AND APPLICABILITY****A. INTERPRETATION**

Words and phrases not defined in this Section but defined in the zoning ordinance of the City shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Chapter.

B. APPLICABILITY

Except as otherwise provided for in **Article III, Section 405.055** of this Chapter, the provisions of this Chapter shall govern the installation, erection, painting or display of any outdoor sign or sign which is designed to be seen by the public from out of doors.

SECTION 405.020 – DEFINITIONS

Words and phrases used in this Chapter shall have the meanings set forth in this Section.

ANIMATED SIGNS

Signs that flash or move or otherwise change at intervals more frequently than once each six (6) seconds. Any sign that utilizes the appearance of movement using lighting to depict action or to create a special effect or scene.

ATTENTION GETTING DEVICE

Any pennant, propeller, spinner, ribbon, streamer, searchlight, balloon, inflatable sign (static), figurine, statue, or other similar device or ornamentation designed to or having the effect of attracting the attention of potential customers or the general public. An attention getting device shall be considered a sign and shall meet all requirements of this ordinance for a sign.

AWNING SIGN

Any sign attached to, in any manner or otherwise made a part of any awning or awning-like structure which projects beyond a building or extends along and projects beyond the wall of the building, generally designed and constructed to provide protection from the weather.

BANNER

Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one (1) or more edges. National flags, State or municipal flags, or the official flag of any institution shall not be considered banners.

BEACON

Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.

BUILDING MARKER

Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BUILDING SIGN

Any sign attached to any part of a building, as contrasted to a freestanding sign.

CANOPY SIGN

Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

CHANGEABLE COPY SIGN

A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Chapter.

COMMERCIAL MESSAGE

Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

DIRECTIONAL SIGN

A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property (except as otherwise provided for in this Article) to which or on which the public is directed.

ELECTRONIC MESSAGE DISPLAY

An electrically activated changeable sign capable of displaying words, symbols, figures, graphic, or photographic or video images and whose variable message and/ or graphic presentation capability can be electronically programmed and changed by remote or automatic means Also known as an Electronic Message Center, typically uses light emitting diodes (LEDs) as a lighting source. If any indoor such signs are visible from a public right-of-way, they will be subject to all conditions and standards of this ordinance.

FLASHING SIGN

Signs that have flashing lights or intermittent illumination shall be limited to emergency or warning signs installed for traffic control, including signs that draw attention to speed limits, stop signs, fire stations, school zones and similar governmental or public uses.

FLAG

Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FREESTANDING SIGN

Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

INCIDENTAL SIGN

A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone" and other similar directives.

MARQUEE

Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN

Any sign attached to, in any manner, or made part of a marquee.

NITS- Nits are the standard unit of brightness for electronic and digital signage. It is a measure of the light being emitted by the sign in contrast to footcandles which measure the brightness of the surface area or object that is being lighted.

NON-CONFORMING SIGN

Any sign that does not conform to the requirements of this Chapter.

OBSOLETE SIGN

Any sign that is no longer relating to current activities on a premises or lot.

ON-PREMISES SIGN

A sign, display, device, figure, painting, drawing, message, plaque, poster or other thing designed, intended or used to advertise or inform of activities conducted on the property upon which they are located, or services and products therein provided.

OFF-PREMISES SIGN

An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform the traveling public of an establishment, products, services, entertainment, or other information which is not sold, produced, or furnished upon the property in which the sign is located, excluding political campaign signs on residential property.

PARKING DIRECTION SIGN

A sign indicating the entrance or exit to a parking lot.

PARKING REGULATION SIGN

A sign stating the regulations for use of a parking lot or individual or groups of parking spaces therein.

PENNANT

Any lightweight plastic, fabric, or other materials, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERSON

An organization, association, company, corporation, firm, or partnership, singular or plural, of any kind.

PORTABLE SIGN

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

PRINCIPAL BUILDING

The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PROJECTING SIGN

Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

RESIDENTIAL SIGN

Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of the Zoning Code.

ROOF SIGN

Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

ROOF SIGN, INTEGRAL

Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

SETBACK

The distance from the property line to the nearest part of the applicable building or structure measured perpendicularly to the property line.

SIGN

Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SUBDIVISION SIGN

A permanent ground sign identifying a subdivision entry, subdivision name and/or street names within the subdivision.

SUSPENDED SIGN

A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN

Any sign that is used only temporarily and is not permanently mounted.

TIME AND TEMPERATURE SIGN

Electronic sign that provides intermittent data regarding the current time and temperature by means of illuminated numbers.

WALL SIGN

Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

WINDOW SIGN

Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

ARTICLE III**DESIGN AND LOCATION REQUIREMENTS****SECTION 405.025 – COMPUTATIONS**

The following principles shall control the computation of sign area and sign height.

A. COMPUTATION OF AREA OF INDIVIDUAL SIGNS

The area of a sign face (which is also the sign area of a wall sign or other with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such face or wall otherwise meets Zoning Code regulations and is clearly incidental to the display itself.

B. COMPUTATION OF AREA OF MULTI-FACED SIGNS

The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.

C. COMPUTATION OF HEIGHT

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

1. Existing grade prior to construction; or
2. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

D. COMPUTATION OF MAXIMUM TOTAL PERMITTED SIGN AREA FOR A LOT

The permitted sum of all individual signs on a lot shall be computed by applying the formula contained in Table B, Maximum Total Sign Area, to the lot frontage, or principal building face area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot frontage or building face on that street.

SECTION 405.030 – SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS

A. PERMITTED SIGNS

Signs shall be allowed on private property in the City in accordance with and only in accordance with **Table A** in **Section 405.035** below. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

B. PERMITTED SIGNS SUBJECT TO QUALIFICATIONS

Although permitted under the previous paragraph, a sign designated by a "P" or "A" in **Table A** in **Section 405.035** shall only be allowed if the sum of the areas of all building and freestanding signs on the lot conforms with the maximum permitted sign area as determined by the formula for the zoning district and/or highway/street in which the lot is located as specified in **Tables B, C-1 and C-2**.

SECTION 405.035 – DESIGN, CONSTRUCTION AND MAINTENANCE

A. PERMITTED TYPES AND STANDARDS

All signs shall be designed, constructed and maintained in accordance with the permitted types and standards as set forth in Tables A, B, C-1, and C-2 in this Section and all signs shall comply with applicable provisions of Title V, the Building Code of the City of Washington.

B. MATERIALS AND METHOD OF ATTACHMENT

Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this Chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.

C. MAINTENANCE

All signs shall be maintained in good structural condition, in compliance at all times with all Building and Electrical Codes, and in conformance with this Chapter and those of Chapter 400 as applicable.

Table A. Permitted Signs By Type And Zoning District

Sign Type	R-1A,B, C&D/ R-2	R-3	C-1/ C-2	C-3	M
Freestanding/Ground					
Subdivision	P	P	P	P	P
On-premise	P	P	P	P	P
Other	A	P	P	P	P
Wall/Building					
Banner	N	N	P	P	P
Building marker	A	A	A	A	A
Canopy	N	N	P	P	P
Identification	A	A	A	A	A
Incidental	N	A	A	A	A
Marquee	N	N	P	P	P
Projecting	N	N	P	P	P
Residential	A	A	NA	NA	NA
Roof	N	N	N	P	N
Suspended	N	N	N	A	N
Temporary	N	N	P	P	N
Wall	N	N	P	P	P
Window	N	N	A	A	N
Miscellaneous					
Banner	N	N	P	P	N
Flag	A	A	A	A	A
Portable	N	N	P	A	N

A=Allowed without sign permit N=Not Allowed
P=Allowed only with sign permit NA= Not Applicable

**Table B.
Maximum Total Sign Area Per Lot By Zoning District**

The maximum total area of all wall and/or building signs except incidental, building marker, identification, flags and window signs shall not exceed the lesser of the following:

	R-1A,B,C, & D	R-2	R-3	C-1/ C-3	C-2	M
Maximum # of total square feet	1	2 (1 / unit)	100	NA	NA	NA
Percentage of principal building face area	NA	NA	NA	5%	5%	5%
Square feet of signage per linear foot of street frontage	NA	NA	NA	2	4	2

NA = Not Applicable

Table C-1.

Maximum Total Sign Area For Permanent Freestanding On-Premises Signs By Zoning District And/Or Highway/Street

The maximum area of all permanent freestanding on-premises signs shall not exceed the lesser of the following:

Zoning District/ Corridor	R-1A, B, C&D/ R-2	R-3	C-1/ C-2/ C-3	C-1/C-2 Hwy 47 &/or 100	C-3	M-1/ M-2
Maximum # of total square feet	8	32	75	250	75	100
Square footage of signage per linear footage	NA	NA	1.5	2	NA	1.5

NA = Not Applicable

Table C-2.

Maximum Height For All Permanent Freestanding On-Premises Signs By Zoning District And/Or Highway/Street

The maximum area of all permanent freestanding on-premises signs shall not exceed the less of the following:

Zoning District/ Corridor	R-1A, B, C&D/ R-2	R-3	Commercial along Hwy A	Commercial along Hwy 100 and 47	All other C-1 & C-2 areas	C-3	M
Maximum height in feet	6	8	25	50	20	15	20

D. PLANNED DEVELOPMENT DISTRICTS

Signage within Planned Development Districts (PD-R, PD-C, PD-I, and PD-MXD) are subject to the standards and permit requirements of Tables A, B, C-1, and C-2 above depending on whether the existing or proposed PD district is residential, commercial, or industrial in nature and the density of the development and shall be permitted, permitted by permit, or not allowed (for example, the standards of Table A for a planned residential development at R1-A density would apply to that PD-R district). Requirements for a Comprehensive Sign Plan in accordance with the provisions of Section 405.045 herein shall apply whether required by this Chapter and Section or by the provisions of the Planned Development District regulations of **Chapter 400, Section 400.115.**

SECTION 405.040 – SUBDIVISION SIGNS

The following requirements and standards shall apply for all subdivision signs:

A. TYPE, NUMBER, AND SIZE

1. All subdivision signs shall be ground signs.
2. There shall not be more than two (2) residential subdivision signs for each point of vehicular access to the development.
3. Subdivision signs shall not exceed thirty-two (32) square feet in area for each exposed face.

B. LOCATION

1. Subdivision signs may be located in any required yard, out of the City right-of-way or located in a right-of-way island with the permission of the City.
2. Signs located adjacent to an arterial or collector roadway shall be set back a minimum of ten (10) feet from the right-of-way and shall not interfere with vehicular sight distance.

C. MAINTENANCE

Responsibility for maintenance of all subdivision signs is that of the developer or subdivision association.

SECTION 405.045 – COMPREHENSIVE SIGN PLAN

No permit shall be issued for an individual sign requiring a permit unless and until a Comprehensive Sign Plan for the lot on which the sign will be erected has been submitted to the Zoning Administrator and approved by the Zoning Administrator as conforming to this Section.

A. COMPREHENSIVE SIGN PLAN

A Comprehensive Sign Plan is required for all development where one (1) or more signs require a permit.

1. Single Lot

For any single-lot on which the owner proposes to erect one (1) or more signs requiring a permit the owner shall submit to the Zoning Administrator a comprehensive sign plan containing the following:

- a. An accurate plot plan of the lot, at such scale as the Zoning Administrator may reasonably require;
- b. Location of buildings, parking lots, driveways, and landscaped areas on such lot;
- c. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this Chapter; and
- d. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

2. Two or More Contiguous Lots

The following requirements and standards shall apply for all situations where:

- a. The owners of two (2) or more contiguous (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one (1) building (not including any

accessory building) wish to file with the Zoning Administrator a comprehensive sign plan for such lots;

- b. The owners and/or tenants of larger commercial, industrial, or mixed-use developments comprised of multiple-lots and/or leased spaces within buildings wish to file with the Zoning Administrator a comprehensive sign plan;
- c. The Comprehensive Sign Plan shall contain all of the information required for single lots as specified in **Section 405.045, A, 1, a through d** above and shall also specify standards for consistency among all signs on the lots affected by the plan with regard to: color scheme, lettering or graphic style, lighting, location of each sign on the buildings, material, and sign proportions.
- d. In such multiple lots or larger development situations, a comprehensive sign plan conforming with the provisions of this Section, a twenty-five percent (25%) increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.

3. Showing window signs on Comprehensive Sign Plan

A common signage plan or master signage plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g. paper affixed to the window, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.

4. Limit on number of freestanding signs under common signage plan

The Comprehensive Sign Plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs.

5. Other provisions of master or Comprehensive Sign Plan

The Comprehensive Sign Plan may contain such other restrictions as the owners of the lots may reasonably determine.

6. Consent

The Comprehensive Sign Plan shall be signed by all owners or their authorized agents in such form as the Zoning Administrator shall require.

7. Procedures

A Comprehensive Sign Plan shall be included in any development plan, site plan, planned development plan, or other official plan required by the City for the proposed development and shall be processed simultaneously with such other plan.

8. Amendment

A master or common signage plan may be amended by filing a new master or common signage plan that conforms with all requirements of the ordinance then in effect.

10. Existing signs not conforming to Comprehensive Sign Plan

If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this Chapter in effect on the date of submission.

11. Binding effect

After approval of a Comprehensive Sign Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this Chapter. In case of any conflict between the provisions of this Chapter, this Chapter shall control.

SECTION 405.050 – SIGNS IN THE PUBLIC RIGHT-OF-WAY

No signs shall be allowed in the public right-of-way, except for the following:

A. PERMANENT SIGNS

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
2. Information signs of a public utility regarding its poles, lines, pipes, or facilities; and
3. Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of **Section 405.035, Table A** of this Chapter.

B. EMERGENCY WARNING SIGNS

Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

C. SIGNS ILLEGALLY INSTALLED OR PLACED

Any sign installed or placed on public property, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

SECTION 405.055 – SIGNS EXEMPT FROM REGULATIONS UNDER THIS CHAPTER

A. SIGNS EXEMPT

The following signs shall be exempt from regulation under this Chapter:

1. Any public notice or warning required by a valid and applicable Federal, State, or local law, regulation or ordinance.
2. Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three (3) feet beyond the lot line of the lot or parcel on which such sign is located.
3. Works of art that do not include a commercial message.
4. Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.

SECTION 405.060 – GROUND SIGNS

A. APPLICATION

The following shall apply to all ground signs in all zoning districts:

1. No more than one (1) ground sign relating to products and/or services within a building shall be permitted per lot or premise.
2. One (1) ground sign shall be allowed per each street fronting on the lot.
3. Ground signs containing a commercial message must pertain to the business or enterprise operating on the lot on which the ground sign is located.
4. Ground signs shall not be located in the public right-of-way except for approved subdivision signs.

ARTICLE IV

PERMIT REQUIREMENTS

SECTION 405.065 – GENERAL PERMIT PROCEDURES

The following procedures shall govern the application for, and issuance of, all sign permits under this Chapter, and the submission and review of Comprehensive Sign Plans.

A. APPLICATIONS

All applications for sign permits of any kind and for approval of master or common signage plan shall be submitted to the Zoning Administrator or his/her designee on an application form or in accordance with application specifications published by the Zoning Administrator.

B. COMPLETENESS

Within five (5) business days of receiving an application for a sign permit or for a common or master signage plan, the Zoning Administrator shall review it for completeness. If the Zoning Administrator finds that it is complete, the application shall then be processed. If the Zoning Administrator finds that it is incomplete, the Zoning Administrator shall, within such five (5) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable Sections of this Chapter.

C. ACTION

Within seven (7) business days of the submission of a complete application for sign permit, the Zoning Administrator shall either:

1. Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this Chapter and of the applicable master or common signage plan; or
2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform to the requirements of this Chapter and of the applicable master or common signage plan. In case of a rejection, the Zoning Administrator shall specify in the rejection the Section or Sections of the Chapter or applicable plan with which the sign(s) is inconsistent.

D. ACTION ON PLAN

On any application for approval of a Comprehensive Sign Plan, the Zoning Administrator shall take action on the applicable plan by one (1) of the following dates:

1. Fourteen (14) days after the submission of a complete application if the application is for signs for existing buildings; or
2. On the date of final action on any related application for building permit, site plan, or development plan for signs involving new construction.
3. On or before such applicable date, the Zoning Administrator shall either:

- a. Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirements of this Chapter; or
- b. Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform to the requirements of this Chapter. In case of a rejection, the Zoning Administrator shall specify in the rejection the Section or Sections of this Chapter with which the plan is inconsistent.

SECTION 405.070 – PERMITS TO CONSTRUCT OR MODIFY SIGNS

A. SIGNS REQUIRING A PERMIT

Signs identified as "P" on **Table A** in **Article III, Section 400.035** shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Zoning Administrator. Such permits shall be issued only in accordance with the following requirements and procedures.

1. Permit for new sign or for sign modification

An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Comprehensive Sign Plan then in effect for the lot. One (1) application and permit may include multiple signs on the same lot.

2. Inspection

The Zoning Administrator shall cause an inspection of the lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth (6th) month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this Chapter and with the Building and Electrical Codes, the Zoning Administrator shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this Chapter and applicable Codes, the Zoning Administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Zoning Administrator shall affix to the premises the permanent symbol described above.

SECTION 405.075 – SIGN PERMITS – CONTINUING

The owner of a lot containing signs requiring a permit under this Chapter shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual lots, notwithstanding the fact that a particular lot may be included with other lots in a common signage plan.

ARTICLE V**SUPPLEMENTARY SIGN REGULATIONS****SECTION 405.080 – GENERAL PROVISIONS**

The general provisions as set forth below apply to all types of signs:

A. BUILDING CODE REQUIREMENTS

All signs shall comply in every respect with the Building Code, Chapter 500 of the Washington Municipal Code, including, but not limited to:

1. No sign shall be erected, displayed, or maintained so as to obstruct any fire escape, any required exit way, window or door opening used as a means of egress, or to obstruct any other means of egress required by the Building Code of the City of Washington; and
2. No sign shall be erected, displayed, or maintained in a manner that interferes with any opening required for ventilation under the Building Code of the City of Washington.

B. PROJECTION INTO RIGHT-OF-WAY

Except as may be specified in **Article III, Section 405.035, Tables A, B, C-1 and C2** in this Chapter, no sign shall project beyond a right-of-way line, except for the following:

- a. Wall signs, provided that such signs extend over a public sidewalk and has a bottom clearance of not less than eight (8) feet.
- b. Projecting signs, provided that such signs extend over a public sidewalk; not extend more than three (3) feet into the right-of-way; and has a bottom clearance of not less than eight (8) feet.
- c. Signs mounted on or under a canopy, awning or marquee which is permitted to project into a right-of-way, in accordance with **Article III** of this ordinance, and where the bottom edge of the sign is not less than eight (8) feet above the sidewalk or pedestrian way.
- d. Banner signs, provided that such signs shall not project into the right-of-way by more than two (2) feet and have a bottom clearance of not less than fourteen (14) feet. The structure to which the banner signs are attached (e.g., light standard) shall be able to withstand the additional wind load caused by such sign per the Washington Building Code.

C. SIGN ILLUMINATION

- a. Internal and external illumination of signs shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.
- b. Internally or back-lit cabinet signs shall be prohibited within in any City Historic District, design review area, or any other district or properties listed on the National Register of Historic Places or any historic landmark, unless determined as contributing element to the historic district or landmark.

D. MISCELLANEOUS ADVERTISING OBJECTS PROHIBITED

No goods, wares, merchandise or other attention-getting object, other than a sign as defined herein shall be used as an advertising object. This provision shall not be construed so as to prohibit the display of motor vehicles for sale or other outdoor storage and display of merchandise permitted by this ordinance.

E. SIGNS NOT TO CONSTITUTE TRAFFIC HAZARD

No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "go," "look," "danger," "one-way," "yield" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic. Sign placement shall be in accordance with the requirements contained in **Chapter 400, Section 400.195, G, "Visibility at Intersections"**.

F. ELECTRICAL HAZARDS

No freestanding sign shall be erected within eight (8) feet of any line conductors, service drops or power lines.

G. FLASHING SIGNS

Flashing Signs shall not be animated or have intermittent illumination or flashing lights, except where permitted for emergency signs.

SECTION 405.085 – ELECTRONIC MESSAGE DISPLAYS

A. PURPOSE

These regulations provide standards and procedures for the safe and appropriate use of electronic message display signs. The regulations are intended to ensure the use of such signs will not have a detrimental effect on the surrounding area or the public welfare, and will be consistent with the purpose and intent of this Chapter.

B PROCEDURES

Electronic message display signs shall be subject to the site plan review and approval processes of **Chapter 400, Article IV**.

C. MODES OF OPERATION

The following modes of operation are described for electronic message signs:

1. Static - Signs which include no animation or effects simulating animation.
2. Fade - Signs where static messages are changed by means of varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases in intensity to the point of legibility.

3. Dissolve - Signs where static messages are changed by means of varying light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.
4. Traveling - Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.
5. Scrolling - Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

D. STANDARDS

The following describes standards for the installation and use of electronic message display signs:

1. Zoning Districts: Electronic message display signs shall be permitted in the C-1, C-2, C-3, M-1, M-2 and PD-C, and PD-I Zoning Districts subject to meeting the standards and criteria described herein. Exceptions may be granted for churches, schools, government agencies and institutional uses located in any zoning district.
2. Size: The area of the electronic display panel shall not be more than eighteen (18) square feet in size or fifty (50) percent of the total area of the sign, whichever is more restrictive.
3. Height: The maximum height, as measured from the prevailing grade to the top of the electronic message display panel on a ground mounted or freestanding sign, shall vary according to the location, as follows:
 - a. Twelve (12) feet maximum height where located adjacent to major and collector streets and highways, as described on the City of Washington Street Classification Map.
 - b. Ten (10) feet maximum height where located adjacent to collector streets as described on the City of Washington Street Classification Map.
 - c. Eight (8) feet maximum height where located within 300 feet of any residential use or facility, or any hotel or lodging use, and where such sign is visible from such property as determined through the site plan review and approval processes of **Chapter 400, Article IV**.
 - d. The maximum height of such signs in any other location otherwise permitted by this Section shall be no greater than 10 feet in height to the top part of the electronic sign panel.
6. Hours of Operation: Where electronic message display signs may face residential property in adjacent residential zoning districts, such displays shall be turned off by 10:00 p.m. or by a time established in conjunction with the site plan review and approval process.
7. Sign Type: Electronic message display signs may be incorporated into freestanding signs or wall mounted signs;
8. Number: Only one (1) electronic message display sign shall be allowed as part of a shopping center sign and only one (1) such sign shall be permitted per street frontage for a shopping

center. For individual uses, only one (1) electronic message display sign shall be permitted on the premises per use.

9. Distance from Residential Use: Electronic message displays signs shall not be located within 100 feet of any residence or residential zoning district as measured from the sign to the property line of the residential use.
10. Distance from Other Signs: Electronic message display signs must be spaced a minimum of 150 feet from other electronic message display signs.

F. LIGHTING INTENSITY AND COLOR

Daytime lighting intensity must automatically re-set to a lower level for night time hours. To ensure compliance with this Section, the sign must have an automatic brightness control linked to ambient light levels.

1. Brightness. Electronic message display shall come equipped with dimming technology that automatically adjusts the display's brightness based on ambient light conditions and comply with maximum night time brightness level.
2. Electronic message display signs shall not exceed a maximum illumination of 300 NITS during nighttime hours (between dusk and dawn) and a maximum illumination of 5,000 NITS during daylight hours or the maximum illumination during nighttime hours may only be 10% of the maximum illumination of daytime hours, whichever is more restrictive.
3. Displays that use large background areas of bright white or other high intensity colors are prohibited.

G. Exemptions

The following shall not require a sign permit:

1. Temporary governmental signs, including emergency warning signs, traffic control signs, special event signs, temporary information signs or similar applications using electronic message displays.
2. Electronic "Open" or "Closed" type signs displayed in windows of businesses provided they are no more than two (2) square feet in size.

H. Exceptions

The following types of electronic signs shall be permitted for approved uses subject to obtaining a sign permit:

1. Gasoline price signs with electronic price numbers shall be permitted for service stations and fueling centers where incorporated into permitted on-premise signs.
2. Time and temperature signs that provide illuminated numbers only may be located in commercial districts. Such signs may be integrated with signs that identify the primary property use or be installed as independent signs provided the electronic display panel

does not exceed eight (8) square feet in area and is in conformance with height standards described in this Section.

I. PROHIBITED ELECTRONIC MESSAGE SIGNS

1. Electronic message display signs shall be prohibited within any City Historic District, design review area, or any other districts or properties listed on the National Register of Historic Places or any locally designated historic landmark, unless determined as a contributing element to the historic district or landmark.
2. Off-premise signs, billboards, portable signs and temporary signs, except where permitted by this Chapter.

SECTION 405.090 – TEMPORARY SIGN PERMITS (PRIVATE PROPERTY)

A. TEMPORARY SIGN PERMIT REQUIRED

Temporary sign permits on private property shall be allowed only upon the issuance of a temporary sign permit, which shall be subject to the following requirements:

1. A temporary sign permit shall allow the use of a temporary sign for a specified thirty (30) day period.
2. Only five (5) temporary sign permits shall be issued to the same property on the same lot in any calendar year.
3. A temporary sign shall be allowed only in districts with a letter "P" for "temporary signs" wall/building or "P" for "other" freestanding/ground on **Table A, in Article III, Section 400.035** of this Chapter and subject to all of the requirements for temporary signs as noted therein.

SECTION 405.095 – NON-CONFORMING SIGNS

A. PRE-EXISTING SIGNS

The lawful use of an on-premise sign existing immediately prior to the date of the passage of this Chapter adopting these on-premise sign regulations, or any subsequent amendments hereto, may remain in place, although such on-premise sign does not conform to the provisions of this Chapter.

B. LIMITATIONS ON PRE-EXISTING NON-CONFORMING SIGNS

No existing on-premise sign permitted by this Chapter in the district in which such on-premise sign is located, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed or structurally altered, unless such sign is changed to one permitted in the district in which such on-premise sign is located.

SECTION 405.100 – REMOVAL OF UNSAFE, OBSOLETE AND NON-CONFORMING SIGNS

A. UNSAFE SIGNS

If any sign is found to be unsafe or insecure or is a menace to the public, the City shall give written notification to the owner of the property to which such sign is erected or affixed to remove or alter such unsafe or unsecured sign within ten (10) days upon receipt of notification. Upon failure to comply with such notice within the time specified, the City shall find the owner of the sign in violation and take appropriate legal action to remove or repair said sign. The City may cause any sign that is an immediate peril to persons or property to be removed summarily and without notice.

B. OBSOLETE SIGNS

1. Any obsolete sign, not including sign structure, that does not advertise an existing business or a product shall be taken down and removed by the owner of the property to which the obsolete sign is attached within thirty (30) days of tenant or owner moving from the lot or premises.
2. A sign structure, not being used for ninety (90) days or which has been replaced, shall be taken down and removed.
3. At the termination of a business or commercial enterprise, all signs pertaining thereto shall be removed from public view within ninety (90) days of such termination.
4. Upon failure to comply with such notice within the time specified, the City shall cause for removal of such sign, and any expense incidental thereto shall be paid by said owner.

C. ALTERATION AND MAINTENANCE OF NON-CONFORMING SIGNS

Any non-conforming sign shall be brought into compliance when the following occurs:

1. Damage to a sign which requires repairs which will exceed fifty percent (50%) of the replacement value of the sign;
2. Required maintenance which will exceed fifty percent (50%) of the replacement of the sign;
3. A change in ownership or tenancy which requires a new certificate of occupancy for the premises on which a legal non-conforming sign is located; or
4. Remodeling which encompasses more than fifty percent (50%) of the display frontage of the business to which the sign relates.

SECTION 405.105 – VIOLATIONS

A. Actions Constituting Violations

Any of the following shall be a violation of this Chapter and shall be subject to the enforcement remedies and penalties provided by this Chapter, by the Zoning Code, and by State law:

1. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;
2. To install, create, erect or maintain any sign requiring a permit without such permit;
3. To install, create, erect, and maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which sign is located;
4. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Chapter, or for which the sign permit has lapsed; or
5. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this Chapter.

B. NUMBER OF VIOLATIONS

Each sign installed, created, erected, and maintained in violation of this Chapter shall be considered a separate violation when applying the penalty portions of this Chapter.

SECTION 480.110 – MULTIPLE TENANTS PER BUILDING.

A. GROUND SIGNS

Multiple tenants shall not be permitted individual ground signs along street frontage of common premises.

B. SIGNAGE RELATED TO BUILDING FACE

Whenever there is more than one (1) occupant in any building, each individual tenant is allowed the allotted square footage for the building face area or street frontage, of the individual leased or owned space, whichever is less.

SECTION 405.115 – OFF-PREMISES SIGNS AND BILLBOARDS ON PRIMARY HIGHWAYS

A. DEFINITIONS

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

OFF-PREMISES SIGNS AND BILLBOARDS

All signs and billboards within the City which are subject to the regulations set forth in Sections 226.500—226.600, R.S. Mo., 2000.

ADDITIONAL DEFINITIONS

The definitions of words and phrases contained in Section 226.510, R.S. Mo., 1994 are hereby adopted and incorporated by reference and shall apply whenever such word or phrase is used in this Section.

B. APPLICABILITY TO THIS CHAPTER AND STATE STATUTE

Notwithstanding the provisions of any other Section of this Chapter to the contrary, the provisions of this Section shall apply to all off-premises signs and billboards on primary highways. All provisions of other Sections of this Chapter, which are not inconsistent with this Section or with Chapter 226, Sections 226.500—226.600, R.S. Mo. and applicable rules established by the Missouri Department of Transportation and the Missouri Highway and Transportation Commission (and which may be amended from time to time), shall remain in full force and effect with respect to off-premises signs and billboards on primary highways. To the extent any Sections of this Chapter may be inconsistent with applicable State law or rules and regulations as applied to off-premises signs and billboards on primary highways, the provisions of State statutes and rules and regulations shall apply.

C. REGULATIONS FOR PRIMARY HIGHWAYS

The following regulations shall apply to off-premises signs and billboards on primary highways:

1. Lighting

- a. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date, or temperature, or similar information, will be allowed.
- b. External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or Federal-aid primary highway and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.
- c. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
- d. The maximum average lighting intensity level for such sign shall be twenty (20) foot-candles.

2. Size of signs

- a. The maximum area for any one (1) sign shall be one thousand two hundred (1,200) square feet with a maximum height of thirty (30) feet and a maximum length of sixty (60) feet, inclusive of board and trim but excluding the base or apron, supports, and other structural members.
- b. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, double-faced, or in V-type construction with not more than two (2) displays to each facing, but sign structure shall be considered as one (1) sign.

3. Spacing of signs

- a. Non-freeway Federal-aid primary highways. No structure shall be erected within five hundred (500) feet of an existing sign.
- b. The spacing between structure provisions of this Section do not apply to signs which are separated by buildings, natural surroundings, or other obstructions in such a manner that only one (1) sign facing located within such distance is visible at any one time. Directional or other official signs or those advertising activities on the property on which they are located, including products sold, shall not be counted, nor shall measurements be made from them for the purpose of compliance with spacing provisions.
- c. No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of any official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
- d. The measurement in this Section shall be minimum distances between outdoor advertising sign structures measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to outdoor advertising sign structures located on the same side of the highway involved.

4. Setbacks, safety clearances and height.

In order to provide a safety zone to prevent injury to persons or damage to property from collapse of signs caused by acts of God or other causes, each sign shall have a minimum setback of at least ninety (90) feet:

- a. From its nearest edge to the right-of-way of any primary highway; and
- b. From all property lines and from all roofed structures, overhead electrical lines and public rights-of-way, from all points of the sign.
- c. In order to further provide a safety zone to prevent injury or property damage from collapse of billboards caused by acts of God or other causes, each off-premises billboard shall have a maximum height, measured from the ground to the highest point of such off-premises billboard, of thirty-five (35) feet. In addition, the applicant for permit shall present documentation to the reasonable satisfaction of the Building Inspector that the applicant has secured the legally enforceable right to prevent the erection of structures within the setback zones. No City building permit shall be issued for construction of any building or structure within the setback zone for any sign.

5. Setbacks from residential areas.

No sign shall be located within five hundred (500) feet of land zoned for residential or agricultural purposes.

6. Lighting and fencing

Before a permit is issued, the applicant shall receive approval for a plan for lighting and fencing around the sign to ensure that the structure will be safe and secure from vandals if deemed necessary and appropriate. Such plans shall be reviewed and approved by the Building Inspector.

7. Nuisances.

Any sign which, because of a lack of maintenance, upkeep, vandalism, accumulations of litter, refuse or debris, or the deterioration of lighting or fencing, become unsightly or unsafe is hereby declared to be a nuisance and shall be subject to abatement by the City in the same manner as all other nuisances on private property.

8. Permits.

- a. The City shall not issue a permit for any new sign without a permit having first been issued by the Missouri Department of Transportation.
- b. The City shall charge a permit fee of five hundred dollars (\$500.00) for the initial inspection of the sign but shall not charge any subsequent permit or inspection fee for such sign. This provision shall not prohibit the City from imposing a business license tax on such sign.
- c. Before a permit is issued, the applicant shall submit the following certifications from the appropriate licensed professional:
 - (1) Certification from a licensed soils engineer that the soil and subsoil is capable of accepting the projected loads;
 - (2) Certification from the licensed electrical engineer as to the electrical portion of the sign;
 - (3) Certification from a licensed structural engineer as to the structural strength of the sign; and
 - (4) A certified outboundary survey from a licensed surveyor of the site and its setback and clearance zone.
- d. Before a permit is issued the applicant shall submit a sign survey to indicate the relative vertical and horizontal distances between the proposed sign and all other signs within five hundred (500) feet.

9. The provisions of the Chapter, **Sections 405.005 - 405.100** shall apply to all signs regulated by this Section.

10. Owners of all signs regulated by this Section shall be required to submit biennially an inspection report from a licensed structural engineer as to the structural integrity of the sign. Such certification shall be supplied to the City on or before June first (1st) of each year that such certification is required. Failure to submit such certification shall result in the immediate revocation of the permit for the sign.

11. The provisions of this Section apply to the erection, alteration, construction, reconstruction and maintenance of all signs in areas zoned either "C-1", "C-2", "C-3", "M-1", "M-2", "PD-C", or "PD-I" within the City.

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ARTICLE I**PURPOSE AND INTENT****SECTION 410.005 – PURPOSE AND INTENT****A. PURPOSE**

The purpose of this Chapter is to regulate the division of land within the City of Washington in order to promote the public health, safety, and general welfare. The platting of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks, drainage ways and utility easements will determine to a large degree the design, character and conditions in the urban area. The quality of the urban areas is of public interest. These regulations and standards for the platting of a subdividing of land for urban use are to make provision for adequate light, air, open space, drainage, traffic circulation, utilities and other needs, to insure the development and maintenance of a healthy, attractive and efficient community.

B. INTENT

These regulations are designed specifically and intended:

1. To protect, provide for and promote the public health, safety, convenience, comfort, morals, prosperity, and general welfare of the residents of the City of Washington;
2. To guide the future growth and development of the City in accordance with the Comprehensive Plan adopted by the Planning and Zoning Commission and approved by the City Council;
3. To provide for adequate light, air, and privacy; to secure safety from fire, flood and other danger; and to prevent the overcrowding of the land and undue conflict or congestion of people, traffic, or other human activities;
4. To protect and conserve the value of buildings and improvements, and to minimize the adverse impact of development on adjoining or nearby properties;
5. To establish a beneficial relationship between the uses of land and buildings, and the municipal street system; to require the proper location and design of streets and building lines; to minimize traffic congestion, and to make adequate provision for pedestrian traffic circulation;
6. To establish reasonable standards of design and procedures for subdivision and resubdivision in order to further the orderly layout and use of land; and to ensure proper legal descriptions and documentation of subdivided land for the protection of both buyers and sellers of land;
7. To encourage the wise use and management of natural resources; to provide adequate and safe recreational areas; to maintain the natural beauty and topography of the City, and to ensure appropriate development with regard to these natural features; to minimize the pollution of air, ponds and streams; to ensure the adequacy of storm water drainage and detention as well as erosion control facilities;

8. To encourage and require the design and development of residential and commercial land and subdivisions of land that provide necessary public facilities and improvements including streets, facilities for storm drainage, water, sewerage, school sites and park areas in accordance with City standards.

SECTION 410.010 – INTERPRETATION**A. MINIMUM REQUIREMENTS AND INTERPRETATION OF PROVISIONS**

1. The provisions of this Chapter shall be considered the minimum requirements for the promotion of the public health, safety, and welfare. Where provisions of this ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.
2. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Chapter or this Title, or which shall be adopted or issued pursuant to law relating to the development of property, the use of buildings or premises, and likewise not in conflict with this Chapter or this Title; nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; except, that if this Chapter imposes a greater restriction, this Chapter shall control.
3. Whenever any provision of this Chapter refers to or cites a section of the relevant state law or rules and regulations and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.
4. For the purpose of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “building” shall include the word “structure” and the word “shall” is mandatory and not directory.
5. The terms "shall" and "must" are mandatory and not discretionary; the words "may" or "should" are permissive;
6. The words and phrases expressly defined herein shall be given the defined meaning, unless indicated otherwise by the context;
7. Words and phrases which are not defined herein shall be given their usual meaning except where the context clearly indicates a different or specified meaning;
8. The words "use" or "occupy" shall include the words "intended", "designed", or "arranged" to be "used" or "occupied."

ARTICLE II

JURISDICTION, ENFORCEMENT, AND DEFINITIONS

SECTION 410.015 – JURISDICTION AND ENFORCEMENT

A. CONFORMANCE TO RULES AND REGULATIONS

All proposed subdivisions shall conform to the following laws, rules and regulations:

1. The approved Comprehensive Plan or update thereafter;
2. City of Washington Zoning Ordinance and Building Codes as applicable;
3. Other standards and regulations adopted by the City Council or by other applicable boards, commissions, agencies, or departments of the City of Washington;
4. Established goals, objectives and policies of the City Council and the Planning and Zoning Commission; and
5. Applicable standards or regulations of other federal, state, county or regional agencies.
6. Notwithstanding anything contained herein to the contrary, any plat for the sale or exchange of parcels of land between owners of adjoining properties for the purpose of adjustments in boundaries shall be submitted to the City Council for approval and shall not be required to be first submitted to the Planning and Zoning Commission provided that additional lots are not thereby created, that the original lots are not reduced below the minimum size required by this Chapter or the Zoning Code of the City of Washington, Missouri, and that the plats otherwise comply with the requirements of this Chapter.

B. ENFORCEMENT

1. Recording of plat. No property description of any subdivision shall be entitled to be recorded in the Franklin County Recorder of Deed's Office or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved property description is recorded, it shall be considered invalid and the City Attorney may cause proceedings to be instituted to have such plat or deed declared invalid
2. Sale of land in subdivision. No owner or agent of the owner of any land shall transfer, sell, offer, or agree to sell any land by reference to, exhibition of, or by use of a property description, nor shall any person purchase such land or agree to buy such land before such property description has been approved and recorded in accordance with these regulations.
3. Permits. The City Engineer, nor any authorized representative of the City, shall not issue permits for any structure except where a property description has been approved in the manner prescribed herein. Except as provided herein in Section 490.080, the City Engineer nor any authorized representative of the City shall not issue permits for construction of any structure except where water lines, sewer lines and streets have been constructed adjacent to

or across land upon which the structure is to be constructed or financial assurances have been given to assure construction of water lines, sewer lines and streets.

- 4. Public improvements. The City and its Boards, Commissions, and agents shall withhold all public improvements of whatever nature, including the furnishing or maintenance of streets, utilities and sewage facilities from all subdivisions subject to this Chapter which have not been approved, and from all areas dedicated to the public which have not been accepted by the City Council, in the manner prescribed herein.
- 5. Revision of plat after approval. No changes, erasures, modifications or revisions shall be made in any final plat of a subdivision or in any metes and bounds description after final approval has been given under the provisions of these regulations.
- 6. Severability. It is hereby declared to be the intention of the City of Washington that the provisions of this Chapter are severable. If any element of this Chapter is declared invalid by any court of competent jurisdiction, such judgment shall not affect or impair the integrity or validity of the remainder of this Chapter or its application to other persons, property or circumstances. The City Council of the City of Washington declares that the portions of this Chapter not judged invalid would have been enacted even without the portions or applications held valid.

C. MISREPRESENTATION AS TO CONSTRUCTION, SUPERVISION OR INSPECTION OR IMPROVEMENTS

It shall be unlawful for any person, firm or corporation owning an addition or subdivision or subdivision of land within the City to represent that any improvements upon any of the streets, alleys, or avenues of that said addition or subdivision, or a sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Engineer, or has been supervised or inspected by him, when such improvement is not so constructed, supervised or inspected.

SECTION 410.020 – DEFINITIONS

A. GENERAL STATEMENT

The provisions of **Chapter 410, Section 410.010** shall apply and in addition, words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure," the word "shall" is mandatory; the word "may" is permissive.

B. DEFINITIONS

To the purpose of these regulations, the terms used herein are defined as follows:

ALLEY

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

BLOCK

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways, or boundary lines of municipalities.

BUILDING

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

COLLECTOR STREET

A street which carries or is proposed to carry intermediate volumes of traffic from minor streets to major streets and which may or may not be continuous.

CUL-DE-SAC

A local access street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

EASEMENT

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

FINAL PLAT

The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

FRONTAGE

That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

FRONTAGE STREET

Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

GRADE

The slope of a road, street or other public way, specified in percentage terms.

LOT

A tract, plat or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

LOT, CORNER

A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty five degrees (135°).

LOT IMPROVEMENT

Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

LOCAL ACCESS STREET

A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

MAJOR STREET

A street designed or utilized primarily for higher vehicular speeds or for heavy volumes of traffic on a continuous route, with intersections at grade, and which may have direct access to abutting properties, and on which geometric design and traffic-control measures are used to expedite the safe movement of through traffic.

OWNER

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PLANNED DEVELOPMENT

A tract of land which is developed as a unit under single ownership or control and which includes two (2) or more main or principal structures.

PUBLIC IMPROVEMENT

Any drainage ditch, roadway, parkway, sideway, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume the responsibility for maintenance and operation of which may affect an improvement for which City responsibility is established. All such improvements shall be properly bonded.

REGISTERED ENGINEER

An engineer properly licensed and registered in the State of Missouri.

REGISTERED LAND SURVEYOR

A land surveyor properly licensed and registered in the State of Missouri.

RIGHT-OF-WAY

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other special use. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the marker of the plat on which such right-of-way is established.

ROAD RIGHT-OF-WAY WIDTH

The distance between property lines measured at right angles to the center line of the street.

SALE OR LEASE

Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether such transfer is of fee simple title or some lesser estate, including leasehold estate, and whether by metes and bounds, deed, contract, plat, map or other written instrument.

SETBACK

The distance between a building and the street line nearest thereto.

STRUCTURE

Any construction above or below ground.

SUBDIVIDER

Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2) directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit or plot in a subdivision; or who (3) engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site, unit or plat in a subdivision; and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION

Any land improved or unimproved, or any portion thereof, shown on the last preceding tax roll as a unit or as contiguous units, which is divided into two (2) or more lots, plots, sites or other divisions of land for the purpose of offering for sale, lease or development, including re-subdivision. "Subdivision" includes the division or development of residential and non-residential zoned land, including planned developments, whether by deed, metes and bounds description, map, plat or plat or other recorded instrument and the dedication, opening or widening of any proposed or existing right-of-way for a public or private street.

SUBDIVISION PLAT

The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning and Zoning Commission for approval and which, if approved, may be submitted to the County Recorder of Deeds for filing.

ARTICLE III**IMPROVEMENTS AND DESIGN REQUIREMENTS****SECTION 410.025 – MINIMUM IMPROVEMENTS****A. GENERALLY**

All improvements required herein shall be constructed in accordance with plans and specifications and subject to inspection and acceptance by the City Council.

B. MONUMENTS

1. Iron/steel pin monuments at least twenty-four (24) inches in length and three-fourths (3/4) inches in diameter shall be set permanently and flush with finish grade at all corners of the area to be subdivided. Monuments shall be described on the final plat in relation to the located section corners of the original U.S. Survey Corners
2. Iron/steel pins or pipes not less than one-half (1/2) inch in diameter and not less than twenty-four (24) inches in length shall be set as follows:
 - a. At all lot corners not marked by monuments.
 - b. At all points where street lines intersect the exterior boundaries of the subdivision.
 - c. At all street corners.
 - d. At all intersections of curves and tangents along street lines.
3. Where installation of iron/steel pins or pipes is not feasible or is impractical, some other permanent means of marking shall be used, e.g., embedded or scribed marks in concrete streets, curbs or sidewalks.

C. STREETS

As to minimum improvements for streets and roads, see **Section 410.040**

D. CURB AND GUTTER

All streets shall have concrete curb and gutter according to plans and specifications approved by the City.

E. STORM WATER DRAINAGE

As to storm water management standards, see **Chapter 420, Section 420.035**.

F. WATER LINES AND FIRE HYDRANTS

1. The developer may install water lines of a type approved by the Washington Water Department of a sufficient size to provide proper water pressure and volume for fire

- protection based upon the supply of water required by future expansion and development of the subdivision and the requirements of **Chapter 425, Fire Hydrants and Connections**.
2. Where a public water supply is reasonably accessible the subdivider shall connect to such water main and provide a water connection for each lot of a type and size approved by the City.
 3. Where a public water supply is not reasonably accessible, the subdivider shall place on file with the City Council a petition for future installation of the necessary mains and if required, post a bond to guarantee the installation of said main and appurtenances when it is available.
 4. Fire hydrants must be installed in compliance with the provisions of **Chapter 425, Fire Hydrants and Connections**

G. SANITARY SEWERS

1. The developer shall provide each lot with a state-approved system for the disposal of sewage.
2. All sewer lines shall be of sufficient size to provide adequate sewage disposal, taking into consideration all future expansion of said subdivision.
3. Where an approved and adequate public or private sanitary sewer system is reasonably accessible, the developer shall connect with such sanitary sewer and provide adequate sewer lines to each lot subject to the approval of the sewer district having jurisdiction.
4. If no approved and adequate sewer system is reasonably accessible, the subdivider shall petition the City Council for future installation of a sanitary sewer system and, if required, post a bond to guarantee the installation of said sewer system when available.

H. STREET LIGHTING

Street lighting shall be provided by the subdivider in accord with the guidelines as set forth below. Subject to the provisions of **Section 410.025, H, 7** below, the use of energy-efficient lighting such as light-emitting diode (LED) and/or compact fluorescent lamp (CFL) bulbs to maximize the efficiency of wattage used is encouraged so long as the lighting standards established herein are met. The use of seasonally varied timing schedules and optical proximity sensors to reduce energy use is recommended.

1. In conjunction with the subdivision plan procedures and documents to be submitted in conjunction with **Section 410.035** where such subdivision involves the construction of new streets, a plan for street lighting in accord with the standards set forth herein shall be included as part of that submission. This street lighting plan shall show the proposed location for each streetlight along with the proposed type of light standard (pole), luminaire, lamp type, and lamp type.
2. Street lights shall be installed on all local access, collector, and major streets for which street plans have been approved in conjunction with the proposed subdivision. The City Engineer shall have flexibility in determining the extent and phasing of street light construction.

3. Maximum spacing, consistent with good illumination design, should be emphasized. Luminaire supports are hazardous roadside objects and the total number should be minimized and/or strategically located behind sidewalks for safety considerations but shall be in compliance with the standards set forth herein. Supports shall be set back as far as practical. Breakaway pole bases are required for Collector street installations.
4. Determination of light source size, type, mounting height and spacing shall at least conform to the minimum requirements outlined below and shall conform to the current Ameren Missouri standards for residential street lighting regarding the type of post, post material, and luminaire.
5. On local access residential streets, luminaires shall be located at intersections of local access residential streets, equally spaced along cul-de-sacs longer than 200 feet, at changes of alignment of 60° or more which are 200 feet or more from an intersection, with a minimum number of mid-block lights such that the spacing between lights is approximately 300 feet. Consideration for placement shall be given to locations that occur at or near lot lines, avoidance of locations near the edges of driveways, and locations that may present conflicts with other utilities or present sight or other safety hazards. Unless otherwise dictated by Ameren Missouri standards, lamps shall be 150 watt High Pressure Sodium (HPS) with post-top luminaries on 14' poles of spun aluminum (or other durable material).
6. On collector or major streets, luminaries shall be located at the intersection of collector and local access streets and at spacing locations and intervals not less than those as outlined in **Section 410.025, H, 5** above or as may be determined by the City Engineer. Unless otherwise dictated by Ameren Missouri standards, lamps shall be 250 watt High Pressure Sodium (HPS) with Cobra-head style, cutoff luminaries with flat glass on 30' poles of spun aluminum (or other durable material). The collector standard street lights shall be used on all commercial collectors, apartment streets, reconstructed collectors. On local streets in areas where standard post top luminaires are in place or proposed and for certain other streets other than collector or major streets as determined by the Engineering Division, 100 or 150 watt HPS lamps, post top luminaries; and 14' spun aluminum poles may be used.
7. In developments where streets to be constructed are not a continuation of an existing street or the subdivided property is not along an existing street with existing lighting, LED or CFL lamps meeting the criteria set forth in this Section and as established by Ameren Missouri may be used.

I. STREET NAME SIGNS

Permanent street name signs meeting current City standards shall be placed at each intersection, or a fee to cover the cost of such a sign shall be paid to the City to cover the cost of installation of said signs.

J. UNDERGROUND UTILITIES

1. In residential subdivisions, all utilities shall be placed underground unless approval to the contrary is given by the City Council.
2. In commercial and industrial subdivisions, electric feeder lines may be overhead with the exception of the area within the Historic Preservation Design Review Map as referenced by **Section 400.420**. Feeder lines located within the public right-of-way and within the area as

referenced in **Section 400.420** shall be underground unless approval to the contrary is given in writing by the City Council. All other utilities from the public right-of-way shall be underground, unless approval to the contrary is given by the City Council.

K. INSPECTION

All improvements shall be inspected by the City from time to time during the various construction phases. Any deviations from plans must be approved in writing by the City Engineer.

L. MAINTENANCE AND SECURITY FOR IMPROVEMENTS

The subdivider shall not be relieved of his obligation to maintain said minimum improvements until the same are accepted by the City Council in writing; provided however, that upon acceptance of said minimum improvements by the City Council, the subdivider shall be required to execute a maintenance bond, post a letter of credit or deposit cash pursuant to an escrow agreement with the City to ensure that all minimum improvements are installed properly and that such construction has been performed in a workmanlike manner. The maintenance bond, letter of credit or cash escrow agreement shall provide that if within two (2) years from the date of acceptance of said minimum improvements by the City Council said minimum improvements shall disclose poor workmanship in the execution of said work, or it shall appear that defective materials were utilized therein, then said maintenance bond, letter of credit or cash escrow agreement shall remain in full force and effect, otherwise to be void. The maintenance bond, letter of credit or cash escrow agreement as required herein shall be in the amount of twenty percent (20%) of the estimated cost of the improvements as determined by the City Engineer. The form and legality of the maintenance bond, letter of credit or cash escrow agreement shall be approved by the City Counselor prior to acceptance thereof.

M. PLANS AND SPECIFICATIONS

All plans and specifications for minimum improvements shall be prepared by and under the seal of a registered engineer.

SECTION 410.030 – DESIGN STANDARDS FOR STREETS AND ROADWAYS

A. PAVEMENT DESIGN

Street pavement sections shall be as indicated in the following table:

Street Classification	Asphalt with Aggregate Base	Concrete with Aggregate Base	Optional Staged Construction
Alley	2" Surface Asphalt 2" Base Asphalt 4" Aggregate Woven Geotextile Fabric	6" Concrete 4" Aggregate Non-woven Geotextile Fabric	N/A
Local Access	2" Surface Asphalt 4.5" Base Asphalt	6" Concrete 4" Aggregate	2" Surface Asphalt (Staged)

Street Classification	Asphalt with Aggregate Base	Concrete with Aggregate Base	Optional Staged Construction
	4" Aggregate Woven Geotextile Fabric	Non-woven Geotextile Fabric	3" Base Asphalt 8" Aggregate Paving Fabric
Collector	2" Surface Asphalt 5" Base Asphalt 4" Aggregate Woven Geotextile Fabric	6.5" Concrete 4" Aggregate Non-woven Geotextile Fabric	N/A
Major	2" Surface Asphalt 7" Base Asphalt 4" Aggregate Woven Geotextile Fabric	7" Concrete 4" Aggregate Non-woven Geotextile Fabric	N/A

B. GENERAL

1. A local access street is not designated "collector" or "major", per the Comprehensive Plan.
2. The "collector" and "major" streets are as designated in the Comprehensive Plan or as may be determined by Planning and Zoning Commission or City Council during development plan review or as meets the definition of **Section 410.020** of this Article.
3. The most recent traffic count information shall also be utilized in the classification of a street.
4. The City Council may adjust pavement thickness as necessary to accommodate a particular situation. Example situations may include construction staging for budget reasons, or a new residential street that will be subjected to minimal construction traffic.

C. PAVEMENT BASE

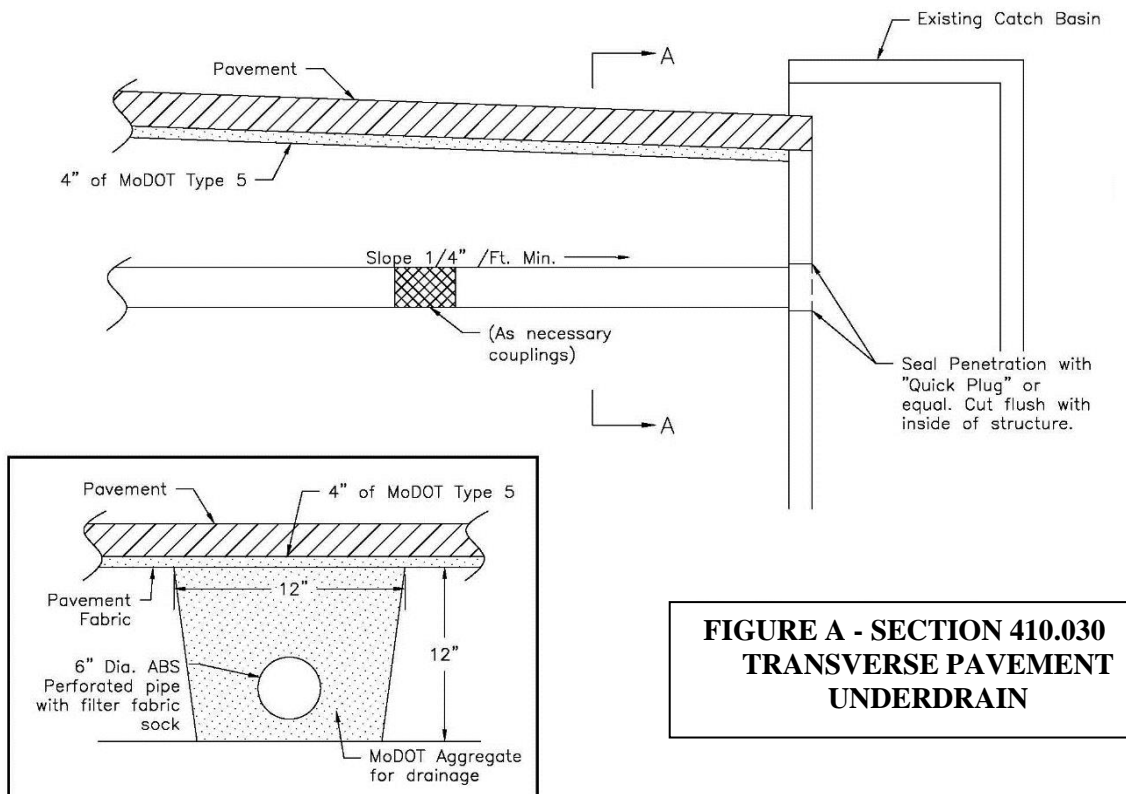
1. Pavement requirements indicated herein are minimum thicknesses, based on soils having a minimum California Bearing Ratio of 3.0. If it is determined that poorer soils exist, pavement depths must be adjusted as necessary.
2. Subgrade soil shall be compacted to a minimum of ninety percent (90%) per the modified Proctor Test, ASTM Method D1557, for the top twelve (12) inches. Compaction shall be ninety percent (90%) for all fill areas below the top twelve (12) inches.
3. Aggregate base shall be compacted at optimum moisture, plus or minus 1.5 percentage points, to achieve a minimum density of ninety percent (90%) of maximum laboratory density, per ASTM D1557
4. Aggregate to be Missouri Highway and Transportation Department (MHTD) Type 5, or other approved type with a maximum of fifteen percent (15%) passing the No. 200 Sieve.

5. Woven and non-woven geotextile fabric to be approved by the City Engineer. Geotextile fabric shall meet the following specifications:

1. Woven geotextile fabric must comply with AASHTO M288 for stabilization purposes. The geotextile shall be woven fabrics with survivability class two (2) and elongation < 50%. Approved fabrics are Mirafi 600x, Carthage Mills FX-66, or equivalent.

2. Non-woven geotextile fabric must comply with AASHTO M288 for separation purposes. The geotextile shall be non-woven fabrics with survivability class two (2) and elongation > 50%. Approved fabrics are Mirafi 160N, Carthage Mills FX-60-HS, or equivalent.

6. Transverse underdrains shall be installed under pavement at all inlets as designated by the City Engineer. See Figure "A" below for the Transverse Pavement Underdrain detail.



D. ASPHALT CONCRETE

Base and surface asphalt shall be types in compliance with the standards as set forth below. The most current version of these standards are available on the Missouri Department of Transportation's website, from the St. Louis County Department of Transportation website, and are maintained in the office of the Director of Public Works wherein printed copies can be provided if necessary.

1. Base asphalt to be MoDOT Type "I-B" or St. Louis County Type "X".
2. Surface asphalt to be MoDOT Type "I-C", Commercial Mix, or a combination, as approved by the City Engineer.

E. CONCRETE

1. Concrete shall be six (6) bag cement mix, and develop 4,000 psi strength in twenty-eight (28) days.
2. Concrete streets to comply with joint and dowel bar requirements of St. Louis County.
3. A concrete swale shall be provided at all street intersections that channel storm water runoff.

F. STAGED CONSTRUCTION OPTION

1. The surface asphalt shall not be applied until eighty percent (80%) of the subdivision lots are developed, or as approved by the City Council.
2. All deteriorated pavement shall be repaired to the satisfaction of the City Engineer, before the surface asphalt is applied.
3. Financial assurance shall be provided for the final asphalt work before final plat approval, per City Code Section 490.020(B) (6) and (9).

G. INSPECTION AND TESTING

1. All street work performed shall be subject to inspection by City of Washington Engineering Department personnel, or by agents or contractors retained by the City.
2. Inspections shall be performed as may be appropriate. All phases of pavement construction shall be inspected. No construction may begin on any phase until the Engineering Department has been properly notified. The contractor or developer's representative shall give a minimum 24-hour notice of proposed work to take place.
3. The developer shall have the responsibility to procure the services of a testing laboratory that must be approved by the City.
 - a. Soil compaction.
 - (1) All soil compaction requirements, as stated herein shall be verified by said laboratory concurrent with grading and backfilling operations.

- (2) The number of tests for each layer or lift of fill should be as determined by the testing laboratory.
- (3) The pavement subgrade shall be tested, as a minimum, each one hundred (100) linear feet.
- b. Concrete.
 - (1) For concrete pavement, three (3) concrete test cylinders shall be obtained for each seven hundred fifty (750) square yards or less of pavement. For each test series, test one (1) cylinder at seven (7) days, and one (1) cylinder at twenty-eight (28) days; the remaining cylinder shall be a spare.
 - (2) Test the slump of concrete periodically and during making of concrete test cylinders.
 - (3) Determine air content at least twice a day during progress of work and during making of concrete test cylinders. The testing methods and acceptance criteria shall be per the latest edition of the Missouri Standard Specifications for Highway Construction.
- c. Asphalt.

A job mix formula shall be submitted for approval by the City Engineer. Compaction testing shall be performed at the time of placement. The testing methods and acceptance criteria shall be per the latest edition of the Missouri Standard Specifications for Highway Construction.
- d. Reports.
 - (1) The test laboratory shall submit a written report to the City that verifies all grading operations have been performed per City specifications.
 - (2) A written report, indicating the results of the pavement tests, shall be submitted to the City.
 - (3) The testing laboratory is to give verbal notification to the City immediately of any unsatisfactory test results.

SECTION 410.035 – SUBDIVISION REVIEW AND APPROVAL PROCESS

A. PURPOSE

This Section is intended to outline the subdivision process in order to avoid confusion or undue hardships for the subdivider. A chronological sequence of the subdivision procedure is outlined below.

B. OUTLINE OF PROCEDURES

- 1. It is recommended that each applicant first confer with the City Engineer, or authorized representative, to become familiar with the applicable rules and regulations through a Pre-design Conference before submitting a Preliminary Subdivision Plat. The subdivider should

- thus become thoroughly informed of the subdivision, zoning and setback requirements and with the Comprehensive Plan for the City or for any portion of the City affecting the territory in which the proposed subdivision is to be located.
2. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part of the subdivision, and before any permit for the development of or construction of any improvement on any land in such proposed subdivision shall be granted, the applicant shall apply for and secure approval of such proposed subdivision in accordance with the following procedures, which include the following:
 - a. Pre-design Conference
 - b. Sketch Plat Review (optional)
 - c. Technical Design Conference (optional)
 - d. Preliminary Subdivision Plat and Subdivision Construction plans
 - e. Final Plat
 3. Prior to, or at the time of submission of the Preliminary Subdivision Plat, the applicant shall pay a processing fee determined as follows:
 - a. Subdivisions containing two (2) lots or less \$75.00
 - b. Subdivisions containing more than two (2) lots \$75.00 plus seven dollars (\$7.00) per lot in excess of two (2) lots.

C. PRE-DESIGN CONFERENCE

A developer contemplating the development of a new subdivision should request a pre-application review conference with the City subdivision review team. The objective of this procedure is to provide for an informal review of a proposed subdivision with the developer and appropriate City staff. This informal review will give the developer an opportunity to become familiar with the applicable subdivision regulations and to discuss the subdivision requirements before incurring substantial expense in making detailed plans. The developer should prepare and bring to the conference a rough sketch of the proposed subdivision.

D. SKETCH PLAN REVIEW

Prior to submitting a preliminary plat for the subdivision of land it is recommended that the subdivider or developer submit to the Planning and Zoning Commission a sketch plan for the tract to give the Commission an opportunity to review the project, make any necessary suggestions, and approve the concept of the development prior to the developer submitting the preliminary plat. The sketch plat allows for an initial review of planning and can accommodate appropriate changes in lot configuration and density at minimum design costs. The sketch plat shall include the following information all of which may be based on sources of information other than field survey data:

- 1 The location of the tract in relation to the surrounding area;

2. The approximate location of all existing structures within the tract proposed to be retained and wooded areas within the tract and within two hundred (200) feet thereof;
3. The names of the owners of all property adjoining the tract as disclosed by the most recent Assessor's record;
4. All existing streets, roads, and approximate location of wet and dry weather water courses, flood plain areas, sink holes, and other significant physical features within the tract and within two hundred (200) feet thereof;
5. Proposed preliminary construction plans;
6. Approximate location of proposed streets and property lines;
7. A rough sketch of the proposed site plan;
8. A north arrow and scale; and
9. Direction of and approximate distance to nearest existing major street intersection.

E. TECHNICAL DESIGN CONFERENCE

After the Planning and Zoning reviews and comments on the sketch plan, a technical design conference is recommended. The voluntary technical design conference provides an opportunity for the applicant to voluntarily review with the City Engineer, the City Planner and other appropriate City personnel, the City's design and construction standards as they affect the applicant's development objectives. This procedure will enable the applicant to receive the benefit of input from City personnel prior to the design of the Subdivision Construction plans and the Preliminary Plat.

F. PRELIMINARY SUBDIVISION PLAT

The preliminary plat shall be prepared by a licensed land surveyor. The survey work for a Preliminary Subdivision Plat should provide sufficient information regarding a proposed subdivision of land to allow the Commission to evaluate the site development concept as it relates to the City's goals and objectives in general and for the area being subdivided in particular, and to decide on the merits of the proposed subdivision. Plans shall be drawn at a horizontal scale of not more than one (1) inch equals fifty (50) feet, and a vertical scale of one (1) inch equals ten (10) feet, and map sheets shall be no greater than twenty-four (24) inches by thirty-six (36) inches. The following information should be included on the preliminary plat:

1. All information required in **Section 410.035 (D)** "Sketch Plan".
2. The location of property with respect to surrounding properties and the names of the owners of surrounding property; the names of adjacent streets.
3. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals, along with bearings and angles of all lines.
4. A key map showing the tract and its relation to the surrounding area.

5. The location of existing streets, easements, water bodies, streams, railroads, buildings, parks, drainage ditches and other pertinent features on adjoining property within two hundred (200) feet on the border of the subject tract.
6. The name proposed for the tract or such part thereof as is proposed to be subdivided, which shall be original and not a duplication of the name of any previously recorded subdivision or development in Franklin County. The developer shall include a certification from the Recorder of Deeds Office to this effect.
7. The north point, date and scale.
8. Sufficient existing and proposed contour data to indicate the slope and drainage of the tract and the high and low points thereof. Contours shall be with the intervals of two (2) feet, referred to sea level datum. Contour data shall extend two hundred (200) feet beyond the limits of the subdivision boundaries. U.S.G.S. data is required.
9. Location of existing sewers, water mains, culverts or other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades.
10. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners in the proposed subdivision.
11. A copy of all restrictions or limitations to be placed upon the use and enjoyment of the proposed subdivision.
12. Layout, names and widths of all proposed streets including profiles of each street with tentative grades and cross sections of proposed streets. Provide detail of paved approaches within right-of-way.
13. Locations of all easements.
14. Location, size of all storm sewers, sanitary sewers, water lines, street lights, fire hydrants and other utilities.
15. Layout, location, dimensions and area of all proposed lots with identification of each lot and showing all setback lines.
16. Title Block indicating the date of plan submission to the Planning and Zoning Commission and the following names and addresses:
 - a. The record owner or owners of the tract;
 - b. The engineer and land surveyor who will design improvements for and survey the tract or such part thereof as is proposed to be subdivided;
 - c. The party for whom the plat was prepared;
17. The approximate area of the tract stated in tenths (0.1) of an acre.

18. The Zoning District, including delineation of Flood Plain Zone, if any, and the Township, Range, Section, and U.S. Survey, and any other special district in which the tract is located.
19. Any proposed alteration, adjustment, or change in the elevation or topography of any area in a Flood Plain Zone or shown on the Federal Emergency Management Agency's (F.E.M.A.) flood boundary and floodway maps.
20. If the developer intends to subdivide any portion of the parcel into a multiple dwelling unit subdivision or subdivision being developed under a special use permit, then the preliminary plat shall, in addition, include the following data:
 - a. Gross area of tract;
 - b. Area in street;
 - c. Net area of tract;
 - d. Maximum number of units allowed;
 - e. Maximum number of units proposed;
 - f. Parking ratio;
 - g. Distance between structures.
21. A certification by a registered land surveyor or engineer who prepared the plat that the plat is a correct representation of all existing and proposed land divisions.
22. Access management criteria; Dimension and location of curb cuts on all developments
23. Provide arrows showing traffic pattern for all non-residential development.
24. Provide parking calculations indicating number required and number provided for all multi-family, commercial, and industrial development.
25. The approximate location and size of culverts, storm sewers, impoundments and other stormwater management facilities on or immediately adjacent to the site.
26. Recreational area, if proposed, will delineate the type of facilities and who will be responsible for operation and maintenance of same.
27. The accurate outline of all property 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 the public use shall be marked on each plan, "Dedicated to the Public" and shall be accepted, in writing, by the Governing Body of the City by affixing the signature of the duly designated official on the plat.

G. SUBMISSION REVIEW PROCEDURE

1. Submission by applicant. The applicant shall submit five (5) copies of the Preliminary Subdivision Plat and an electronic copy to the Planning and Zoning Commission at least fifteen (15) working days prior to the next regularly scheduled Planning and Zoning Commission meeting. Major subdivision plats, those with five (5) lots or more, require more time for review and therefore a minimum of twenty (20) working days prior to the next regularly scheduled Planning and Zoning Commission meeting are required for submission.
2. City engineer review. Prior to submission to the Commission, the City Engineer shall review the application to ensure that the Preliminary Subdivision Plat:
 - a. Meets all submission requirements - any plat and application that does not contain all required information shall not be accepted for review by the Planning and Zoning Commission.
 - b. Substantially meets all land development standards of this Title and those of any other applicable City regulations. The City Engineer shall identify all deficiencies and issues to be addressed in more detail and resolved in the Subdivision Construction plans or in the Final Subdivision Plat to the satisfaction of the City. The City Engineer shall submit a report to the Planning and Zoning Commission regarding staff views and comments.
3. Planning and Zoning Commission. The Planning and Zoning Commission shall consider the merits of the Preliminary Subdivision Plat and review the comments of related City Staff at its next regular meeting. By majority vote, the Planning and Zoning Commission shall recommend approval or disapproval of the Preliminary Plat. A vote of disapproval shall be accompanied by reasons for such action. In approving a Preliminary Subdivision Plat, the Commission may impose conditions to be resolved in the Final Subdivision Plat.
4. City Council Action. After consideration and recommendation of the preliminary plat by the City Engineer and Planning and Zoning Commission, the preliminary plat shall be submitted to the City Council for their approval. Such approval or rejection shall be given within sixty (60) days after the City Council receives the Planning and Zoning Commission's recommendation. After approval of the preliminary plat by the City Council, the Mayor and City Clerk shall sign one (1) copy of the preliminary plat and return the same to the developer or subdivider not later than seven (7) days after approval is given.
5. Effect of approval. Upon receipt of the signed copy of the preliminary plat and approved construction plans, the developer or subdivider shall be authorized to begin construction of the minimum improvements as required herein on the entire subdivision or the section or plat of the subdivision so approved. All minimum improvements shall be installed and approved before the final plat is submitted to the City unless written approval is given by the City Council to complete said improvements as the subdivision is developed.
 - a. In lieu of the completion of the minimum improvements previous to the final approval of a plat, the City Council shall accept, at the option of the developer, an escrow secured with cash or an irrevocable letter of credit deposited with the City. The City may accept a surety bond and such bond shall be in an amount and with surety and other reasonable conditions, providing for and securing the actual construction and installation of the minimum improvements within a period specified by the City Council and expressed in the bond. The release of any such escrow, letter of credit or bond by the City Council

shall be as specified in this Section. The City Council may enforce the escrow or bond by all appropriate legal and equitable remedies.

- b. In the event a developer who has posted an escrow, or letter of credit, or bond with the City in accordance with Subsection (A) transfers title of the subdivision property prior to full release of the escrow, letter of credit or bond, the City shall accept a replacement escrow or letter of credit from the successor developer in the form allowed in Subsection (A) and in the amount of the escrow or letter of credit held by the City at the time of the property transfer and, upon receipt of the replacement escrow or letter of credit, the City shall release the original escrow or letter of credit in full and release the prior developer from all further obligations with respect to the minimum improvements if the successor developer assumes all of the outstanding obligations of the previous developer. The City may accept a surety bond from the successor developer in the form allowed in Subsection (A) and in the amount of the bond held by the City at the time of the property transfer and, upon receipt of the replacement bond, the City shall release the original bond in full and release the prior developer from all further obligations with respect to the minimum improvements.
 - c. Any escrow or bond amount held by the City to secure actual construction and installation on each component of the improvements or utilities shall, upon request, be released within thirty (30) days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent (5%) which shall be released upon completion of all improvements and utility work. The City shall inspect each category of improvement or utility work within twenty (20) business days after a request for such inspection. Any such category of improvement or utility work shall be deemed to be completed upon certification by the City Engineer that the project is complete in accordance with the ordinance of the City including the filing of all documentation and certifications required by the City, including the filing of as-built drawings as required by Section 490.040(G), (7) with the City Engineer, in complete and acceptable form. The release shall be deemed effective when the escrow funds or bond amount are duly posted with the United States Postal Service or other agreed-upon delivery service or when the escrow funds or bond amount are hand delivered to an authorized person or place as specified by the owner or developer.
 - d. If the City has not released the escrow funds or bond amount within thirty (30) days as provided in this Section or provided a timely inspection of the improvements or utility work after request for such inspection, the City shall pay the owner or developer in addition to the escrow funds due the owner or developer, interest at the rate of one and one-half percent (1½%) per month calculated from the expiration of the thirty (30) day period until the escrow funds or bond amount have been released. Any owner or developer aggrieved by the City's failure to observe the requirements of this Section may bring a civil action to enforce the provisions of this Section. In any civil action or part of a civil action brought pursuant to this Section, the Court may award the prevailing party or the City the amount of all costs attributable to the action, including reasonable attorneys' fees.
6. Preliminary plat effective date.
- a. Approval of the preliminary plat shall be effective for a period of two (2) years. Any subdivision in which the final plat has not been submitted for approval within this period

shall be null and void and the developer shall be required to resubmit a new plat for preliminary approval subject to all new subdivision regulations and zoning.

- b. If the final plat has been approved without construction of the minimum improvements, if said minimum improvements are constructed within two (2) years of final plat approval they shall be constructed according to the regulations in effect at the date of final plat approval. If said minimum improvements are constructed more than two (2) years after final plat approval they shall be constructed according to the regulations in effect at the date construction commences.
7. As-built plans required. As-built drawing of subdivision improvements are required. After the sanitary sewer, storm sewers, sidewalks, and pavement have been constructed and installed, but before the City Engineer, or his authorized agent, recommend final approval or acceptance, the developer shall submit two (2) sets of as-built drawings showing any changes to the above-mentioned improvements. All as-built drawings shall have the seal of a professional engineer certifying the accuracy of all improvements.
8. Certification of improvements. Prior to approval of the final plat the City Engineer and City Clerk will certify to the City Council that the improvements have been completed to their satisfaction or that the necessary and required steps have been taken to see that they shall be completed as proposed. No final plat shall be approved until the subdivider or developer has paid the City all fees for inspection of subdivision improvements as determined as follows:
 - a. Grading inspection \$15.00 per acre
 - b. Street inspection \$30.00 per 100 linear feet of street
 - c. Waterline inspection \$15.00 per 100 linear feet of waterline installed
 - d. Sanitary sewer main inspection \$15.00 per 100 linear feet of sewer main installed
 - e. Storm sewer line inspection \$15.00 per 100 linear feet installed
The inspection fees shall be pro-rated for acreage or lengths less than those specified herein.

SECTION 410.040 – FINAL PLAT

A. PRESENTATION

The final subdivision plat shall be presented at the same scale and contain the same information as the preliminary plat (**Section 410.035, F**) reflecting all changes made since the approval of the preliminary plat. The final plat should not indicate any existing features to be discontinued, removed or changed upon the completion of the subdivision; and the final plat should exclude location of existing property lines to be discontinued or combined, contour lines, existing buildings to be removed or trees. All revision dates shall be shown as well as the following:

1. All monuments, erected corners and other points established in the field in the proper places.
2. The material of which the monuments, corners or other points are made. All metal monuments shall indicate the kind of metal, the diameter and length of the monument.

3. A certificate to the effect that all general and special taxes on the property have been paid.

B. PREPARATION BY SURVEYOR

The final plat shall be prepared by a land surveyor licensed by the State of Missouri.

C. RECORDING

Upon approval of the final plat, two Mylar copies and two electronic copies on a compact disk (CD) or flash (USB) drive in PDF or JPG format of the plat shall be presented to the City Clerk. The Mylar plats shall be signed by the City Clerk and one copy of the plat shall be recorded in the office of the Recorder of Deeds for Franklin County, Missouri, and one copy in the plat book of the City of Washington, Missouri. One copy each of the electronic version of the plat shall be provided to the City Clerk and the Recorder of Deeds. These items shall be provided at subdivider's or developer's expense.

ARTICLE IV**SUPPLEMENTARY REGULATIONS****SECTION 410.045 – CONSTRUCTION PLANS****A. SUBDIVISION CONSTRUCTION PLAN CONTENT**

The Subdivision Construction plans shall consist of the technical documents upon which consideration of the subdivision improvements shall be based and construction contracts shall be let by the applicant. These plans shall consist of working drawings and design specifications. Plans for improvements shall be prepared by a registered professional engineer and the streets, storm sewers, sidewalks, pedestrian ways, and sanitary sewers shall be staked by a registered land surveyor. Construction plans shall be prepared on an exhibit not to exceed twenty-four (24) inches by thirty-six (36) inches. Plans shall be drawn at a horizontal scale of no more than one (1) inch equals fifty (50) feet and a vertical scale of one (1) inch equals ten (10) feet. Subdivision Construction plans should provide the City with complete design and construction information which includes all information on the preliminary plat as well as the following:

1. Title page, which shall include key map showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided plus adjacent streets. In addition, the name, address, and telephone number of the developer and engineering firm, as well as a registered professional engineer's seal, should be indicated.
2. North arrow and graphic scale shall be indicated on each plan sheet.
3. One (1) or more benchmarks, in or near the subdivision, to which the subdivision is referenced. The identity and elevation shall be based on U.S.G.S. datum.
4. Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents and central angles on all streets.
5. The Planning and Zoning Commission shall require, where steep slopes exist, that cross-sections of all proposed streets at one hundred-foot stations shall be shown at five (5) points as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.
6. Plans and profiles showing the locations and typical cross-sections of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, rights of way, manholes and catch basins; the locations of street trees, street lighting standards and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas or other underground utilities or structures.
7. Location, size, elevation and other appropriate description of any existing facilities or utilities including, but not limited to, existing streets, sewers, drains, water mains, easements, water

- bodies, streams and other pertinent features such as swamps, railroads, buildings; features noted on the major highway plan or master plan, and each tree with a diameter of eight (8) inches or more measured twelve (12) inches above ground level, where practical, at the point of connection to proposed facilities and utilities within the subdivision. The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to as the U.S.G.S. datum plane. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high watermark of such waterways.
8. Topography at the same scale as the sketch plat with a contour interval of two (2) feet, referred to sea level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
 9. An erosion control plan identifying specific control methods to be used during site development. The plan shall also include procedures to be implemented to prevent unacceptable levels of soil, rock, and gravel being deposited on existing public streets and/or property via construction traffic.
 10. The results of any tests made to ascertain subsurface rock and soil conditions and the water table.
 11. Proposed type of treatment or method of sewage disposal to include name of trunk line, lateral or qualified sewage treatment system, where applicable.
 12. Indicate basic soil erosion control plan to be utilized during site development.
 13. Specify landscape plan and bufferyards as necessary.
 14. Provide copies of any proposed private restrictions including boundaries of each type of use restriction.
 15. Proof of MPDES Storm Water Permit for developments of five (5) acres or more.
 16. Stormwater computations, plans and specifications, related development in report form sealed by a professional engineer, registered in the State of Missouri.
 17. All other requirements set forth in **Chapter 420, Storm Water Management Standards**.

SECTION 410.050 – MINIMUM STANDARDS OF DESIGN FOR SUBDIVISIONS**A. COMPLIANCE**

No subdivision plat shall be approved unless it conforms to the following minimum standards of design.

B. STREETS

1. Relation to adjoining streets. Except for existing dead-end streets or situations where topography or other factors make it impractical, relationships to adjoining streets shall be as follows:
 - a. Proposed streets generally shall connect with streets already established, or provide for future connections to adjoining un-subdivided tracts, or shall be reasonable projections of streets in the nearest subdivision tracts.
 - b. Stub streets shall be constructed to the property lines when required to provide for future connections to adjoining undeveloped tracts. Reasonable projections of streets in nearby subdivisions or water, storm, or sanitary sewer line easements shall establish the location of stub streets.
 - c. All stub streets in excess of four hundred fifty (450) feet in length measured from the centerline of the street intersection to the property line or plat boundary shall be provided with a temporary turnaround. Permits will not be issued for building construction on lots abutting a temporary turnaround as shown on any recorded subdivision plat unless and until the temporary facility is actually constructed and has been approved by the City Engineer. In general, the temporary turnaround shall meet the design requirements of a cul-de-sac turning circle as specified in Section 410.050, B, 5 below. The paved area beyond the required paved width of the roadway may be of a type that can be more easily removed once the street is extended or connected to an adjoining street. The pavement type and material for the temporary paved areas shall be as permitted by the City Engineer.
 - d. The arrangement of rights-of-way in a subdivision shall provide for the continuation of existing streets or rights-of-way in adjoining areas, unless the Commission deems such continuation undesirable for reasons of topography or design.
 - e. Where a subdivision abuts or contains an existing or proposed major street, the City Engineer may require frontage or service streets, double frontage lots with screen planting, and non-access strips at the rear of such lots.
 - f. In situations where development is proposed on lot or lots with driveways intersecting City collector or major streets, on-site turnaround capability is required in order to eliminate having to back out onto streets.
 - g. A subdivision entrance street shall intersect the major or collector street with an interior angle between seventy (70) degrees and ninety (90) degrees and be positioned to provide adequate sight distance along each intersecting roadway as determined by the City Engineer.
 - h. Wherever possible subject to review by the City Engineer, a street or driveway intersection with any street shall be located so as to provide adequate sight distance with respect to topographic conditions (i.e. the crest of a hill) in order to avoid situations where the location of the intersection may impede the ability to see oncoming traffic.
2. Extension of streets. Where, in the opinion of the Commission, it is desirable to provide future street access to adjoining areas, the streets and rights-of-way in the subdivision shall be

extended by the provision of a right-of-way for street purposes from the end of pavement to the property line of the subdivision. The street arrangements shall not be such as to cause undue hardship to owners of adjoining property in platting their own land and providing convenient access to it. However, nothing herein shall be construed to require that private streets in one (1) subdivision shall provide access to adjacent land.

3. Widths of rights-of-way. Streets shall have the following rights-of-way:
 - a. Major as indicated by the Comprehensive Plan, not less than sixty (60) feet.
 - b. Collector, not less than sixty (60) feet.
 - c. Local access streets, not less than fifty (50) feet.
 - d. Alleys, twenty-five (25) feet.
 - e. Cul-de-sacs, not less than fifty (50) feet from the radius point or a total width of 100 (100) feet.

*All street grades shall be extended to the edge of the right-of-way

4. Minimum roadway widths. Streets shall have the following minimum width:

Minimum Roadway Width	
Type	Minimum Width
Major	40 feet
Collector	40 feet
Local access streets*	35 feet
Alleys	20 feet
Cul-de-sac	48 feet from radius point (total width not less than 96 feet)
Private Street	Per approved plan
Fire Lane	26 feet

- * Local Access Streets may be 30 feet wide if they meet the following requirements:
1. The block length may not exceed 770 feet.
 2. The street must terminate in an approved cul-de-sac or on the same street that it originates.
 3. There shall be no more than 10 units utilizing the street as a local access road.
 4. Parking must be restricted to one side with ‘No Parking’ signs present and must be on the same side of the fire hydrants.
 5. If accessed by a multi-family use, the building must have a sprinkler system in accordance with the building code.
5. Cul-de-sacs. All cul-de-sacs shall terminate in a paved turning circle with a minimum outside diameter of ninety-six (96) feet and shall not exceed seven hundred seventy (770) feet in length. The length of the cul-de-sac shall be measured from the center of any cul-de-sac to the right-of-way line of the nearest through street from which it derives.
6. Grades and elevations.
 - a. Maximum slope. No street shall be built with a slope in excess of the following:

Type of Street	Maximum Slope
Major and collector	7%
Local access streets	10%
Alleys	10%

- b. Minimum slope. No street shall be built with less than a one and one-half percent (1½%) slope per one hundred (100) feet.
7. Vertical curves. All changes in street grade shall be connected by vertical curves of a minimum length equivalent to fifteen (15) times the algebraic difference in the rate of grade for thoroughfares, boulevards, parkways, major, and collector streets and one-half (½) of this minimum for other streets.
 8. Alignment and visibility.
 - a. Clear visibility measured along the centerlines shall be provided for at least the following:

Type of Street	Distance
Major	300 feet
Collector	200 feet
Local access	100 feet

- b. Street jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet are prohibited.
9. Minimum curvature. The minimum radius of curves shall be as follows:

Type of Street	Minimum Curve Radius
Major	300 feet
Collector	200 feet
Local access	100 feet

- Minimum curvature shall be verified to reflect adequacy to support Fire Department access needs.
10. Tangents. Between reversed curves there shall always be a tangent at least one hundred (100) feet long.
 11. Intersections.
 - a. Streets shall intersect, as nearly as possible, at right angles.
 - b. Street curb intersections shall be rounded by radii of at least ten (10) feet and shall be increased when the smallest angle of intersection is less than sixty degrees (60°).
 - c. At street and alley intersections, property line corners shall be rounded by an arc, the minimum radius of which shall be seven (7) feet and five (5) feet respectively. In business districts a chord may be substituted for such an arc.

12. Sidewalks. Sidewalks are required to be placed on one side of newly constructed Major and Collector streets as identified by the comprehensive plan and shall be 5 feet in width. All sidewalks are subject to review and approval from the City Engineer.

C. LOTS

1. Frontage, minimum width. The minimum width of a lot located within "R-1A", "R-1B", "R-2", and "R-3" shall be as specified in the Zoning Regulations. For all other lots, the minimum width of a lot shall be sixty (60) feet at the front setback line, except the frontage of any lot on a turnaround of a cul-de-sac may be a minimum of forty (40) feet. A corner lot shall have an extra width to permit appropriate building setback from both streets or appropriate orientation to both streets.
2. Lot lines. Side lot lines should be a right angle to the street line on which the lot faces, when and where possible.
3. Double frontage lots. Double frontage lots shall be avoided.
4. Street frontage. Every lot shall abut on a street except in instances relating to commercial or industrial developments as provided for in **Section 410.065, B.**
5. Buffer zone. A buffer zone approved by the Commission shall be provided between residential areas and commercial and industrial areas.
6. Building site. Each lot shall contain a building site completely free from the danger of flooding. No lot shall be impractical of improvements due to steepness of terrain, dangerous soil conditions or other adverse material physical conditions.
7. Public open spaces and areas.
 - a. Due consideration should be given to the allocation of suitable areas for parks, playgrounds and other recreational areas, to be dedicated for public use or reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds.
 - b. In subdivisions over thirty (30) acres, at least five percent (5%) of the area of every subdivision, exclusive of streets, should be set aside for recreational use.
8. Commercial developments. In all areas proposed for commercial or industrial use, the lots shall be of such size as to provide adequate off-street loading and unloading facilities and adequate parking for its employees and customers.
9. Easements. All lots shall contain an easement at least ten (10) feet in width along all rear lot lines for utility purposes. Where deemed appropriate by the Commission, easements for utilities shall be provided along the side lot line or across lots. Whenever any stream or important surface drainage course is located in any area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, protecting or maintaining the stream or drainage course.

D. BLOCKS

1. Length. Block lengths may not exceed one thousand (1,000) feet nor be less than three hundred (300) feet except that a street ending in a cul-de-sac shall not exceed seven hundred seventy (770) feet in length. The Commission may deem it necessary to secure the efficient use of land or desired features of street layout to permit a variance from the above requirements.
2. Width. Blocks shall be wide enough to allow two (2) tiers of lots of sufficient depth to provide an adequate building site on each lot. The Commission may approve block widths providing for a single tier of lots, where lots would otherwise front on a major street or where the topographic conditions or size of the property prevents two (2) tiers.
6. Pedestrian ways. Pedestrian ways may be required near the center and entirely across blocks which exceed eight hundred (800) feet in length, to provide access to parks, schools or shopping areas.

SECTION 410.055 –DISPLAY HOMES

A. CONSTRUCTION OF DISPLAY HOME

After approval of the preliminary plat the Planning and Zoning Commission may grant approval for the construction of three (3) display homes on proposed lots so long as said display homes have access to an existing City street or are located on a lot fronting or abutting on a subdivision road that had been opened.

B. SALE OF DISPLAY HOME

A display home constructed under the authority herein contained shall not be sold until the final plat has been approved and recorded.

C. OTHER BUILDING PERMITS PROHIBITED, WHEN

Except for the construction of a display home as herein provided, no building permit shall be issued for construction in a subdivision unless the plat thereof shall have been approved and recorded in accordance with the provisions of this Chapter. Whenever an application for a building permit is received for construction on a lot or tract of land containing an existing building, said permit shall not be issued until the Building Inspector is satisfied that said development has been approved in accordance with the provisions of this Chapter.

SECTION 410.060 – RE-SUBDIVISION**A. PROCEDURE FOR RE-SUBDIVISION**

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Planning and Zoning Commission by the same procedure, rules and regulations as for a subdivision.

B. PROCEDURE FOR SUBDIVISION WHERE FUTURE RE-SUBDIVISION IS INDICATED

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and there are indications that such lots will eventually be re-subdivided into smaller building sites, the Planning and Zoning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

SECTION 410.065. VARIANCES AND EXCEPTIONS**A. GENERAL**

Where the Planning and Zoning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, it may approve variations or exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided, the City Council shall not recommend variations unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
2. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
4. The variation will not in any manner vary the provisions of the zoning order, master plan or major highway plan.

B. EXCEPTIONS FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

In instances where larger commercial or industrial developments are created as part of a Planned Development created under the provisions of **Chapter 400, Section 400.115** of the Zoning Code, or where existing developments were created under prior code provisions of a similar nature,

property may be further subdivided without frontage on a public or private street subject to the following conditions:

1. The overall development (shopping center or industrial park, for example) comprising the subject property shall have been subdivided in accordance with the requirements of this Chapter.
2. The original subdivision for the development shall have access to public or private streets which comply with the requirements of this Chapter.
3. Any resulting lot proposed for subdivision not having access to a public or private street shall have appropriate evidence in the form of a plat and access easements or rights-of-way grants upon the adjoining lot or lots that provides access in perpetuity to the lot proposed for subdivision.
4. These provisions are not intended to promote the creation of “flag” lots for properties or developments that are not part of larger planned development that are comprised of multiple commercial or industrial users.

C. CONDITIONS

In recommending variations and exceptions, the Planning and Zoning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

D. PRIVATE STREETS

Private streets can be requested only as part of a planned development. Justification demonstrating unique or peculiar characteristics associated with a proposed development must be shown as to why a public street is not appropriate. All private streets must be approved by City Council as part of a final development plan approval. Private street signs must be purchased by the developer and be a color approved by the Zoning Administrator. Private streets existing prior to the adoption of this code revision on March 1, 2017 are exempt from this requirement.

E. PROCEDURES

A petition for any variation or subdivision of commercial or industrial property as provided for in **Section 410.80, B** above shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

SECTION 410.070 – ENFORCEMENT

Any person who sells a lot without establishing a subdivision in accordance with this Title or sells a lot by metes and bounds shall be guilty of a misdemeanor, and shall be fined not more than three hundred dollars (\$300.00) for every such sale.

SECTION 410.075 – AMENDMENT OF CHAPTER.

Any regulation or provision of this Chapter may be changed and amended from time to time by the City Council; provided, that such changes or amendments shall not become effective until after a study and report by the City Plan Commission and until after a public hearing has been held. Notice of such a public hearing shall be given by publication in a newspaper of general circulation in the City at least fifteen (15) days prior to such hearing.

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ARTICLE I**STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES****SECTION 415.010 – STATUTORY AUTHORIZATION**

The legislature of the State of Missouri has in Section 77.260, R.S. MO. delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the City Council of the City of Washington, Missouri ordains as follows.

SECTION 415.015 – FINDINGS OF FACT**A. Flood Losses Resulting From Periodic Inundation**

The special flood hazard areas of the City of Washington, Missouri (hereinafter referred to as “the City”) are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

B. General Causes of the Flood Losses

These flood losses are caused by:

- 1 The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
2. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

C. Methods Used To Analyze Flood Hazards

The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

1. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Franklin County, dated October 18, 2011, as amended, and any future revisions thereto.

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

SECTION 415.020 – STATEMENT OF PURPOSE.**A. Purpose**

It is the purpose of this Chapter to promote the public health, safety, and general welfare; to minimize those losses described in Article I, Section 415.020(A); to establish or maintain the City's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

ARTICLE II

GENERAL PROVISIONS

SECTION 415.025 – LANDS TO WHICH CHAPTER APPLIES

This Chapter shall apply to all lands within the jurisdiction of the City of Washington, Missouri identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Map (FIRM) for Franklin County, Missouri on map panels 29071C0130D, 29071C0135D, 29071C0140D, 29071C0145D, and 29071C0165D dated October 18, 2011, as amended, and all adjacent property of the same or lower elevation, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the City, and as specifically noted in Article IV.

SECTION 415.030 – FLOODPLAIN ADMINISTRATOR

The City Engineer is hereby designated as the Floodplain Administrator under this Chapter.

SECTION 415.035. COMPLIANCE

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

SECTION 415.040 – ABROGATION AND GREATER RESTRICTIONS

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

SECTION 415.045 – INTERPRETATION

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

SECTION 415.050 – WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or

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natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of the City of Washington, any officer or employee thereof for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder.

Section 415.055 – Severability

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

ARTICLE III

ADMINISTRATION

SECTION 415.060 – FLOODPLAIN DEVELOPMENT PERMIT

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

SECTION 415.065 – DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The City Engineer is hereby appointed to administer and implement the provisions of this Chapter.

SECTION 415.070 – DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

A. Duties and Responsibilities of the City Engineer

The duties and responsibilities of the City Engineer acting as floodplain administrator shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the Missouri State Emergency Management Agency (MOSEMA) to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;

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7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been flood-proofed;
9. When flood-proofing techniques are utilized for a particular non-residential structure, the City Engineer shall require certification from a registered professional engineer or architect.

SECTION 415.075 – APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

A. Procedure to Obtain Permit

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished by the City for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Specify whether development is located in designated flood fringe or floodway;
6. Identify the existing base flood elevation and the elevation of the proposed development;
7. Give such other information as reasonably may be required by the City Engineer;
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

ARTICLE IV**PROVISIONS FOR FLOOD HAZARD REDUCTION****SECTION 415.080 – GENERAL STANDARDS****A. Permit Subject to Conditions**

No permit for floodplain development shall be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A Zones and AE Zones, unless the conditions of this Section are satisfied.

B. Base Elevation

All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the City shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.

C. Floodway Designation

Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City.

D. Requirements

All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:

1. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. Construction with materials resistant to flood damage;
3. Utilization of methods and practices that minimize flood damages;
4. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

E. Storage, Material and Equipment

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

F. Agricultural Structures

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

G. Accessory Structures

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than four hundred (400) square feet may be constructed at-grade and wet-flood-proofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a

variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued.

H. Non-Conforming Use

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

1. If such structure, use, or utility service is discontinued for twelve (12) consecutive months, any future use of the building shall conform to this Chapter.
2. If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.
3. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.
4. Uses or adjunct thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.

SECTION 415.085 – SPECIFIC STANDARDS

A. Requirements in A and AE Zones

In all areas identified as numbered and unnumbered A Zones and AE Zones, and adjacent property of the same or lower elevation, where base flood elevation data have been provided as set forth in **Article IV, Section 415.150(B)**, the following provisions are required:

1. Residential construction. New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to two (2) feet above base flood elevation.
2. Non-residential construction. New construction or substantial improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to two (2) feet above the base flood elevation.
3. Roads/parking lots. All roadways shall be elevated one (1) foot above the base flood elevation. All parking lots shall be elevated to the base flood elevation.

4. Require, for all new construction and substantial improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall have the floor of such enclosure elevated to the base flood elevation. Such enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - b. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - c. Flood-resistant materials only shall be utilized to the base flood elevation plus two (2) feet. All utilities shall be placed above the base flood elevation plus two (2) feet. These utilities shall include sanitary sewer facilities, water facilities and all electrical and mechanical equipment. The type of storage permitted in an enclosed lower area shall be limited to that which is incidental and accessory to the principal use of the structure.

B. Standards for Lowest Floor Elevations

It shall be unlawful to construct any structure susceptible to flood damage due to backflow through the sanitary sewer system, unless the lowest floor, including basement, is elevated two (2) feet or more above the elevation of the base flood.

SECTION 415.090 – MANUFACTURED HOMES

A. Installation Requirements

All manufactured homes to be placed within all unnumbered and numbered A Zones and AE Zones on the City's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

1. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at the intermediate locations and

- manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.
2. Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.
 3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 4. Any additions to manufactured homes be similarly anchored.

B. Elevation Requirements

Manufactured homes that are placed or substantially improved within unnumbered or numbered A Zones and AE Zones on the City's FIRM on sites:

1. Outside of manufactured home park or subdivision; or
2. In a new manufactured home park or subdivision; or
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood; or
5. In an existing manufactured home park where more than fifty percent (50%) of the pads for the location of manufactured homes are vacant;

are required to be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two (2) feet above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

C. Elevation Requirements in Manufactured Home Parks or Subdivisions

Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones and AE Zones on the City's FIRM, that are not subject to the provisions of **Article IV, Section 415.170 (B)** of this Chapter, shall be elevated so that either:

1. The lowest floor of the manufactured home is at two (2) feet above the base flood level; or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in

height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

SECTION 415.095 – FLOODWAY.

A. Areas Designated as Floodways

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

1. The City shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
2. The City shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development, within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the City during the occurrence of the base flood discharge.
3. If Article IV, **Section 415.180(2)** is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
4. In unnumbered A Zones, the City shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article IV, **Section 415.150(B)**.

SECTION 415.100 – RECREATIONAL VEHICLES

A. Placement

Recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the City's FIRM either must:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
2. Be fully licensed and ready for highway use*; or
3. Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this Chapter.

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

ARTICLE V**FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES****SECTION 415.105 – ESTABLISHMENT OF APPEAL BOARD**

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

SECTION 415.110 – RESPONSIBILITY OF APPEAL BOARD**A. Application to Board of Adjustment**

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the City Engineer, the applicant may apply for such floodplain development permit or variance directly to the Board of Adjustment as defined in **Article V, Section 415.200**.

B. Board of Adjustment to Hear and Decide Appeals

The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this Chapter.

SECTION 415.115 – FURTHER APPEALS

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

SECTION 415.120 – FLOODPLAIN MANAGEMENT VARIANCE CRITERIA**A. Appeal Review Criteria**

In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following criteria:

1. The danger to life and property due to flood damage;
2. The danger that materials may be swept onto other lands to the injury of others;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the City;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flood damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

SECTION 415.125 – CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES.

A. Conditions for Approval

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

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

SECTION 415.130 – CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES

A. Decided Individually

Any variance granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in **Article V, Sections 415.230 and 415.240** of this Chapter.

B. Conditions

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-flood-proofed:

1. All agricultural structures considered for a variance from the floodplain management regulations of this Chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farmhouses, cannot be considered agricultural structures.
2. Use of the varied structures must be limited to agricultural purposes in Zone A only as identified on the City's Flood Insurance Rate Map (FIRM).

3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with **Article IV, Section 415.150(D)(2)** of this Chapter.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with **Article IV, Section 415.150(D)(1)** of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood-proofed so that they are contained within a watertight, flood-proofed enclosure that is capable of resisting damage during flood conditions in accordance with **Article IV, Section 415.150(D)(4)** of this Chapter.
6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with **Article IV, Section 415.160(A)(3)** of this Chapter.
7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of **Article IV, Section 415.180(2)** of this Chapter. No variances may be issued for agricultural structures within any designated floodway, if an increase in flood levels would result during the 100-year flood.
8. Major equipment, machinery, or other contents must be protected from any flood damage.
9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
10. The City shall notify the applicant in writing over the signature of the City Engineer that:
 - a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

11. Wet-flood proofing construction techniques must be reviewed and approved by City Engineer and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

SECTION 415.135 – CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES.

A. Decided Individually

Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in **Article V, Sections 415.230** and **415.240** of this Chapter.

B. Conditions

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-flood-proofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only as identified on the City's Flood Insurance Rate Map (FIRM).
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with **Article IV, Section 415.150(D)(2)** of this Chapter.
3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with **Article IV, Section 415.150 (D)(1)** of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood-proofed so that they are contained within a watertight, flood-proofed enclosure that is capable of resisting damage during flood conditions in accordance with **Article IV, Section 415.150(D)(4)** of this Chapter.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with **Article IV, Section 415.160(A)(4)** of this Chapter.

6. The accessory structures must comply with the floodplain management floodway encroachment provisions of **Article IV, Section 415.180(2)** of this Chapter. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery, or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. The City shall notify the applicant in writing over the signature of the City Engineer that:
 - a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.
10. Wet-flood-proofing construction techniques must be reviewed and approved by the City Engineer and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

ARTICLE VI

PENALTIES FOR VIOLATION

SECTION 415.140 – PENALTIES FOR VIOLATION

Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Washington or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE VII

AMENDMENTS

SECTION 415.145 – AMENDMENTS.

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

ARTICLE VIII

DEFINITIONS

SECTION 415.150 – DEFINITIONS

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

100-YEAR FLOOD

See "BASE FLOOD".

ACCESSORY STRUCTURE

The same as "APPURTENANT STRUCTURE".

ACTUARIAL RATES

See "RISK PREMIUM RATES".

ADMINISTRATOR

The Federal Insurance Administrator.

AGENCY

The Federal Emergency Management Agency (FEMA).

AGRICULTURAL COMMODITIES

Agricultural products and livestock.

AGRICULTURAL STRUCTURE

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

APPEAL

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

APPURTENANT STRUCTURE

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

AREA OF SPECIAL FLOOD HAZARD

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

BASE FLOOD

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

BASEMENT

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

BUILDING

See "STRUCTURE".

CHIEF EXECUTIVE OFFICER OR CHIEF ELECTED OFFICIAL

The Mayor of the City of Washington.

CITY

The City of Washington, Missouri

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING

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

ELIGIBLE COMMUNITY OR PARTICIPATING COMMUNITY

A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

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

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING

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

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

FLOOD ELEVATION DETERMINATION

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

FLOOD ELEVATION STUDY

An examination, evaluation and determination of flood hazards.

FLOOD FRINGE

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

FLOOD HAZARD BOUNDARY MAP (FHBM)

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

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN OR FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source (see "FLOODING").

FLOODPLAIN MANAGEMENT

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

FLOODPLAIN MANAGEMENT REGULATIONS

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

FLOODPROOFING

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

FLOODWAY OR REGULATORY FLOODWAY

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

FLOODWAY ENCROACHMENT LINES

The lines marking the limits of floodways on Federal, State and local floodplain maps.

FREEBOARD

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

FUNCTIONALLY DEPENDENT USE

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

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

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1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR

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

MANUFACTURED HOME

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

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MAP

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

MARKET VALUE OR FAIR MARKET VALUE

An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL

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

NEW CONSTRUCTION

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

NEW MANUFACTURED HOME PARK OR SUBDIVISION

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

NFIP

The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY

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

PERSON

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

PRINCIPALLY ABOVE GROUND

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

RECREATIONAL VEHICLE

A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REMEDY A VIOLATION

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

REPETITIVE LOSS

Flood-related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

RISK PREMIUM RATES

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

SPECIAL FLOOD HAZARD AREA

See "AREA OF SPECIAL FLOOD HAZARD".

SPECIAL HAZARD AREA

An area having special flood hazards and shown on an FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A and AE.

START OF CONSTRUCTION

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

STATE COORDINATING AGENCY

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

STRUCTURE

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

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

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition). For the purposes of this definition, "repair" is considered to occur when the first (1st) repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences. The term does not apply to:

1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure", or
3. Any improvement to a building.

SUBSTANTIAL IMPROVEMENT

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

1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code

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- Enforcement Official and which are solely necessary to assure safe living conditions;
or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
 3. Any building that has been damaged from any source or is categorized as repetitive loss.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS

Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

VARIANCE

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

VIOLATION

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

WATER SURFACE ELEVATION

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

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ARTICLE I

PURPOSE AND INTENT

SECTION 420.005 – PURPOSE AND INTENT

A. PURPOSE

The purpose of this Chapter is to provide minimum standards, controls and criteria for storm water management. The principal design consideration in this Chapter is to minimize the harmful physical and economic effects of erosion, sedimentation and flooding from storm water runoff. This is to be accomplished through the requirement of special measures to mitigate erosion both during and after construction, the detention and controlled discharge of the differential runoff from the development and a well-designed storm water conveyance system.

B. INTENT

The intent of this Chapter is to ensure that the drainage of surface waters will not be changed by new construction, or that if surface water drainage is to be changed, reasonable provisions have been made for collection and diversion of such surface waters into public areas or drains which the property owner or developer has a right to use, and that such surface waters will be planned for so as to reduce the likelihood of damage to adjacent properties.

ARTICLE II

INTERPRETATION

SECTION 420.010 – MINIMUM REQUIREMENTS AND INTERPRETATION OF PROVISIONS

A. MINIMUM REQUIREMENTS

The provisions of this Chapter shall be considered the minimum requirements for the promotion of the public health, safety, and welfare. Where provisions of this ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

B. INTERPRETAION AND APPLICATION

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Chapter or this Title, or which shall be adopted or issued pursuant to law relating to the development of property, the use of buildings or premises, and likewise not in conflict with this Chapter or this Title; nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; except, that if this Chapter imposes a greater restriction, this Chapter shall control.

C. REFERENCE TO STATE LAW, RULES, OR REGULATIONS

Whenever any provision of this Chapter refers to or cites a section of the relevant state law or rules and regulations and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

D. USE OF WORDS AND PHRASES

1. For the purpose of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “building” shall include the word “structure” and the word “shall” is mandatory and not directory.
2. The terms "shall" and "must" are mandatory and not discretionary; the words "may" or "should" are permissive;
3. The words and phrases expressly defined herein shall be given the defined meaning, unless indicated otherwise by the context;
4. Words and phrases which are not defined herein shall be given their usual meaning except where the context clearly indicates a different or specified meaning;

5. The words "use" or "occupy" shall include the words "intended", "designed", or "arranged" to be "used" or "occupied."

ARTICLE III

DEFINITIONS

SECTION 420.015 – DEFINITIONS

For the purposes of this Section, the following terms shall be deemed to have the meaning indicated below:

BEST MANAGEMENT PRACTICES or BMP's

Practices, procedures or a schedule of activities to reduce the amount of sediment and other pollutants in storm water discharges associated with construction and grading activities.

DESIGN STORM EVENT

A storm of a specified duration expected to occur having a given probability of occurrence in any given year, generally described in frequency intervals. A 100-year storm event will have a one in a hundred (1%) chance of occurring in any given year. A 20-year storm event ... 5%. A 10-year storm event.... 10%.

DETENTION FACILITY

A surface water runoff storage facility that is normally dry but is designed to hold (detain) surface water temporarily during and immediately after a runoff event.

DIFFERENTIAL RUNOFF

The difference between the calculated volume and rate of runoff discharged from a site after development versus the calculated volume and rate of runoff discharged from the pre-developed site.

DITCH OR DRAIN

Any water course or conduit, whether open or enclosed, natural or artificial, by which waters coming or falling upon lands are carried away

DRAINAGE STRUCTURES

Those structure other than ditch, drain or pumping plants which are intended to promote or aid drainage. Such structures may be independent from other drainage work or may be part of or incidental to such work. The term includes, but is not restricted to, dams, catch basins, bulkheads, walls, spillways, flumes, drop-boxes, pipe outlets, junction boxes and structures the primary purpose of which is to prevent the erosion of soil into a drain.

FILTER STRIP

A belt of vegetation preserved to protect the stream bank, provide infiltration, intercept sediment and other pollutants and reduce storm water flow and velocity.

FREEBOARD

The difference in elevation between the top of the detention basin dam and the design surface water elevation.

MAJOR STORM EVENT

A storm of a specific duration expected to occur with a frequency of once every one hundred (100) years.

RATIONAL METHOD

An empirical formula for calculating peak rates of runoff resulting from rainfall.

RETENTION FACILITY

A surface water runoff storage facility always contains (retains) a substantial volume of water to serve recreational, aesthetic, water supply or other functions. Surface water is temporarily stored above the normal stage during and immediately after runoff events.

SCSTR-55

Soil Conservation Service Technical release 55, urban hydrology for small watersheds from the Natural Resources Conservation Service.

STORM WATER MANAGEMENT PLAN

The drawings, computations, data, proposed contours, reports, etc. that identify how storm water runoff is to be handled.

STORM WATER MANAGEMENT SYSTEM

All means, natural or manmade, used for conducting storm water runoff to, through or from a drainage area to the point of outlet.

STORM WATER RUNOFF

Water that results from precipitation which is not absorbed by soil, evaporated into the atmosphere or entrapped by ground surface depressions and vegetation.

STREAMBANK

top of existing: The top of the natural incline bordering a stream.

TIME OF CONCENTRATION

An estimate of the time of surface water flow from the hydraulically most remote part of the drainage area to the point in question.

TRIBUTARY AREA

All of the area that contributes storm water runoff to a given point.

ARTICLE IV

IMPROVEMENTS AND DESIGN STANDARDS

SECTION 420.020 – ALTERATION OF DITCHES, DRAINS, AND DRAINAGE STRUCTURES

No person shall construct, alter, relocate, remove, or destroy and ditch, drain, or drainage structure upon any real property within the City, whether subdivided or not, without complying with this Chapter.

SECTION 420.025 – ALTERATIONS OF THE CONTOUR LAND

No person shall alter the contours of any real property within the City, whether subdivided or not, so as to change the flow of water into or through any ditch, drain, or drainage structure without obtaining a permit and complying with the provisions of this Chapter.

SECTION 420.030 – PERMIT REQUIRED

No person shall commence any construction, substantial improvement or other development that affects the drainage of surface or subsurface water without first obtaining a building permit and grading permit (if applicable) from the Department of Public Works. No permit shall be issued for any proposed alteration which:

- A.** Will increase the amount and/or rate, or adversely affect the quality, of surface water draining onto other properties;
- B.** Will damage other properties;
- C.** Does not conform to the general drainage laws of the State, the ordinances of the City, and, in particular, the rules, regulations, and standards of this Chapter; and
- D.** Alters or removes wetland from their present location without City, State, Federal permits as may be required.

SECTION 420.035 – IMPROVEMENT AND DESIGN STANDARDS

A. SEDIMENT AND EROSION CONTROL STANDARDS

1. General

Sediment and erosion control will be accomplished by applying conservation practices that will reduce the potential for damage from these hazards. Control practices use trapping, filtering or diversion techniques to protect adjacent properties from land disturbance activities.

2. NPDES storm water permits

Construction sites, where the area to be disturbed is one (1) acre or more, must apply for a storm water discharge permit from the Missouri Department of Natural Resources. If required, the applicant must obtain and submit proof of an NPDES storm water permit to the

City, before plans will be approved. Permit requirements are set forth in 10 CSR20-6.200 of the Missouri clean water laws.

3. When controls are required. Sediment and erosion control shall be implemented whenever necessary, in the opinion of the City Engineer, to prevent damage to off-site property, drainage facilities or watercourses. Generally, standard vegetative and structural practices, as specified below, that filter, divert or promote the settlement of sediment particles from storm runoff shall be provided in the following situations:
 - a. To prevent sediment-laden runoff from leaving disturbed areas.
 - b. To isolate disturbed areas from erosive surface runoff associated with significant undisturbed areas.
 - c. To protect storm drainage conveyance systems at operable inlets.
4. Types of controls

The Storm Water Management Plan shall be selected, installed, operated and maintained to adequately control erosion, capture sediment and prevent pollution. To achieve these goals BMP's in accordance with the concepts and methods described in either of the following two (2) documents should be utilized.

- a. Protecting Water Quality, MDNR (Latest Edition).
 - b. Field Manual on Sediment and Erosion Control BMP's. Jerald S. Fifield, Ph.D., CPESC, Forester Press, Latest Edition.
 - c. The developer is not limited to the use of BMP's identified in the above publications. Engineering professionals are encouraged to design innovative ways to address site specific conditions.
5. Filter strip

Clearing and grubbing within twenty-five (25) feet of the top of an existing stream bank should be avoided. If the twenty-five (25) foot filter strip is disturbed, site specific erosion controls that protect the stream bank shall be implemented.

6. Construction plans.

The applicant shall submit a sediment and erosion control plan which must be approved by the City Council prior to preliminary plat approval. The plan shall include a contoured development map clearly indicating the pattern of surface water runoff, both upstream and downstream of the development, the existing and proposed grading contours and the planned sedimentation and erosion control facilities. The phasing of construction activities shall be presented. Such phasing shall identify the sequence of construction activities and the related BMP's to include clearing, installing BMP, rough grading, installing utilities, paving streets, final grading and vegetative cover.

The City Council shall have authority to require proper controls as specified herein. The City Engineer may require a revised plan to be submitted for approval at any time due to changing site conditions.

B. DESIGN CRITERIA

1. Purpose

A development's storm water drainage system shall be designed to:

- a. Protect natural waterways.
- b. Convey upstream and on-site storm water runoff to a natural watercourse or to a storm drainage facility.
- c. Provide protection from the design storm event and address the major storm so as to prevent major property damage and loss of life.

2. Rainfall frequency

All facilities shall be designed to carry a 10-year storm of a duration which produces the maximum peak flow rate of storm water runoff. The storm water conveyance system shall be designed to allow for a 100-year storm to pass through the subdivision without destroying or damaging property or inundating dwellings. Design information which substantiates both conditions shall be provided. **See Figure "A"** on the following page for rainfall curves for the 2, 5, 10, 15, 20 and 100-year frequencies.

3. Calculation of runoff.

- a. The method of calculating and routing storm water runoff shall be as stated herein. The drainage area shall consider all on- and off-site lands contributing to the proposed development's drainage system. Capacity for such facilities shall be based on the maximum potential water shed development permitted by the Zoning Ordinance.
- b. Either the Rational Method or the TR-55 Method for calculating storm water runoff may be used for watersheds up to ten (10) acres.
- c. **Figures "A"** (rainfall intensity – referenced above and shown on the following page of this Section) and **"B"** (runoff factors – shown on the page following Figure A) shall be utilized with the Rational Method.
- d. For watersheds larger than ten (ten) acres, the SCS TR-55 Method shall be utilized. Other methods to determine peak runoff must be approved by the City Engineer prior to acceptance.

FIGURE A – SECTION 420.035

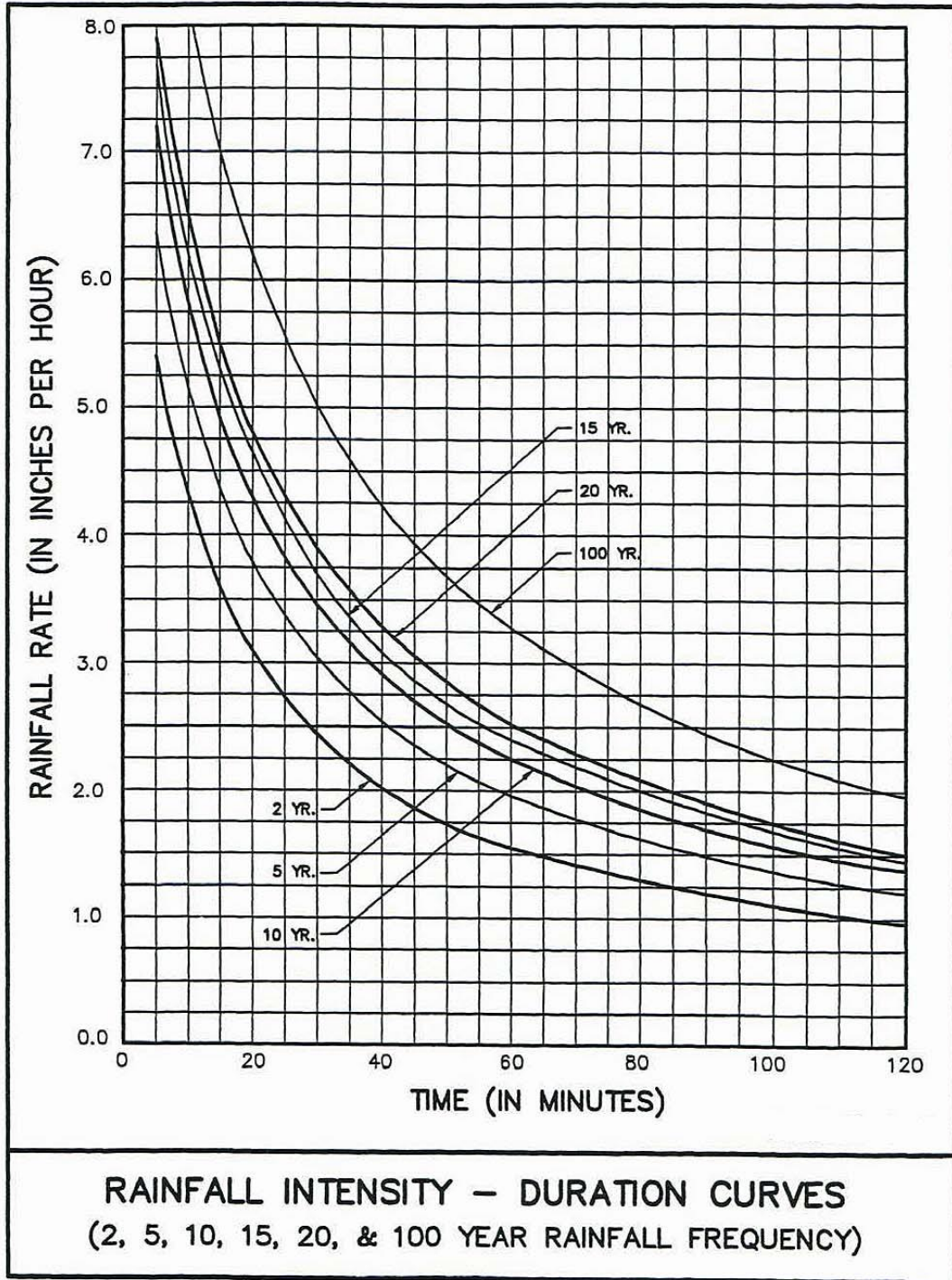


FIGURE B – SECTION 420.035

P FACTOR FOR RUNOFF						
% IMPERVIOUS	DURATION OF RAIN IN MINUTES					
	15	20	30	60	90	120
0	0.30	0.35	0.41	0.51	0.56	0.60
5	0.32	0.37	0.43	0.53	0.58	0.62
10	0.34	0.39	0.46	0.56	0.60	0.64
15	0.36	0.41	0.48	0.58	0.62	0.66
20	0.38	0.44	0.50	0.60	0.64	0.67
25	0.40	0.46	0.52	0.62	0.66	0.69
30	0.42	0.48	0.54	0.64	0.68	0.71
35	0.44	0.50	0.57	0.66	0.70	0.73
40	0.46	0.52	0.59	0.68	0.72	0.74
45	0.48	0.54	0.61	0.71	0.74	0.76
50	0.50	0.56	0.63	0.73	0.75	0.78
55	0.52	0.58	0.65	0.75	0.77	0.80
60	0.54	0.60	0.68	0.77	0.79	0.81
65	0.56	0.63	0.70	0.79	0.81	0.83
70	0.58	0.65	0.72	0.81	0.83	0.85
75	0.60	0.67	0.74	0.84	0.85	0.87
80	0.62	0.69	0.76	0.86	0.87	0.88
85	0.64	0.71	0.79	0.88	0.89	0.90
90	0.66	0.73	0.81	0.90	0.91	0.92
95	0.68	0.75	0.83	0.92	0.93	0.94
100	0.70	0.77	0.85	0.94	0.95	0.95

VALUES OF P FOR 0% AND 100% ARE THOSE USED FOR ST. LOUIS MODIFIED 9-1939
 RAINFALL INTENSITY OF 1 INCH PER HOUR ON 1 ACRE = 1.008 CU. FT. PER SECOND ON 1 ACRE
 = 1 CU. FT. PER SECOND ON 1 ACRE (APPROXIMATELY)

$P \times I = Q$ = RUNOFF IN CU. FT. PER SEC. PER ACRE FOR GIVEN % IMPERVIOUSNESS OF CONTRIBUTING AREA DURING A RAINFALL OF GIVEN INTENSITY CORRESPONDING TO THE GIVEN DURATION AND A SELECTED FREQUENCY.

I = INTENSITY OF RAINFALL IN INCHES PER HOUR FOR GIVEN DURATION AND GIVEN FREQUENCY.

RUNOFF = P = RATIO OF RUNOFF CONTRIBUTED BY AN AREA OF GIVEN % IMPERVIOUSNESS FOR A GIVEN DURATION PERIOD TO THE RAINFALL OF A GIVEN INTENSITY CORRESPONDING TO THE SAME DURATION PERIOD AND A SELECTED FREQUENCY.

**P (RUNOFF FACTORS) FOR
VARIOUS IMPERVIOUS CONDITIONS**

- e. The minimum percentage of imperviousness to be used in design shall be based on the zoning district as shown in the following table:

Zoning District	Minimum % Impervious
Pre-Developed	05
R-1A, Single-Family	45
R-1B, Single-Family	50
R-1C, Single-Family Attached	50
R-1D, Single-Family	50
R-2, Two-Family	60
R-3, Multiple Family	70
C-1, Limited Commercial	85
C-2, General Commercial	85
C-3, Central Commercial	90
M-1, Industrial	1 90
M-2, Industrial	90
PD, Planned Development Districts	TBD based on Plan Type
Parking, Streets, Roofs	100

- f. The minimum percentage of imperviousness for Planned Development Districts shall be dictated by the development plan proposed for the specific district.
 - g. Special uses, such as schools, churches, etc., shall have the differential runoff computed and approved by the City Engineer.
 - h. Special circumstances may dictate that the developed impervious area may differ from that shown in the above table. An example may be single-family lots of larger than ten thousand (10,000) square feet. Calculations prepared by a registered professional engineer may be submitted to the City Engineer for his evaluation to determine if a minimum impervious area which differs from that shown in the above table may be utilized. Likewise, the City Engineer may determine that the percent of impervious area for a particular development differs from that shown in the above table.
 - i. See **Figure "B"** (shown previously above) for the runoff factor to be utilized for various impervious conditions and rainfall durations.
4. Open channels
- a.. Open channels consist of swales, ditches or depressions, both natural and manmade, that convey water. Channels shall be protected from scour and erosion by providing a channel lining adequate to sustain the velocity of the 10-year design storm. If velocities in channels exceed five (5) feet per second during 10-year design storms, then erosion control other than vegetation shall be provided in channel construction. Total accumulation contained by manmade berms/swales shall be a maximum of four (4) cubic feet per second.
 - b. Manning's Equation shall be used for calculating the hydraulic capacity of open channels.

- c. Acceptable improvements to channels include fabrics, gabion lining, concrete channels, concrete slope paving, cribbing, bin walls, etc. The roughness coefficient for each material shall be per manufacturer or as indicated below:

n= Amount	Channel/Pipe Type
0.012.	For cast-in-place concrete, box culverts and reinforced concrete pipe (RCP) over 48" in diameter
0.013	For concrete pipe less than 48" in diameter.
0.015	For vitrified clay pipe
0.020	For grouted rip rap
0.024	For corrugated metal pipe
0.033	For gabion walled channels

- d. Channels shall have the hydraulic capacity to carry the 10-year design storm runoff within the channel bed and banks. Out-of-bank flow may be permitted on land slopes parallel to the channel where it can be shown that no erosion damage or serious property damage will result. Channels function as part of the major drainage system and shall be evaluated for the 100-year design storm to determine the impacts of runoff on adjacent property. The channel's hydraulic capacity shall be increased where adjustments to channel geometry provide significant protection to adjacent properties during the 100-year event.
5. Closed conduit storm sewers
- a. Pipe sizes for closed conduit flow shall be based on the 10-year design storm runoff and minimum allowable velocities. The system shall provide for the cleaning of sediment and other deposits by maintaining a minimum velocity of three (3) fps during the 10-year storm.
 - b. Manning's Equation, the most common method of estimating the capacity and flow resistance in closed conduits, shall be utilized.
 - c. Closed conduit storm sewer systems shall convey the 10-year design storm to a point of discharge by gravity or pressure flow. In surcharge conditions, the hydraulic grade line shall be calculated to reflect losses in pipes and structures and shall not rise to an elevation greater than the three (3) feet above the top of the sewer or two (2) feet below the inlet sill, whichever is lower.
 - d. Generally, gravity flow occurs where the capacity of pipe run exceeds the design flow and the outfall point does not control discharge. Storm sewer systems may be designed for pressure flow when the hydraulic grade line is above the crown of the pipe. The decision to design a pressure flow system may be based on aesthetics, the need to submerge outfalls, economics, limitations associated with reduced pipe sizes or grade constraints in outfalling the system.

6. Inlets

Calculations shall be submitted to demonstrate the capacity of all inlets, such calculations must consider the cross-slope of the pavement, depth of water at the curb face, size of

opening and the longitudinal grade of street. Street inlets and inlets in parking areas shall reduce the spread and depth of flow to acceptable levels during the 10-year design storm. The acceptable level of flow for a minor access or local access street would maintain an eight (8) foot travel lane with a maximum one (1) inch depth. One clear ten (10) foot travel lane must be maintained for a collector street, and two (2) clear ten (10) foot travel lanes must be maintained for a major street. Any area inundated by water ponding at an inlet during the 10-year storm event shall be located within an easement or right-of-way. The effects of the 100-year storm event shall also be analyzed to insure no property damage or dangerous conditions result. Inlets located on continuous grades may be designed to permit a portion of flow to bypass the structure; however, calculations for the downstream structure must consider the bypass.

7. Plans and calculations

- a. A drainage map shall be developed from a base reproduction of the site plan or grading plan. The existing and proposed contours shall be shown, normally at two (2) foot intervals, for the subject property, extending off-site one hundred (100) feet or less as determined by the Department for proper design of the proposed improvements. Contour intervals other than the above shall be used as determined by the site topography. Only U.S.G.S. datum shall be used. Locations and elevations of bench mark references are available from the Engineering Department.
- b. The location of existing and proposed property lines, streets, sinkholes, railroads, areas within the tract subject to inundation by storm water and other significant natural features, such as wooded areas and rock formations, etc., shall be included on the map. All existing and proposed storm water facilities, such as inlets, manholes, pipes, culverts, bridges, channels, etc. and all existing and proposed improvements required for proper design review, such as pavement, buildings, etc., shall be included on the map.
- c. The runoff details shall be required, showing individual flows for each existing and proposed structure and cumulative flows in pipes and gutters, including "Q" and area. The map shall show all bodies of water, such as ponds or lakes (including surface area and elevation) and all waterways (including their names or the names of creeks or rivers they flow into).
- d. Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be shown and coordinated with the drainage pattern for the area and designed so that runoff from one (1) lot will not adversely affect an adjoining lot. All necessary grading to direct storm water runoff shall be located within a drainage easement.
- e. All computations, plans and specifications related to the implementation of this Section must be prepared and sealed by a professional engineer registered in the State of Missouri.

E. DETENTION AND RETENTION FACILITIES

1. Maintenance

- a. Each owner of the property being developed has the responsibility and duty to properly operate and maintain any storm water management system which has not been accepted

for maintenance by the City. The responsibility of maintenance of the system in subdivision projects shall remain with the developer until such time as the storm water management system escrow for such development has been released. Upon release of escrow, the maintenance responsibility goes to vested property owners within the subdivision.

- b. The final plat of the subdivision shall contain language substantially as follows:

"The owner of each lot within this subdivision shall maintain the storm water management system serving this subdivision unless the storm water management system has been accepted for maintenance by the City of Washington, Missouri. The maintenance costs shall be shared equally with each owner of any lot served by the storm water management system". There shall also be recorded with the final plat of the subdivision deed restrictions containing the same language.

- c. The responsibility for maintenance in single-lot development shall remain with the general contractor and owner until final inspection of the development is approved and an occupancy permit is issued. After occupancy, the maintenance of the management system shall be vested in the owner of the project.
- d. All such privately owned and maintained systems shall be subject to periodic inspection by the City Engineer or his representative. The City of Washington, Missouri, may, upon failure of the responsible party to maintain the systems, maintain the system and charge the cost thereof against the responsible party. The costs shall be certified to the City Clerk who shall cause a special tax bill therefore against the property to be prepared and to be collected by the Collector with other taxes assessed against the property. The special tax bill from the date of its issuance shall be a first (1st) lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity and no mere clerical error, informality in the same or in the proceeding leading up the issuance shall be a defense thereto. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.
- e. A proper access easement to such storm water management systems shall be provided, and a minimum ten (10) foot wide hard surface designed to support construction traffic with a maximum twelve percent (12%) grade shall be provided within such easement. A permeable, flexible plantable concrete block pavement system is preferred in residential areas.

2. Storage capacity

- a. The rates (pre-developed and post-developed) of runoff shall be determined for the 2, 20 and 100-year rainfall frequencies. The storm duration shall be the twenty-four (24) hour event when the SCSTR-55 method is utilized and a minimum twenty (20) minute event when the rational method is utilized. Rainfall data shall be determined using the most current twenty-four (24) hour rainfall data published by the National Weather Service (NWS) Technical Paper 40 (TP40).
- b. Storm water shall be detained on site or adjacent property under agreement and metered out at the rate of an undeveloped site for the above frequencies and minimum duration to prevent possible flooding and erosion downstream. Design criteria to establish this differential runoff rate shall be as provided in Subsection (D) "Design Criteria". Note that

storm water pipes shall be sized to carry the total developed tributary upstream water shed. No reduction in pipe size shall be permitted because of detention.

- c. Detention basin volume will be based on providing adequate storage for the 100-year storm event of the required duration. Each post-developed runoff hydrograph (2 and 100-year) shall be routed through the detention facility while satisfying the appropriate allowable release rate. The routing computation shall be based on an application of the continuity principle. The discharge rate shall be based on the maximum head conditions in the detention facility.

3. Shared facilities and regional detention.

The City retains the right to require on-site detention storage in all cases in which the proposed development will generate excess runoff that adversely affects the carrying capacity of the receiving watercourse and/or adversely affects adjoining property owners. In certain cases the applicant may make use of off-site or regional detention facilities, in lieu of on-site facilities, as described below:

- a. Off-site facility, two (2) or more developments: If two (2) or more developments, including that of the applicant, have provided for a common system.
- b. Off-site facility by City: If an off-site storm water management system has been either constructed or programmed or identified for construction by the City and the applicant has agreed to contribute to or participate in the construction thereof. Such contribution shall be determined per the following Paragraph (1).

(1) Storm Water Management Fund.

- (a) Eligibility. It is determined that no immediate adverse effects will result to adjacent property and a contribution is made to the Storm Water Management Improvements Fund. Such fund is described in Paragraph (c) "Establishment of fund" below.
Developments which have a differential runoff of three (3) cfs or less for the 10-year, twenty (20) minute event utilizing the rational method will be considered as prime candidates for a contribution in lieu of on-site detention. It is the City's intention to provide regional detention storage to accommodate these smaller developments. The City Council will render all decisions concerning participation in the Storm Water Management Fund.
- (b) Contribution. The contribution shall be an amount equal to a cost estimate prepared by a professional engineer for site specific improvements necessary to provide detention as provided herein. Such estimate shall not include the cost of any land necessary for detention purposes. All cost estimates for site specific detention facilities shall be subject to review and approval by the City Engineer. The developer may request that the City Engineer provide the necessary cost estimate.
- (c) Establishment of fund. Storm Water Management Improvements Fund shall be and is hereby created. Said fund shall be reserved for funding improvements to storm water systems owned and maintained by the City and for no other purposes unless authorized in the ordinance. All contributions made by parties developing

within the City in accordance with Subsection (E) (3) of this Section shall be deposited to said fund. Said fund shall be deposited in an interest-bearing account.

- c. Other management techniques. Management techniques other than detention facilities may be utilized by the development provided the techniques proposed meet the intent of this Section and provide a benefit to the watershed that equals or exceeds the benefit that a detention facility would provide. Such techniques would include pervious pavement systems and improved vegetation conditions.
4. General design features.
 - a. Dry bottom basins. A storm water detention facility, natural or artificial, which normally drains completely between spaced runoff events, may be constructed to temporarily detain the storm water runoff so that the rate at which it is released is the same rate as before development. The following features shall be incorporated into the design of any detention basin:
 - (1) Freeboard. Detention storage areas shall have adequate capacity to contain the storage volume of tributary storm water runoff with at least two (2) feet of freeboard above the water surface.
 - (2) Outlet control works. Outlet works shall be designed to limit peak outflow rates from detention storage areas to or below peak flow rates that would have occurred prior to the proposed development.
 - (3) Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation, unless specifically approved by the City Engineer.
 - (4) Emergency overflow/spillway. Emergency structure shall be provided to permit the safe passage of runoff generated in excess of the 100-year design storm event. Anti-vortex measures shall be provided.
 - (5) Maximum depth. The maximum planned depth of storm waters stored shall not normally exceed five (5) feet.
 - (6) Side slopes. The maximum side slopes for gassed basins shall not normally exceed one (1) foot vertical for three (3) feet horizontal.
 - (7) Limits of ponding. In no case shall the limits of maximum ponding be closer than thirty (30) feet horizontally from any building and less than two (2) feet vertically below the lowest sill elevation.
 - (8) Interior drainage. The basin should be designed to drain within a twenty-four (24) hour period. Flows through the detention basin should be handled by paved ditch from inflow structure to outflow structure to minimize erosion.
 - (9) Multipurpose basin. If the detention basin is to have other uses, the design of the basin bottom should include under drains to expedite drying of the bottom between runoff events.

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- (10) Aesthetics. Designs should result in aesthetically pleasing configurations which will enhance public acceptability.
- b. Wet bottom basins. A storm water retention facility, natural or artificial, which maintains a fixed minimum water elevation between runoff events. Wet bottom basins may also be used to temporarily detain the differential runoff from the development. In addition to the general design features enumerated above for dry bottom basins, the following features should also be incorporated into the design of any wet bottom basin:
- (1) Normal pool depth. In order to minimize weed growth, the normal pool depth should be four (4) foot minimum.
 - (2) Depth for fish. If fish are to be kept in the pond, at least one-quarter ($\frac{1}{4}$) of the area of the permanent pool should have a minimum depth of ten (10) feet.
 - (3) Facilities for emptying. In order to ease cleaning of the pond or shoreline maintenance, the pond design should include provisions for emptying the pond.
 - (4) Low flow by-pass. The design of any pond may include a low flow by-pass channel or pipeline to divert runoff that can be accommodated by downstream drainage ways
 - (5) Side slopes below normal pool. The side slopes below the normal pool elevation may exceed the maximum side slope permitted above normal pool (3:1 slope). The design shall, however, include provisions for a safety ledge having a depth of water not greater than three (3) feet immediately adjacent to the shoreline.
 - (6) Forebay. In order to minimize siltation of the pond, a forebay should be included in the design. Calculations for sediment volume and forebay sizing shall be submitted to the City Engineer.
- c. Rooftop storage. Detention storage may be met in total or in part by detention on roofs. Details of such design, which shall be included in the building permit application, shall include the depth and volume of storage, details of outlet devices and down drains, elevations of overflow provisions. Direct connection of roof drains to sanitary sewers is prohibited.
- d. Parking lot storage. Paved parking lots may be designed to provide temporary detention storage of storm water on all or a portion of their surfaces. Outlets will be designed so as to slowly empty the stored waters. Depth of storage shall be a maximum of eight (8) inches.
- e. Other detention methods. All or a portion of the detention storage may also be provided in underground or surface detention facilities, to include basins, tanks or swales, etc. Emergency overflow conditions shall be considered in all methods.
5. Plans and calculations.
- a. The following must be submitted for the design of a detention facility:
- (1) Elevation versus discharge relationship for the basin.

- (2) Elevation versus storage relationship for the basin.
 - (3) Inflow calculations and data for all required frequencies.
 - (4) Hydraulic grade line computations for pipes entering and leaving the basin for all required frequencies.
 - (5) Site plan with two (2) foot contours showing land to be developed and adjoining land whose topography may affect the layout or drainage of a basin site and the location of streams and other runoff channels.
 - (6) Basic information regarding the receiving watercourse and affected downstream structures to a distance of two hundred (200) feet from the site. Additional analysis of the receiving stream of greater distances from the site shall be performed if required by the City Engineer.
 - (7) A summary of routing calculations for all required frequencies.
- b. All computations, plans and specifications related to the implementation of this Section must be prepared and sealed by a professional engineer registered in the State of Missouri.

F. MATERIAL AND CONSTRUCTION STANDARDS

1. Storm pipes shall be protected from excessive bearing pressures by placing them outside the forty-five degree (45°) influence zone of building structures unless an engineering calculation shows the pipe material or soil condition to be adequate for the subjected load.
2. Pipes on twenty percent (20%) slopes or greater shall be anchored securely with concrete anchors or equal to prevent the pipe from creeping downhill.
3. Pipes or structures constructed on fill shall be stable and protected against settlement by compacting fill material to ninety-five percent (95%) of the modified proctor maximum dry density, per AASHTO T180 (ASTM D1557).
4. Pipes thirty-six (36) inches or larger may be placed on a curved alignment utilizing alignment radii established by the pipe manufacturer.
5. The receiving surface where pipes discharge shall be protected from erosion by evaluating the discharge velocity for the 10-year design storm. The use of energy-dissipating devices may be necessary to reduce the velocity to acceptable levels for the receiving surface. Grouted revetment used shall be a minimum length of ten (10) times the diameter of the discharge pipe.
6. A manhole, inlet or junction box shall be located at changes in pipe size, grade, alignment or material.
7. The angle between influent and effluent pipes shall be not less than ninety degrees (90°) and the drop between inverts shall be not less than one-tenth (0.1) foot.

8. Manhole and inlet castings located in travel ways shall be capable of withstanding traffic loads and shall be constructed flush with the finished surface.
9. All materials and appurtenances for storm water management systems shall conform to current standards of the American Society for Testing and Materials (ASTM).
10. Manholes shall be precast or cast-in-place concrete, brick, concrete block, with concrete or brick risers and approved manhole covers.
11. A new drainage channel or pipe shall intersect an existing drainage channel at a maximum angle of sixty degrees (60°).
12. All trenches under roadway pavement shall be backfilled with Missouri Department of Transportation (MoDOT) Type I aggregate in six (6) inch layers and compacted to ninety-five percent (95%) of the modified proctor maximum dry density per AASHTO T180 (ASTM D1557).
13. All piping shall be bedded per the manufacturer's requirements.
14. Grated inlets will not be allowed without special approval by the City Engineer.
15. All materials used in the construction of storm sewers shall be subject to inspection and approval of the City Engineer.
16. Acceptable pipe material is as follows.
 - a. Reinforced concrete pipe shall conform to the requirements of the Specifications for Reinforced Concrete Culvert, Storm Drain and Sewer Pipe, ASTM C76. Strength class or classes shall be as required per design specifications of the latest edition of the Concrete Pipe Handbook as published by the American Pipe Association.
 - b. Corrugated metal pipe shall conform to the requirements of AASHTO M36, "Standard Specification for Zinc Coated (Galvanized) Pipe" or the "Standard Specifications for AASHTO M196 Corrugated Aluminum Pipe". Structural design requirements shall be per the latest edition of the "Handbook of Steel Drainage and Highway Construction Products" as published by the American Iron and Steel Institute.
 - c. Corrugated polyethylene pipe shall conform to the requirements of AASHTO M294 "Standard Specifications for Corrugated Polyethylene Pipe". All polyethylene pipe should be installed according to ASTM D2321 "Standard Practice for Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications".
 - d. Dual wall and triple wall polypropylene pipe shall conform to the requirements of AASHTO M330 "Standard Specification for Polypropylene Pipe", ASTM F2736 for sizes 12" to 30" and ASTM F2764 for sizes 30" to 60". All polypropylene pipe shall be installed according with ASTM F2321 "Standard Practice for Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications."
17. Reinforced concrete pipe and corrugated polypropylene complying with the provisions in Section 420.035(F)(16), above shall be required under road pavement.

18. A minimum pipe size of twelve (12) inches is required to prevent blockage.
19. All construction details pertaining to storm water drainage shall be in accordance with the Metropolitan St. Louis Sewer District requirements and standards for construction of sewers and drainage facilities, unless otherwise noted herein.

SECTION 420.040 – RE-VEGETATION OF DISTURBED AREAS

A. Purpose and Intent

To provide erosion control measures for disturbed areas in order to prevent sedimentation that is carried by stormwater during construction activities

B. Applicability

These standards and criteria contained within this Section are deemed to be minimum standards and shall apply where natural vegetation is removed during grading operations. When grading operations are substantially complete or have been suspended for thirty (30) days, re-vegetation shall occur. Such re-vegetation shall meet the below criteria for either temporary or intermediate seeding.

C. Enforcement

The provisions of this Section shall be administered and enforced by the Director of Public Works or authorized representative. If at any time after the issuance of a grading permit, development plan approval or preliminary plat approval the re-vegetation does not conform to the standards and criteria in this Section, a notice shall be sent to the owner citing the violation and describing what action is required to comply with this Section. The owner shall have thirty (30) days from date of said notice to restore vegetation as required. If the vegetation is not restored within the allotted time, such person shall be in violation of this Section. It is the responsibility of the owner of the property to comply with these requirements.

D. Penalty

Failure to comply with the provisions within **Section 420.035** shall be subject to penalties as outlined under **Section 400.035** of the Washington Municipal Code.

E. Financial Assurance

No permit shall be issued for grading, development plans or preliminary plat approval for any site for which re-vegetation is required by this Section until such sediment and erosion control plan has been submitted and approved by the Director of Public Works or authorized representative. Financial assurance must be given by the developer/property owner for one hundred thirty percent (130%) of the estimated cost of the re-vegetation plan.

F. Sediment and Erosion Control Plan

Where natural vegetation is removed during grading operations, it shall be replaced as specified herein. The sediment and erosion control plan shall indicate the proposed phasing of the project to include conveyance systems, detention facilities, clearing, rough grading and construction, final grading, landscaping. When grading operations are substantially complete or have been

suspended for thirty (30) days, re-vegetation shall occur. Such re-vegetation shall meet the below criteria for either temporary or intermediate seeding.

1. Temporary seeding. This is the establishment of fast-growing annual vegetation to provide economical erosion control for up to twelve (12) months and reduce the amount of sediment moving off the site. This practice applies when the landscape is anticipated to be disturbed within the next twelve (12) months. The required application rates are as follows: One (1) bushel of wheat or oats per acre; 10-20-10 fertilizer at four hundred (400) pounds per acre; eighty (80) to one hundred (100) bales of straw mulch per acre.
2. Intermediate seeding. This is the establishment of perennial vegetation on disturbed areas for periods longer than twelve (12) months. This type vegetation provides economical long-term erosion control and helps prevent sediment from leaving the site. The required application rates are the same as for temporary seeding with the addition of forty (40) to fifty (50) pounds per acre of fescue grass seed. The application of fescue is not required during the period of May fifteenth (15th) to August fifteenth (15th). However, it shall be applied as soon as weather conditions permit following August fifteenth (15th).

G. Reseeding

Reseeding shall occur at any time at the direction of the Director of Public Works if necessary to obtain the desired erosion control benefits. Vegetation types other than those specified herein may be utilized upon approval of the Director.

H. Minimum Requirements

The criteria established herein are the minimum requirements for erosion and sediment control. The owner may at any time establish permanent vegetation which exceeds these requirements.

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ARTICLE I

PURPOSE AND INTENT

SECTION 425.005 – PURPOSE AND INTENT

The purpose and intent of this Section is to provide the required water supply and hydrant location criteria for property owners and/or developers to follow when planning developments within the City of Washington. These requirements are necessary so that the City of Washington can provide adequate resources for the protection of life and property, and maintain its Class 4 Insurance Services Office (ISO) insurance rating. These requirements meet the NFPA Standards 13, 13R, 13D, and 1231, the International Building and Fire Prevention Codes, and the current ISO Grading Schedule in effect upon incorporation of these provisions in the Subdivision Regulations. These requirements are updated from time to time by the City and the national agencies establishing these standards. Copies of the latest such standards that have been adopted by the City are retained by the City Engineer and should be reviewed by the property owner and/or developer in order for permits for new construction and subdivision plans and plats to be compliant the these regulations.

ARTICLE II

PLACEMENT AND IDENTIFICATION

SECTION 425.010 – PLACEMENT

Placement of fire hydrants for all new development, except as otherwise provided for herein, shall comply with the following standards,

A. PLACEMENT IN RESIDENTIAL AREAS

1. In areas zoned R-1A, R-1B and R-1D Single-Family Residential and AG, Agricultural, fire-hydrant spacing shall not exceed six hundred (600) feet, hydrant to hydrant and no more than three hundred (300) feet from any protected risk. No part of the building perimeter shall be more than four hundred (400) feet from one of the hydrants.
2. In areas zoned R-1C Single-Family Attached Residential, R-2 Two-Family Residential, R-3 Multi-Family Residential and PD-R, Planned Residential Development, fire-hydrant spacing shall not exceed four hundred (400) feet, hydrant to hydrant, and no more than three hundred (300) feet from any protected risk. No part of the building perimeter shall be more than three hundred (300) feet from one of the hydrants.

B. PLACEMENT IN COMMERCIAL AND INDUSTRIAL AREAS

In areas zoned C-1 Limited Commercial, C-2 General Commercial, C-3 Central Commercial, PD-C, Planned Commercial, M-1 Light Industry and M-2 Heavy Industry, one (1) approved fire hydrant within three hundred (300) feet of all buildings, three (3) additional approved fire hydrants within five hundred (500) feet of all buildings and one (1) additional approved fire hydrant within one thousand (1,000) feet of all buildings. No part of the building perimeter shall be more than three hundred (300) feet from one (1) of the hydrants. The location of any fire hydrant is subject to approval from the Fire Chief.

C. GENERAL PLACEMENT REQUIREMENTS

1. Fire hydrants and water mains shall be placed along the full length of the property to be developed that abuts an existing and/or proposed street.
2. Spacing of fire hydrants along a street shall be regulated according to the zoning of the development that abuts the existing and/or proposed street. Hydrants shall also be placed on the same side of the street as any proposed structures. Fire Hydrants shall be placed on both sides of the street wherever:
 - a. Right-of-way widths are greater than 60 ft.
 - b. A center median strip exists.
 - c. The roadway is a major highway or thoroughfare identified by MODOT.
3. Where a development other than R-1A, R-1B and R-1D Single-Family Residential and AG Agricultural is greater than one hundred fifty (150) feet from an existing and/or proposed

- public street, measured along the drivable access, additional private fire hydrants shall be required on said developed property, private streets and/or parking lots, at a spacing between fire hydrants as required by the zoning as set forth in Subsection (A) (1) and (2) and B. Private hydrants shall be installed and meet all requirements established for public fire hydrants.
4. Where fire hydrants are required to be installed in areas where vehicles would be parked or standing, said vehicle parking or standing shall be restricted for fifteen (15) feet in each direction from the fire hydrant.
 5. The following shall be unacceptable locations for the placement of fire hydrants:
 - a. Within a cul-de-sac or eyebrow or within fifty (50) feet of either.
 - b. At any location where the fire hydrant could be damaged by vehicular traffic.
 6. Relocation of fire hydrants requested or required by a property owner and/or developer shall be relocated at his or her own expense.
 7. Fire Department connections shall be located not more than seventy-five (75) feet from a fire hydrant and located on the address side of the building.
 8. When Fire Department connections are located in an area where vehicles may be parked or standing, said parking or standing shall be restricted for fifteen (15) feet in each direction from the fire connection.
 9. All fire hydrants shall be set back from the curb or edge of the pavement. This setback shall be a minimum of four (4) feet and shall not exceed ten (10) feet. All hydrants shall be set to the finished grade with the lowest outlet of the hydrant no less than 18 inches above the grade and have no less than thirty-six (36) inches in diameter of clear area. The pumper port shall face the street or the most likely route of approach of a fire apparatus if a street is not clearly recognized.
 10. Water supply connections for fire sprinkler systems installed in accordance with NFPA 13, 13R, and 13D shall be made to a City public water main. A separate domestic water connection shall be made at least ten (10) feet from the fire sprinkler connection on the City main. All connections shall be made and approved by the Public Works Department. A private water main may supply the fire sprinkler system and domestic supply, provided that the private main is approved by the Public Works Department and Fire Department.
 11. All fire lanes shall be at least 26 feet in width and shall be built with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 80,000 pounds.
 12. Lateral spacing of fire hydrants shall be in accordance with zoning type and predicated on hydrants being located at street intersections. Radial measurements are not acceptable.

SECTION 425.015 – HYDRANT IDENTIFICATION

For purposes of easy identification and flow level all fire hydrants shall be painted according to the color coding as follows:

- A.** All public fire hydrant barrels are to be painted yellow. All fire hydrant bonnets and discharge caps are to be painted as follows:
 - 1. Red. For flows zero (0) to four hundred ninety-nine (499) gallons per minute.
 - 2. Orange. For flows five hundred (500) gallons per minute to nine hundred ninety-nine (999) gallons per minute.
 - 3. Green. For flows one thousand (1,000) gallons per minute to one thousand four hundred ninety-nine (1,499) gallons per minute.
 - 4. Light blue. For flows above one thousand five hundred (1,500) gallons per minute.

- B.** All private hydrants shall be painted red with bonnets and discharge caps painted to match the requirements above.

ARTICLE III

INSTALLATION CRITERIA AND REQUIREMENTS

SECTION 425.020 – INSTALLATION CRITERIA AND REQUIREMENTS

- A. All fire hydrants shall be installed per **Chapter 700, Section 700.070(K)** of the Washington Municipal Code.
- B. There shall be no obstruction, i.e., plantings, bushes, trees, signs, fences, utility pedestals, or any other structure that will hinder visibility of the fire hydrant, within six (6) feet of any fire hydrant in all directions.
- C. Water mains shall be designed and sized to provide water supply for domestic consumption, in addition to firefighting requirements based on the Total Fire Fighting Water Supply formula detailed in NFPA Standard No. 1231. Dead-end mains more than six hundred (600) feet long and serving two (2) or more fire hydrants shall be eight (8) inches or larger in diameter.
- D. Fire flow requirements for new subdivisions, new construction or building expansions within any zoning district and as specified herein in **Section 425.020, E** below shall be verified by the Department of Public Works.
- E. Fire Flow – One- and Two-family dwellings:

The minimum fire flow from a single fire hydrant for one- and two-family dwellings not exceeding two stories in height shall be as follows:

Distance Between Buildings in Feet	Needed Fire Flow in Gallons Per Minute (GPM)
More than 30'	500 gpm
21'-30'	750 gpm
11'-20'	1,000 gpm
0'-10'	1,500 gpm

- 1. For one- or two-family dwellings protected with an automatic fire sprinkler system installed in accordance with the general criteria of NFPA 13D, *Installation of Sprinkler Systems for One- and Two-family Dwellings and Manufactured Homes*, the Needed Fire Flow is either demand at the base of the automatic sprinkler riser or 500 gpm at 20 psi for a duration of one hour, whichever is greater.
- 2. For one- and two-family dwellings with a gross floor area greater than 4,800 square feet, the Needed Fire Flow is to be calculated using the ISO grading schedule as specified in Section 604 of the ISO grading schedule
- E. The minimum fire flow from a single fire hydrant in all other zoning districts shall be one thousand five hundred (1,500) gallons per minute for a two-hour duration with a residual pressure of twenty (20) pounds per square inch, unless the new hydrant is ordered on a pre-existing main

or unless a variance or exception has been allowed in accordance with the provisions of **Article IV, Section 425.025**, as provided for herein.

- F. Where a portion of a facility or building hereafter constructed or moved into the City is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on site fire hydrants and mains shall be provided as required the provisions of this Chapter as set forth above, unless a variance or exception has been allowed in accordance with the provisions of **Article IV, Section 425.025**, as provided for herein.

ARTICLE IV

VARIANCES AND EXCEPTIONS

SECTION 425.025 – VARIANCES AND EXCEPTIONS

In instances where new construction development is proposed as in-fill on existing lots in existing residential, commercial, or industrial areas; where commercial or industrial development is occurring as an expansion of existing uses and where the gross floor area of the development is increasing by more than fifty percent (50%) of the existing building footprint; and where existing fire hydrants are present, exceptions or variances to the requirements of this Chapter may be granted upon review by the Director of Public Works and the Fire Chief of the Washington Fire Department and written approval of the Fire Chief.

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ARTICLE I

TITLE, DETERMINATION OF NECESSITY, AND ACCEPTANCE OF STATE ACT

SECTION 430.005 – TITLE, DESIGNATION

This Chapter shall be known and may be cited and referred to as "The Urban Redevelopment Ordinance."

SECTION 430.010 – DETERMINATION OF NECESSITY FOR LEGISLATION

It is hereby determined and declared by the Council that in certain portions of the City obsolete, decadent, substandard, insanitary or blighted areas exist occasioned by inadequate planning, excessive land coverage, lack of proper light, air or open space, defective design or arrangement of buildings, lack of proper sanitary facilities, or the existence of buildings which, by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration, have impaired the economic value of large areas, infecting them with blight, and that such areas are characterized by depreciated values, impaired investments, reduced or negligible income and consequent tax delinquencies; that such conditions exist in areas where obsolete, decadent, substandard, insanitary, outworn or outmoded industrial, commercial or residential buildings prevail, and the same are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; that such conditions occur chiefly in areas which are subdivided into small parcels with multiple ownership and frequently with confusion as to title; that their assembly for purposes of clearance, replanning, rehabilitation, reconstruction and redevelopment is difficult and costly; that the existence of such condition and the failure to clear, replan, and rehabilitate, reconstruct or redevelop these areas results in progressive deterioration, in a loss of population by the areas, causes a wasteful expenditure of public funds for policing, and occasions large outlays for the creation of public facilities and services elsewhere; that it is impossible and uneconomic for individual owners to independently undertake to remedy such conditions; that such conditions require the employment of capital on an investment basis, allowing, however, the widest latitude in the amortization of any indebtedness created thereby; that such conditions further require the acquisition of adequate areas at fair prices, the clearance of such areas through demolition of existing obsolete, decadent, inadequate, unsafe or insanitary buildings and the redevelopment of such areas under proper supervision with appropriate planning as to land use and construction policies; that the clearance, replanning, rehabilitation, reconstruction and redevelopment of such areas on a large scale basis are necessary for the public welfare and are public uses and purposes for which private property may be acquired by purchase or eminent domain; and that such obsolete, decadent, substandard, insanitary and blighted areas constitute a menace to the health, safety, morals and welfare of the citizens of the City. Therefore, the necessity for the provisions herein enacted is hereby declared as a matter of legislative determination to be in the public interest.

**SECTION 430.015 – ACCEPTANCE OF APPLICATION OF STATE ENABLING
ACT**

The provisions of the "Urban Redevelopment Corporation Law," found at Chapter 353, RSMo., are hereby accepted and shall apply to all persons and corporations, operating under this Chapter, insofar as the same may be applicable thereto

ARTICLE II

DEFINITIONS

SECTION 430.020 – DEFINITIONS

A. MEANING OF TERMS

The following terms, whenever used or referred to in this Chapter, shall, unless a different intent clearly appears from the context, be construed to have the following meanings:

AREA

That portion of the City which the City Council has found or shall find to be blighted, so that the clearance, replanning, rehabilitation or reconstruction thereof is necessary to effectuate the purposes of this Chapter. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part.

BLIGHTED AREA

Those portions of the City which the Council shall determine that, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities and that the conditions in such localities are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes.

BUSINESS

Any non-residential entity having lawful occupancy of a premises.

COMMISSION

The City Planning and Zoning Commission.

CORPORATION

An urban redevelopment corporation organized under and pursuant to the provisions of the "Urban Redevelopment Corporations Law."

DEVELOPMENT COST

The amount determined by the Commission to be the actual cost of redevelopment, or of that part thereof for which such determination is made. The term shall include, among other costs, the reasonable expense of planning the redevelopment, including preliminary studies and surveys, neighborhood planning, and architectural and engineering services; the reasonable value of the services performed in connection with the Development Plan; interest during construction; the actual cost of the real property; the actual cost of demolition of existing structures; the actual cost of utilities, landscaping and roadways; the actual cost of construction, equipment and furnishing of buildings and improvements,

including architectural, engineering and builder's fees; the actual cost of reconstruction, rehabilitation, redevelopment, remodeling, or initial repair of existing buildings and improvements; reasonable management and operations costs until the redevelopment is ready for use; and the actual cost of improving those portions of the area which are to remain open spaces, together with such additions to development costs as shall equal the actual cost of additions to or changes in the redevelopment in accordance with the original Development Plan or after approved changes therein or amendments thereto.

DEVELOPMENT PLAN

A plan, together with any amendments thereto, for the redevelopment of all or any part of a blighted area.

DISPLACED BUSINESS

Any business that moves from real property within the development area as a result the acquisition of such property by a corporation, its assigns or transferees, as a result of written notice of such entities to vacate such property or in connection with the demolition, alteration or repair of said property occurring after filing of the Development Plan by any person who subsequently transfers the property to the corporation for tax abatement purposes.

DISPLACED OCCUPANT

Any occupant who moves from real property within the development area as a result of the acquisition of such property by a corporation, its assigns or transferees, as a result of written notice from such entities to vacate such property occurring after filing of the Development Plan by any person who subsequently transfers the property to the corporation for tax abatement purposes.

HANDICAPPED OCCUPANT

Any occupant who is deaf, legally blind, or orthopedically disabled to the extent that acquisition of other residence presents a greater burden than other occupants would encounter or that renders modification to the residence necessary.

MORTGAGE

A mortgage, trust indenture, deed of trust or other instrument creating a lien on real property to secure the payment of any indebtedness and the indebtedness secured by any of them.

OCCUPANT

A residential occupant of a building having lawful possession thereof, and further shall include any person in lawful possession, whether related by blood or marriage to any other occupant.

PERSON

Any individual, firm, partnership, joint venture, association, corporation (except an urban redevelopment corporation (except pursuant to the provisions of the "Urban Redevelopment Corporations Law")), whether organized for profit or not, estate, trust,

business trust, receiver or trustee appointed by any State or Federal Court, syndicate, or any other group or combination acting as a unit, and shall include the male as well as the female gender and the plural as well as the singular number.

REAL PROPERTY

Lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditament, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenants or otherwise, rights-of-way, and terms for years.

REDEVELOPMENT

The clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto.

REDEVELOPMENT PROJECT

A specific work or improvement to effectuate all or any part of a Development Plan.

URBAN REDEVELOPMENT CORPORATIONS LAW

Chapter 353, R.S.MO., and any amendments thereto.

B. WORDS USED HEREIN

Words not otherwise defined shall have their common meanings. Words used in the present tense include the future; the singular number includes the plural and the plural the singular, unless the context clearly implies otherwise.

ARTICLE III

DEVELOPMENT PLAN

SECTION 430.025 – APPLICATION FOR APPROVAL OF DEVELOPMENT PLAN

Any redevelopment corporation proposing to file a Development Plan for approval by the City Planning and Zoning Commission and the City Council must first submit the proposed plan and supporting information and filing fee as provided below to the City Clerk for filing herein. Immediately after receipt of the filing of the Development Plan, the City Clerk shall forward the plan to the City Planning and Zoning Commission and to the City Counselor. Such plan shall not be acted upon by the Council until after a public hearing thereon has been held by the City Planning and Zoning Commission and a report on such plan submitted by the Commission to the Council.

SECTION 430.030 – CONTENTS OF DEVELOPMENT PLAN

A. CONTENTS

A Development Plan shall contain:

1. Legal description. A legal description of the development area by metes and bounds or other definite designation.
2. Stages of project. A statement of the various stages, if more than one is intended, by which the development is proposed to be constructed or undertaken, and the appropriate time limit for the commencement and completion of each stage, together with a description of the real property to be included in each stage so as to reasonably identify the various stages. The statement shall also set forth a time schedule clearly setting forth reasonable times for commencement and completion of:
 - a. Acquisition of properties;
 - b. Demolition of buildings; and
 - c. New construction, building renovations, or both.
3. Property to be demolished. A statement of existing buildings or improvements in the development area to be demolished, if any, and the approximate period of time during which demolition, if any, of each such building or improvement is to take place.
4. Building renovation. A statement of the proposed improvement, if any, to each building not to be demolished, any proposed repairs or alterations to such buildings, and the approximate period of time during which such improvements, repairs or alterations are to be made.

5. New construction. A statement of the type, number and character of each new residential, commercial and industrial building or other type of improvement to be erected or made.
6. Amenities. A statement of those portions, if any, of the blighted area which shall be determined to be amenities to the project, including, but not limited to, permanent residential open space for recreation, streetscape, plaza areas and other similar visual effects.
7. Property for public agencies. A statement of those portions, if any, of the blighted area which are proposed to be sold, donated, exchanged or leased to the Board of Education, Public Library Board, Art Commission or other public agency, and an outline of the terms of such proposed sale, donation, exchange or lease.
8. Zoning changes. A statement of the proposed changes, if any, in zoning ordinances or maps necessary or desirable for the redevelopment and its protection against blighted influences.
9. Street changes. A statement of the proposed changes, if any, in streets or street levels, alleys, any proposed street closings, and any changes which would have to be made to streets or alleys adjoining or near the redevelopment project, including the plan for financing these changes.
10. Dwelling accommodations. A statement of the character of the existing dwelling accommodations, if any, in the blighted area, the approximate number of occupants residing therein, together with the schedule of the rentals being paid by them, and the names and addresses of occupants, if the information is available.
11. Housing and business relocation. A statement of the housing accommodations available in other locations in the City for those occupants who will be displaced by the redevelopment project. The Development Plan shall set forth a feasible plan for the relocation of all occupants and businesses and any other entities displaced, including adequate reimbursements for reasonable relocation cost, according to the information required by this Chapter.
12. Proposed housing. A statement of the character, type and quality of construction, approximate number of units, approximate rentals and approximate date of availability of the proposed dwelling accommodations, if any, to be furnished during construction and upon completion of the redevelopment.
13. Financing. A statement of the proposed method of financing the redevelopment project with specific information related to the acquisition and demolition cost and proposed method of construction financing. Evidence must be submitted to the City Council that sufficient funds or securities are immediately available and will be used for the financing of the project and remain available as the development is started.

14. Management. A statement of the names of the individuals who it is proposed will be active in or associated with the management of the redevelopment project during the period of at least one (1) year from the date of the approval of the Development Plan, and the name and address of the registered agent for the corporation.
15. Eminent domain. A statement giving the legal description of the real property owned or proposed to be purchased or to be acquired by eminent domain by the corporation, or the City and the reasons why acquisition by condemnation is proposed.
16. Eminent domain on behalf of proponents of plan. A statement giving the legal description of the real property, if any, proposed to be purchased or acquired by eminent domain by the City in behalf of the proponents of the Development Plan or by any other body authorized to acquire by eminent domain and the reasons why the aid of the City or other body is sought for that purpose.
17. Assignment of plan. Appropriate controls shall be provided over the right of assignment of the development to any other entity in order that the City Council can be assured that the intention and purpose of the redevelopment project will, in fact, be carried out.
18. Certificate of incorporation. The corporation shall include in its plan a copy of the Certificate of Incorporation from the Secretary of State.
19. Other information. The development, and any application for amendment thereto, shall contain such other statements or exhibits as may be deemed relevant.

ARTICLE IV

RELOCATION PLAN

SECTION 430.035 – RELOCATION PLAN

A. PLAN REQUIREMENT

Every corporation which requests the power of eminent domain for any part of the project area shall submit a Relocation Plan as part of the Development Plan.

B. CONTENTS OF PLAN

The Relocation Plan shall provide for the following:

1. Payments of a reasonable relocation allowance to all displaced occupants and displaced business in occupancy at least six (6) months prior to the date said displaced occupant or said displaced business is required by the corporation to vacate the premises.
2. Program for referrals of displaced occupants and displaced businesses with provisions for a minimum of three (3) suitable referral sites and a minimum of sixty (60) days' notice of referral sites prior to the date such displaced occupant or displaced business is required to vacate the premises.
3. Every displaced occupant and every displaced business shall be given at least a sixty-day notice to vacate.

C. PAYMENTS TO OCCUPANTS

All displaced occupants eligible for payments under Subsection (B)(1) of this Section shall be provided with a certified lump-sum payment set forth in the Relocation Plan, to be paid at least thirty (30) days prior to the date the occupant is required to vacate the premises.

D. PAYMENT TO BUSINESSES

All displaced businesses eligible for payments under Subsection (B)(1) of this Section shall be provided with a certified lump-sum payment set forth in the Relocation Plan, to be paid at least thirty (30) days prior to the date the business is required to vacate the premises.

E. WAIVER OF PAYMENTS

Any occupant who is also the owner of premises and any business may waive their relocation payments set out above as part of the negotiations for acquisition of the interest held by said occupant or business.

F. NOTICE OF RELOCATION BENEFITS

All occupants and businesses eligible for relocation benefits under this Section shall be notified in writing of the availability of such relocation payments and assistance, such notice to be given concurrent with the notice of referral sites required by Subsection (B)(2) of this Section.

G. PERSONS BOUND BY THE PLAN

Any redevelopment corporation, its assigns or transferees, is required to comply with the provisions of this Section.

H. MINIMUM REQUIREMENTS

The requirements set out herein shall be considered minimum standards. In reviewing any plan proposed the City Council shall determine the adequacy of the proposal and may require additional elements to be provided therein.

ARTICLE V**DEVELOPMENT PLAN REVIEW AND APPROVAL PROCESS****SECTION 430.040 – HEARING AND REPORT ON PROPOSED DEVELOPMENT PLAN BY CITY PLANNING AND ZONING COMMISSION.****A. NOTIFICATION BY CORPORATION**

A Development Plan must be accompanied by evidence that each person or entity having of record fee simple ownership of real property within the area has been given written notice of the filing of the Development Plan by depositing such notice in the regular United States mail, postage prepaid, addressed to such person or entity at the address indicated on the records of the Recorder's Office for the County in which the property is located. A certification that similar notification by mail has been given such persons or entities of any hearings before the Commission and the City Council on such plan shall be provided on or before the date of the hearing before the respective body.

B. NOTIFICATION AND HEARING BY COMMISSION

The City Clerk shall promptly refer each Development Plan to the City Planning and Zoning Commission. The City Planning and Zoning Commission shall thereupon provide for a public hearing upon such Development Plan and cause notice of the hearing thereon to be given by at least one (1) publication in the newspaper doing the City printing not less than ten (10) days before the date of the hearing. All interested parties may be heard at such hearing. No other Development Plan, however, which proposes the development of all or any part of the real property in the area described in any Development Plan either then on file with the City Clerk or previously approved by ordinance shall be considered by the Council or the Commission unless the second plan shall also be filed with the City Clerk within not more than twenty (20) days next following the date of the first scheduled hearing by the City Planning and Zoning Commission. In the event more than one (1) Development Plan is filed with the City Clerk affecting all or any part of the same area, there shall be a public hearing on each plan. After such hearing, the Commission may make such other investigations as it deems proper, and thereafter submit a report to any such plans to the Council.

SECTION 430.045 – SUPPORTING EVIDENCE OF BLIGHT.**A. EVIDENCE REQUIRED**

Any application for approval of a Development Plan must be supported by factual evidence of blight.

1. Evidence must relate to the area generally.
2. Evidence must relate to each specific property proposed to be acquired.

3. Evidence must be sufficient to show that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, the properties involved are either an economic or social liability, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes.
4. The City Planning and Zoning Commission shall analyze the evidence submitted and, to the extent necessary, conduct its own study in order to prepare a report to the City Council either confirming the conditions of blight or setting out such exceptions or modifications as may be appropriate.
5. Evidence must be sufficiently complete so that the City Council can make a finding of blight, as required by State Statute.

SECTION 430.050 – DETERMINATIONS PRIOR TO APPROVAL OF DEVELOPMENT PLAN

A. DEVELOPMENT PLAN DETERMINATIONS

Development Plan shall not be approved by the City Planning and Zoning Commission until and unless the Commission shall determine each of the following matters:

1. Necessity. That the area within which the redevelopment is to be made is blighted, and that redevelopment in accordance with the Development Plan is necessary or advisable to effectuate the public purposes declared in Section 430.020.
2. Compliance with master plan. That the Development Plan is in accord with the master plan of the City.
3. Size of area. That the area is of sufficient size to allow its redevelopment in an efficient and economically satisfactory manner.
4. Stages of plan. That the various stages, if any, by which the redevelopment is proposed to be constructed or undertaken, as stated in the Development Plan, are practicable and in the public interest.
5. Adequacy of housing. That housing accommodations are, or will soon be, available for all persons who will be displaced by the redevelopment project, and that no undue hardship to such persons will be caused thereby.
6. Adequacy of public facilities. That public facilities including, but not limited to, school, fire, water, sewer, police, transportation, park, playground and recreation, are presently adequate, or will be adequate at the time that the redevelopment is ready for use, to service the area.
7. Zoning, street changes. That the proposed changes, if any, in zoning ordinances or maps and in streets and street levels, or any proposed street closings, are necessary or

desirable for the redevelopment and its protection against blighting influences, and for the City as a whole.

- 8. Costs of condemnation. The estimated cost of acquisition of real property which it is proposed the City will acquire for the proponents of the Development Plan, by the exercise of the power of eminent domain.

SECTION 430.055 – CONCLUSIVENESS REPORT OF DETERMINATION BY CITY PLANNING AND ZONING COMMISSION — FACTORS IN MAKING DETERMINATION.

Any determination by the City Planning and Zoning Commission as described in Section 430.100 shall be conclusive evidence of the misfeasance. In arriving at such determination, the Commission shall consider only those elements of the Development Plan relevant to such determination under Subsections (1) through (8) of Section 430.100 and relevant to the type of redevelopment which is in the public interest for the area. After fully considering each Development Plan, the City Planning and Zoning Commission shall forthwith transmit its report thereon to the Council.

SECTION 430.060 – PREREQUISITES TO AMENDMENT OF PLAN

The City Planning and Zoning Commission may report to the City Council for its approval an amendment to a Development Plan, but no such amendment to a Development Plan shall be approved, unless and until an application therefor has been filed with the City Planning and Zoning Commission by the proponents thereof containing those portions of the statements and information required by Section 430.060 relevant to the proposed amendment, and unless and until the City Planning and Zoning Commission shall make the determinations required by Section 430.100 relevant to the proposed amendment.

SECTION 430.065 – CITY PLANNING AND ZONING COMMISSION TO CHECK COMPLIANCE, MAKE REPORT, ADOPT RULES AND REGULATIONS

A. INVESTIGATION

It shall be the duty of the Zoning Administrator, after a Development Plan has been approved by the City Council, to investigate and determine from time to time during construction of the redevelopment project whether the corporation undertaking such Development Plan is fully complying with the provisions thereof in the manner and at the times fixed therein for the performances of the various stages thereof.

B. REPORTS

It shall also be the duty of the Zoning Administrator to make reports from time to time during the construction of the redevelopment project to the City Council regarding each redevelopment project and the performances of compliance with each Development Plan,

and also as to compliance with the provisions of this Chapter by any corporation operating thereunder.

C. TIME EXTENSION

The City Council may, upon the recommendation of the City Planning and Zoning Commission and for good cause shown, grant to the corporation operating under an approved Development Plan an extension of time in which to complete the redevelopment project, or any step or portion thereof.

D. RECOMMENDATION OF CERTIFICATION

When a corporation operating under an approved Development Plan shall have completed the redevelopment project in accordance with the provisions of the Development Plan, in the manner and at the time fixed therein for the performance of the various stages thereof, the Zoning Administrator, upon the written request of such corporation, shall conduct an investigation and report to the City Planning and Zoning Commission; and if the City Planning and Zoning Commission determines that the project has been so completed, it shall recommend to the City Council that a certificate of full compliance be issued to such corporation for each State, and the City Council may authorize the Mayor to issue a Certificate of Compliance which shall be conclusive evidence of such compliance, except upon proof of fraud. The investigation and reports of the Commission required by Subsections (A) and (B) of this Section shall not be required or made subsequent to the date of issuance of such certificate; however, every such corporation shall render annually to the City Administrator, during the existence of any tax relief period described in this Chapter, three (3) copies of its financial report for the preceding year, which report shall disclose the earnings of the corporation and the disposition of any net earnings in excess of those provided for under Section 430.150, and the interest rate on income debentures, bonds, notes or other evidences of debt of the corporation; thereupon, the City Administrator shall review the financial report of the corporation and thereafter he shall file with the City Clerk and the City Planning and Zoning Commission the financial report, accompanied by his opinion, as to compliance by the corporation with Section 430.150.

E. RULES AND REGULATIONS

The City Planning and Zoning Commission shall have power to make and adopt such rules and regulations necessary and proper to effectuate the purposes of this Chapter.

SECTION 430.070 – FILING CITY PLANNING AND ZONING COMMISSION REPORT — COUNCIL ACTION AND FINDINGS.**A. REPORT**

The report of the City Planning and Zoning Commission upon each Development Plan shall be filed with the City Clerk, accompanied by an ordinance provided for the

approval, disapproval or other action on such plan. If such ordinance provides for the approval of the plan, the Council may, if it deems desirable, authorize the Mayor to enter into a contract on behalf of the City with the proposer or proposers of the plan, such contract to contain the provisions as embodied in the plan, the approving ordinance, a provision that the applicable provisions of this Chapter shall be incorporated by reference into such contract, and a provision that the terms, conditions or provisions of the contract can be neither modified nor eliminated except by mutual agreement between the City and the proposer or proposers of the plan; provided however, that no such contract shall be construed as an enlargement of the authority conferred upon the City by the "Urban Redevelopment Corporations Law." The City Clerk shall submit such ordinance, together with such report and plan, to the Council at its next regular meeting thereafter.

B. COUNCIL ACTIONS

The Council shall be entitled to take any of the following actions with respect to a Development Plan:

1. Unconditionally approve the plan and may, if it deems desirable, authorize the Mayor on behalf of the City to enter into a contract with the proposer or proposers thereof, or disapprove the plan;
2. Approve the plan subject to such conditions, exceptions or restrictions as the Council may deem to be in the public interest; or
3. Refer such plan to the City Planning and Zoning Commission with recommendations as to changes or amendments to be made therein.

C. FINDINGS AND DECLARATIONS OF COUNCIL

In any ordinance approving a Development Plan, the Council shall make the following findings and declarations:

1. That the area included within a Development Plan is a blighted area, and that the clearance, redevelopment, replanning, rehabilitation or reconstruction thereof is necessary for the public convenience and necessity.
2. That if a corporation seeks to acquire all or any part of the real property within a blighted area by exercise of the power of eminent domain, such acquisition by the exercise of the power of eminent domain is for the public convenience and necessity.
3. That approval of the Development Plan and construction of the redevelopment project are necessary for the preservation of the public peace, property, health, safety, morals and welfare.

ARTICLE VI**URBAN REDEVELOPMENT CORPORATIONS****SECTION 430.075 – FINANCIAL RESTRICTIONS ON CORPORATION****A. OBLIGATIONS, INTEREST THEREON**

No corporation who's Development Plan has been approved by the Council shall:

1. Issue income debentures, bonds, notes or other evidence of debt bearing or paying an interest rate in excess of that permitted by State law.
2. Pay any interest on its income debentures or dividends on its stock, regardless of class or preference, during any dividend year unless there shall exist at the time of such payment no default under any amortization requirements with respect to its indebtedness, nor unless all accrued interest, taxes and other public charges shall have been duly paid or reserves set up for the payment thereof, and adequate reserves provided for depreciation, obsolescence and other proper reserves.

B. NET EARNINGS

The net earnings of the urban redevelopment corporation whose Development Plan has been approved by the Council shall be limited to an amount not to exceed eight percent (8%) per annum of the cost to such corporation of the redevelopment project including the cost of the land, or the balance of such total cost of the project as reduced by amortization payments; provided, that the net earnings derived from any redevelopment project shall in no event exceed a sum equal to eight percent (8%) per annum upon the entire cost thereof. Such net earnings shall be computed after deducting from gross earnings the following:

1. All reasonable costs and expenses of maintenance and operation.
2. Amounts paid for taxes, assessing, insurance premiums and other similar charges.
3. An annual amount sufficient to amortize the cost of the entire project at the end of the period, which shall be not less than twenty (20) years nor more than sixty (60) years from date of completion of the project.

C. STATEMENT OF COMPLIANCE

The corporation shall annually file with the City clerk a statement indicating compliance with the provisions of this Section, together with such supporting financial documentation as may be requested by the City Administrator.

SECTION 430.080 – DISPOSITION OF SURPLUS EARNINGS OF CORPORATION

A. SURPLUS EARNINGS

The Development Plan may, upon approval of the Council, contain provisions that the surplus earnings in excess of the rate of net earnings provided under Section 430.150:

1. May be held by the corporation as a reserve for maintenance of such rate of return in the future and may be used by the corporation to offset any deficiency in such rate of return which may have occurred in prior years; or
2. May be used to accelerate the amortization payments; or
3. May be used for the enlargement of the project; or
4. May be used for reduction in rentals therein; provided that at the termination of the tax relief granted pursuant to Section 430.190, the corporation shall make a strict accounting of surplus earnings and shall turn over to the City any excess of such surplus earnings not previously used as provided in Subsections (1), (2), (3) or (4) of this Section.

SECTION 430.085 – ACCOUNTING PRACTICES

Every corporation operating under this Chapter shall establish and maintain depreciation, obsolescence and other reserves, also surplus and other accounts, including a reserve for the payment of taxes, according to recognized standard accounting practices.

SECTION 430.090 – POWERS OF REDEVELOPMENT CORPORATIONS

A. POWER TO ACQUIRE PROPERTY IN OWN NAME, ETC.

An urban redevelopment corporation may acquire real property or secure options in its own name or, in the name of nominees, it may acquire real property by gift, grant, lease, purchase or otherwise.

B. RIGHT TO ACQUIRE BY EMINENT DOMAIN

An urban redevelopment corporation operating pursuant to a redevelopment agreement with the City for a particular redevelopment area, which agreement was executed prior to or on December 31, 2006, shall have the right to acquire by the exercise of the power of eminent domain any real property in such redevelopment area in fee simple or other estate which is necessary to accomplish the purpose of this chapter, under such conditions and only when so empowered by the City Council of the City of Washington.

C. MANNER OF EXERCISING EMINENT DOMAIN

An urban redevelopment corporation operating pursuant to a redevelopment agreement with the City of Washington for a particular redevelopment area, which agreement was executed prior to or on December 31, 2006, may exercise the power of eminent domain in such redevelopment area in the manner provided for corporations in chapter 523; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provision for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to any the City of Washington, Franklin County, or the State, or any political subdivision thereof may be acquired without its consent.

D. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

If the corporation proposing a Development Plan seeks to acquire by eminent domain in its own name, or is requesting that the City acquire all or any part of the real property described in the Development Plan, the Council shall, by the ordinance approving such plan, determine that the public convenience and necessity will be served by the Development Plan and redevelopment project, and shall grant to such corporation a certificate of public convenience and necessity authorizing and empowering such corporation to acquire by the exercise of eminent domain such real property in fee simple or other estate; provided, that such real property shall be devoted to the purposes and used subject to the conditions described in the Development Plan.

E. DEPOSIT WHEN CITY ACQUIRES PROPERTY FOR CORPORATION

1. Deposit amount. If the person or corporation proposing a Development Plan seeks to have the City acquire by eminent domain or otherwise, and thereafter clear, all or any part of the real property described in the Development Plan, such person or corporation shall, at the time hereinafter provided, deposit in escrow with the City Clerk, subject to the provisions of this Chapter, a sum of money in cash or negotiable Federal or Municipal securities of a cash market value equal to the cost estimated by the City Planning and Zoning Commission to be incurred by the City in acquiring and clearing such real property, conditioned as hereafter provided that such deposit shall constitute a bid for such real property by the person or corporation making such deposit when such real property is offered for sale or lease by the City in acquiring or in acquiring and clearing such real property, and shall be applied as hereinafter provided.
2. Return of deposit. If the person or corporation making any such deposit is not the successful bidder for such real property, after it has been acquired or acquired and cleared by the City, then such deposit shall be returned by the City to the person or corporation making such deposit.
3. "Cost" defined. By the term "cost" as used in this Section is meant all expenditures by the City, including what is paid for such real property and the clearance thereof,

appraisal, abstract, title and recording fees, court costs, witness fees, fees of the City Planning and Zoning Commission, and all other expenses of acquiring and clearing such property, but the term shall not include the expense of the services of the City Counselor or the City Public Works Department.

4. Custody of Securities. All securities deposited in escrow with the City Clerk shall be promptly placed by the Clerk in a safety deposit box under the joint control of the Mayor and City Clerk. Access to such box may be had at any time by both of such persons.

F. ENCUMBRANCE OF PROPERTY

An urban redevelopment corporation may borrow funds and secure the repayment thereof by mortgage, which shall contain reasonable amortization provisions and shall be a lien upon no other real property except that forming the whole or a part of a single development area. Any mortgage on the real property in a development area, or any part thereof, may create a first lien, or a second or junior lien, upon such real property.

G. DISPOSAL OF PROPERTY

An urban redevelopment corporation may sell or otherwise dispose of any or all of the real property acquired by it for the purpose of a redevelopment project. The ordinance approving any Development Plan, and any contract entered into pursuant thereto, may provide that in the event of the sale or other disposition of real property of any urban redevelopment corporation by reason of the foreclosure of any mortgage or other lien through insolvency or bankruptcy proceedings, or by order of any court of competent jurisdiction, or by voluntary transfer or otherwise, the partial tax relief provided under Section 430.190 of this Chapter shall inure to any purchaser of such real property so long as such purchaser shall continue to use, operate and maintain such real property in accordance with the provisions of the Development Plan. If such ordinance and contract do not so provide and the purchaser of such real property shall continue to use, operate and maintain such real property in accordance with the provisions of the redevelopment plan, the Council may grant the partial tax relief provided in Section 430.190. If such real property shall be used for a purpose different than that described in the redevelopment plan, or if the purchaser does not desire the property to continue under the redevelopment plan, or if the ordinance approving the plan does not provide for continuing tax relief and the City Council shall refuse to grant the purchaser continuing tax relief, the real property shall be assessed for ad valorem taxes upon the full true value of the real property and may be owned and operated free from any of the conditions, restrictions or provisions of this Chapter.

SECTION 430.95 – TAX RELIEF FOR REDEVELOPMENT CORPORATIONS**A. ASSESSMENT OR PAYMENT OF GENERAL AD VALOREM TAXES**

Once the requirements of this Section have been complied with, the real property of urban redevelopment corporations acquired pursuant to this Chapter shall not be subject to assessment or payment of general ad valorem taxes imposed by the City affected by this law, or by the State or any political subdivision thereof, for a period not in excess of ten (10) years after the date upon which such corporations become owners of such real property, except to such extent and in such amount as may be imposed upon such real property during such period, measured solely by the amount of the assessed valuation of the land, exclusive of improvements, acquired pursuant to this Chapter and owned by such urban redevelopment corporation, as was determined by the Assessor of the County in which such real property is located, or, if not located within a County, then by the Assessor of such City for taxes due and payable thereon during the calendar year preceding the calendar year during which the corporation acquired title to such real property. The amounts of such tax assessments shall not be increased during such period so long as the real property is owned by an urban redevelopment corporation and used in accordance with a Development Plan authorized by the City.

B. PROPERTY TAX EXEMPT PRIOR TO OWNERSHIP

In the event, however, that any such real property was tax exempt immediately prior to ownership by any urban redevelopment corporation, such Assessor or Assessors shall, upon acquisition of title thereto by the urban redevelopment corporation, promptly assess such land, exclusive of improvements, at such valuation as shall conform to but not exceed the assess valuation made during the preceding calendar year of other land, exclusive of improvements adjacent thereto or in the same general neighborhood, and the amount of such assessed valuation shall not be increased during the period set pursuant to Subsection (A) of this Section so long as the real property is owned by an urban redevelopment corporation and used in accordance with a Development Plan authorized by the City. For the next ensuing period not in excess of fifteen (15) years, ad valorem taxes upon such real property shall be measured by the assessed valuation thereof as determined by such Assessor or Assessors upon the basis of not to exceed fifty percent (50%) of the true value of such real property, including any improvements thereon, nor shall such valuations be increased above fifty percent (50%) of the true value of such real property from year to year during such next ensuing period so long as the real property is owned by an urban redevelopment corporation and used in accordance with an authorized Development Plan. After a period totaling not more than twenty-five (25) years, such real property shall be subject to assessment and payment of all ad valorem taxes, based on the full true value of the real property; provided, that after the completion of the redevelopment project, as authorized by law or ordinance whenever any urban redevelopment corporation shall elect to pay full taxes, or at the expiration of the period, such real property shall be owned and operated free from any of the conditions, restrictions or provisions of this Chapter, and of any ordinance, rule or regulation adopted

pursuant thereto, any other law limiting the right of domestic and foreign insurance companies to own and operate real estate to the contrary notwithstanding.

C. TAX ABATEMENT OR EXEMPTION

No tax abatement or exemption authorized by this Section shall become effective unless and until the City Council:

1. Furnishes each political subdivision whose boundaries for ad valorem taxation purposes include any portion of the real property to be affected by such tax abatement or exemption with a written statement of the impact on ad valorem taxes such tax abatement or exemption will have on such political subdivisions and written notice of hearing to be held in accordance with Subdivision (2) of this Subsection. The written statement and notice required by this Subdivision shall be furnished as provided by local ordinance before the hearing and shall include, but need not be limited to, an estimate of the amount of ad valorem tax revenues of each political subdivision which will be affected by the proposed tax abatement or exemption, based on the estimated assessed valuation of the real property involved as such property would exist before and after it is redeveloped;
2. Conducts a public hearing regarding such tax abatement or exemption, at which hearing all political subdivisions described in Subdivision (1) of this Subsection shall have the right to be heard on such grant of tax abatement or exemption;
3. Enacts an ordinance which provides for expiration of development rights, including the rights of eminent domain and tax abatement, in the event of failure of the urban redevelopment corporation to acquire ownership of property within the area of the Development Plan. Such ordinance shall provide for a duration of time within which such property must be acquired, and may allow for acquisition of property under the plan in phases.

D. PAYMENTS IN LIEU OF TAXES

Notwithstanding any other provision of law to the contrary, payments in lieu of taxes may be imposed by contract between the City and an urban redevelopment corporation which receives tax abatement or exemption on property pursuant to this Section. Such payments shall be made to the Collector of Revenue of the County by December thirty-first (31st) of each year payments are due. The City Council shall furnish the Collector a copy of any such contract requiring payment in lieu of taxes. The Collector shall allocate all revenues received from such payment in lieu of taxes among all taxing authorities whose property tax revenues are affected by the exemption or abatement on the same pro rata basis and in the same manner as the ad valorem property tax revenues received by each taxing authority from such property in the year such payments are due.

E. APPLICABILITY

The provisions of Subsection (C) of this Section shall not apply to any amendment or future amendment to a phased Development Plan approved by the City Council prior to the effective date of the provisions of Subsection (C) of this Section and upon which construction has been in progress pursuant to such phased plan.

ARTICLE VII

ADDITIONAL PROVISIONS

SECTION 430.100 – REMEDIES FOR FAILURE TO FOLLOW PLAN

A. PROCEEDINGS

Whenever any person or corporation under an approved Development Plan does not substantially comply with the Development Plan within the time limits and in the manner for the completion of each stage thereof as therein stated, or any contract entered into pursuant thereto, reasonable delays caused by unforeseen circumstances beyond their control alone excepted, or shall do, permit to be done, or fail, or omit to do anything contrary to or required of it by this Chapter, or shall be about so to do, permit to be done, or fail or omit to have done, anything contrary to or required of it by this Chapter, then any such fact shall immediately be certified by the City Planning and Zoning Commission to the City Council, who may authorize the City Counselor to commence a proceeding in the Circuit Court in the name of the City to have such action, failure or omission or threatened action or omission stopped, prevented or rectified by injunction or otherwise, or in the name of the City to bring an action for damages against the urban redevelopment corporation for breach of any of the provisions of the redevelopment plan; provided, that in the event that the City Planning and Zoning Commission determines that a corporation had abandoned construction before completion of the project in accordance with the terms of an approved Development Plan and the City Council accepts such determination, a Declaration of Abandonment shall be filed with the Recorder's Office for Franklin County and the real property thereafter included in the plan shall be subject that date to assessment and payment of all ad valorem taxes based on the full regular assessed value of such real property.

B. EXCEPTION

If any person or corporation shall propose more than one (1) plan and such plans are approved as provided in this Chapter, the failure to comply with one (1) or more of such plans within the time limits and in the manner for the completion of each stage thereof is therein stated shall not give the City any right of action with respect to the plans which have been fully complied with within the time limits and in the manner for the completion of each stage thereof as therein stated; and the real property included in such plans which have been fully complied with shall be entitled to the tax relief provided for in this Chapter.

**SECTION 430.105 – POWER OF THE CITY TO ACQUIRE, CLEAR, DEVELOP,
SELL OR LEASE SITES**

**A. POWER OF THE CITY REGARDING PROPERTIES IN REDEVELOPMENT
AREAS**

The City may:

1. Acquire by the exercise of the power of eminent domain, or otherwise, an area designated on any master plan of the City as a redevelopment area;
2. Clear any such real property and install, construct and reconstruct streets, utilities and any and all other City improvements necessary for the preparation of such area for use in accordance with the provisions of this Chapter; and
3. Sell or lease such real property for use in accordance with the provisions of this Chapter.

SECTION 430.110 – GRANTS, LOANS FROM UNITED STATES GOVERNMENT

Any urban redevelopment corporation may accept grants or loans of money from the Government of the United States or any Department or Agency thereof.