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Municipality:	City of Hannibal
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Community Type – applicable to:	Urban; Suburban
Title:	City of Hannibal Planned Density Residential District Ordinance
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Abstract

The Planned Density Residential District is established to ensure adequate infrastructure support and allow for flexibility of use of the land by developers. It requires increasing open space as a percentage of land as the number of residential units being built increases. The Rural District is to provide space for agricultural uses and the orderly transfer of land to urban uses, while the Agricultural District is solely for the former.

Resource

Hannibal City Code Chapter 32

Chapter 32 ZONING*

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§§ 32-1401--32-1411

ARTICLE I. IN GENERAL

Sec. 32-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building or portion of a main building, the use of which is incidental to that of the main building.

Accessory use means a use natural and incidental to, and devoted exclusively to the main use of the premises.

*Charter reference--Planning and zoning, Ch. 13.

Cross references--Buildings and building regulations, Ch.7; drainage and flood control, Ch. 9; planning and development, Ch. 22; signs, Ch. 26; subdivisions, Ch. 29.

State law references--Powers of home rule charter cities, Mo. Const. Art. VI, g 19(a); zoning generally, RSMo 89.010 et seq., 89.145.

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Alley means a public thoroughfare affording only a secondary means of access to abutting property.

Apartment house means a dwelling used or designed as a residence for three (3) or more families living independently of each other, including apartments, apartment hotels or group housing.

Basement means a story partly or wholly underground, which, if not occupied for living purposes by other than the janitor or his family, shall not be included as a story for

purpose of height measurement nor counted as floor area.

Billboard means any structure or part thereof on which is lettered, pictured or displayed matter, the chief purpose of which is for advertising or publicity.

Block means the property abutting a street between the two (2) nearest intersections or intercepting streets. A railroad right-of-way or the boundary line of unsubdivided acreage, or a body of water, shall be regarded the same as an intersection or intercepting street for the purpose of defining a "block".

Boarding house means a building other than a hotel where lodging and meals for five (5) or more persons are served for compensation.

Building means a structure having a roof supported by columns or walls for shelter or enclosure of persons, animals or chattels.

Building, height of means the vertical distance to the level midway between the eaves and the highest point of the roof, at the center of the building's principal front, measured as follows:

(1) From the established grade, if the front of the building is not more than five (5) feet from the front property line.

(2) From the average elevation of the finished grade along the front of the building, if the building is set back more than five (5) feet from the front property line.

Bulk plant means any tankage loading facilities and buildings used for the storage and distribution of flammable liquids by tank truck, tank car, or pipeline.

Business means any calling, occupation, trade or undertaking occupying the time, attention and labor of men for the purpose of a livelihood or profit.

Cabins, tourist courts or motels means small dwelling units designed or used for renting to tourists, transients, or others for temporary accommodation.

Dwelling, one-family means a detached building designed or occupied exclusively by one (1) family; the term does not include a mobile home.

Dwelling, two-family means a building designed or occupied exclusively by two (2) families living independently of each other.

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Dwelling, multiple means a building or portion thereof used or designed as a

residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartments.

Dwelling, temporary means a dwelling unit, whether of the mobile, trailer demountable, or constructed in place type which has only temporary foundations (as contrasted with ma-

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sonry foundations with frost line footings) and having no permanent sanitary connections and not intended primarily as a permanent residence.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, draining, and the like shall be considered a part of erection.

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

Established grade means the elevation of the centerline of the highway in front of the center of the lot, as established by the city engineer.

Family means one (1) or more persons occupying a building and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.

First floor means the floor of a building approximately at, or first above, the mean level of the ground at the front of the building.

Floor area, for the purpose of this chapter, means the first floor area determined by outside measurements.

Garage, private means a garage intended for and used by the private motor vehicles of the family resident upon the premises except that private garages may be rented to others for private vehicle storage. Such a garage shall not be used for more than one (1) private commercial vehicle per family resident upon the premises.

Garage, public means any garage not included within the definition of a private garage.

Filling station means a space, structure or building for the retail sale or supply of motor fuels, lubricants, air, water and other customary facilities for the installation of such commodities in or on such motor vehicles, but not including special facilities for the painting, repair, or similar servicing thereof.

Group housing means multiple dwelling units for the residence of three (3) or more families living independently of each other, having separate entrances, located on a common tract of land and enjoying some use or facility in common, such as operation, management, yard, court, etc. Such units may or may not be physically connected or under a common roof.

Home occupation means an occupation for gain or support conducted only by members of a family residing on the premises, provided that no special space is designed or arranged for such occupation, and provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

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Hotel means a building occupied as a temporary abiding place of individuals who are lodged with or without meals, in which the rooms are occupied for hire and in which there are more than twenty (20) sleeping rooms.

Junkyard means the use of more than two hundred (200) square feet of the area of any lot, or the use of that half of any lot which adjoins any streets, for the storage, keeping or abandonment of any junk, including scrap metals, or other scrap material, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or part thereof. This definition shall not include any of the foregoing uses which are accessory and incidental to any agricultural uses permitted in the district.

Lodging house means a building other than a hotel where lodging for five (5) or more persons is provided for compensation.

Lot means land occupied or to be occupied by a building and its accessory buildings and including such open spaces as are required under this chapter, and having its frontage upon a public street or any private way used for street purposes.

Lot, corner a lot abutting on two (2) or more streets at their intersection.

Lot, depth of means the mean distance from the center of the front to the center of the rear boundary of any irregular four-sided plot.

Lot, interior means a lot other than a corner lot.

Lot lines means the lines bounding a lot.

Lot of record means a lot which is a part of a duly platted subdivision of the city as shown by map of the subdivision filed of record in the office of the recorder of deeds.

Lot, parking means an area used for the temporary parking of vehicles except for the purpose of display or sale.

Lot, through means a lot other than a corner lot having frontage on two (2) streets.

Lot, width of means the mean width measured at right angles to its depth.

Nonconforming use means a use of a building or land that does not conform with the use regulations of the district in which it is situated.

Public utility means any person duly authorized to furnish, and furnishing, under municipal regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, water, sewerage or sewerage disposal.

Retail business means offices and stores used for the sale of goods, wares, merchandise and services to the consuming public.

Setback means the minimum horizontal distance between the front line of the building, excluding steps, and the street line.

Story that portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is over five (5) feet above the level from which the height of the building is measured or if it is used for business or for dwelling purposes.

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ZONING § 32-3

Story, half means the portion of a building between the eaves and the ridge lines of a pitched roof, which may or may not be used for tenant purposes.

Street means a public thoroughfare which affords the principal means of access to abutting property.

Structural alterations means any change in the supporting members of a building, such as bearing walls, columns, beams or girders, excepting such alterations as may be

required for the safety of a building.

Structure means anything constructed, erected, or existing, the use of which requires a permanent location on the ground, or attached to something having a permanent location on the ground.

Trailer shall mean a mobile home, manufactured home, or modular home as defined by the City of Hannibal building code.

Trailer camp means a lot or area used for parking, placing and using trailers for residence purposes.

Yard means an open space other than a court, on the same lot with a building, unoccupied except as otherwise herein provided.

Yard, front means a yard extending full width of lot and situated between front lot line and front line of building projected to side lines of lot.

Yard, rear means a yard extending full width of lot and situated between rear lot lines and rear line of building projected to side lines of lot.

Yard, side means an open occupied space on the same lot with the building and between the building and the side lot line.
(Code 1963, §§ 80.010-80.560; Ord. No. 3566, §§ 1, 2, 3-3-87)

Cross reference-Definitions and rules of construction generally,
§ 1-2.

Sec. 32-2. Unpermitted uses prohibited.

No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than permitted in the zoning district in which such building or land is located.
(Code 1963, § 81.050)

Sec. 32-3. Height limits, prohibition.

No building shall be erected, reconstructed or structurally altered to exceed the height or bulk limit for the district in which such building is located. (Code 1963, § 81.060)

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Sec. 32-4. Lot area, prohibition.

No lot area shall be reduced or diminished that the yard or other open spaces are

smaller than prescribed by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established. (Code 1963, § 81.070)

Sec. 32-5. Lot limit.

No building shall hereafter be erected or structurally altered unless located on a lot as herein defined, and in no case shall there be more than one (1) building on one (1) lot except as hereinafter provided.
(Code 1963, § 81.080)

Sec. 32-6. Zone classification.

All ordinances which provide for the extension of the boundaries of the city shall contain a section or provision classifying the land so annexed as one (1) or more of the districts described herein. Thereafter the use and enjoyment of land so annexed and the buildings and structures thereon shall be subject to all restrictions, controls and limitations provided in this chapter or any rule or regulation made pursuant thereto. (Code 1963, § 81.090)

Secs. 32-7-32-25. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 32-26. Administrative officer.

The building inspector or his duly designated representative shall be the administrative officer for all purposes of this chapter. He is authorized and directed to enforce its provisions and for such purposes he shall have the powers of a police officer.
(Code 1963, § 91.010)

Sec. 32-27. Administrative orders and appeals therefrom.

All orders or decisions of the administrative officer in relation to the enforcement of this chapter shall be in writing. A copy of such order or decision shall be submitted to each party in interest. Any party aggrieved by such decision or order may appeal to the board of adjustment.
(Code 1963, § 91.020)

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ZONING § 32-28

Sec. 32-28. Certificate of occupancy New construction, alteration.

No building erected, altered or moved shall be occupied until a certificate of occupancy has been issued therefor, nor shall the use or occupancy of any building be changed to a use or occupancy of a different classification until a certificate of occupancy permitting such new use or occupancy has been issued. (Code 1963, § 92.010)

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ZONING § 32-44

Sec. 32-29. Same--Existing premises.

Upon written request, the administrative officer shall issue a certificate of occupancy for any building or premises for the use classification as existing on January 1, 1952, stating whether such use is a conforming use or a nonconforming use. (Code 1963, § 92.020)

Secs. 32-30--32-40. Reserved.

DIVISION 2. AMENDMENTS*

Sec. 32-41. Application.

This chapter shall in no way limit or restrict the power of the city council, of its own motion, to extend the boundaries of the city and to classify the land so annexed as one (1) or more of the districts and to establish the boundaries thereof. (Code 1963, § 93.040)

Sec. 32~42. Rules for applications.

The director of public works, or his designated representative, may be written rule filed with the city clerk establish procedures not inconsistent with the charter or ordinances of the city for application for amendments, revisions, changes or modifications of the zoning code of the city, and may in such rules establish a reasonable charge for the preparation of such applications. (Code 1963, § 93.050)

Sec. 32-43. Amendment.

On its own motion or on petition, the city council may amend, supplement, modify or otherwise change the regulations and restrictions or the boundaries of the zoning districts. (Code 1963, § 93.010)

Sec. 32-44. Protest.

In case of a protest against such change duly signed and acknowledged by the owners of ten (10) percent or more, either of the areas of land (exclusive of streets and

alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council.
(Code 1963, § 93.020)

*Charter reference - Zoning code amendments, §§ 13.07, 13.08.

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§ 32-45 HANNIBAL CODE

Sec. 32~45. Notice; hearing.

(a) No amendment, change or modification of the regulations, restrictions or boundaries of the zoning districts shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen-(15) days' notice of the time and place of such hearing shall be published in the official paper of the city or a paper of general circulation in the city.

(b) The person or persons who request a zoning change or amendment shall pay all costs for advertising, for publication of notices, and preparation and mailing of notices to property owners. At the time a request for zoning amendment is made and before it is considered by the city council for passage, a nonrefundable cost deposit in the amount of seventy-five dollars (\$75.00) must be filed with the city clerk by the applicant to defer the expenses as hereinabove set out. After the requested zoning change has been acted upon, the city clerk will determine the actual cost. Any deficiency between the cost deposit and the actual cost will be collected. (Code 1963, § 93.030; Ord. No. 3201, §§ 1, 2, 11-17-81)

Secs. 32-46 – 32-55. Reserved.

DIVISION 3. BOARD OF ADJUSTMENT*

Sec. 32-56. Creation and membership.

A board of adjustment is hereby created, consisting of five (5) members, appointed by the city manager and who shall serve without salary. There shall be appointed four (4) alternate members of the board of adjustment who may serve in the absence of a member of the board of adjustment upon any matter. Alternate members of the board of adjustments shall be appointed by the city manager and shall serve without salary.
(Code 1963, § 94.010; Ord. No. 3377, § 1, 2-7-84; Ord. No. 4053, § 1, 3-17-98)

Sec. 32-57. Limitation upon membership.

No member or alternate of the board shall hold other public office nor shall more

than two (2) members of the board reside in the same ward. The mayor shall make appointments to the board without regard to the political affiliation of the appointee. (Code 1963, § 94.020; Ord. No. 3377, § 2, 2-7-84)

Sec. 32-58. Tenure and removal.

(a) Members and alternates shall be appointed for terms of five (5) years each. The manager shall fill any vacancy in the membership by appointment in accordance with the preceding section and for the unexpired term of the vacancy.

*Charter references -- Boards and commissions generally, Ch. 12; board of adjustment, §§ 12.01, 13.12.

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ZONING § 32-58

(b) All members of the board of adjustment shall be removable for cause by the city council upon written charges filed with it by the manager and after public hearing. (Code 1963, § 94.030; Ord. No. 3377, § 3, 2-7-84; Ord. No. 4053, § 1, 3-17-98)

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ZONING § 32-62

Sec. 32-59. Organization.

(a) The board shall elect its own chairman and vice-chairman, each of whom shall serve for one (1) year. Such chairman or, in his absence, the vice-chairman may administer oaths and compel the attendance of witnesses by subpoena.

(b) The city clerk shall be ex officio secretary of the board and shall be the custodian of the records and files of the board. The city attorney shall be the legal advisor of the board. (Code 1963, § 94.040)

Sec. 32-60. Meetings, quorum.

The board shall have a fixed place of meeting and all meetings of the board shall be open to the public. Meetings of the board shall be held at the call of the chairman or, in his absence or inability to act, at the call of the vice-chairman or at such other time as the board by motion may determine. A meeting of the board shall be so called upon the request of three (3) or more members of the board. Four (4) members of the board shall constitute a quorum. At any such meetings of the board, any member who is not able to serve for that meeting may be replaced by an alternate, who shall exercise the powers of a member of the board when so sitting. (Code 1963, § 94.050; Ord. No. 3377, § 4, 2-7-84)

Sec. 32-61. Minutes and record of proceedings.

The board shall keep minutes of its proceedings, showing the vote of each member upon question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. All testimony objections thereto and ruling thereon shall be taken down by a reporter employed by the board for that purpose. (Code 1963, § 94.060)

Sec. 32-62. Powers of the board, generally.

The board of adjustment shall have the following powers with respect to the administration and enforcement of the provisions of this chapter, or of any rule or order of general or special applicability made in pursuance thereof.

(1) Rules and regulations. To adopt such rules and regulations as may be deemed necessary for the conduct of its office and the administration and enforcement of this chapter.

(2) Appeals. 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 administration or enforcement of this chapter or any rule or regulation made in pursuance thereof.

(3) General To hear and decide all matters referred to it or upon which it is required to pass pursuant to this chapter.

(4) Equitable powers. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, to

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vary or modify the application of the regulations or provisions of said chapters relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of said chapters shall be observed, public safety and welfare secured, and substantial justice done.

(5) Information. To call upon any department or officer of the city for information, records and assistance reasonably required in the performance of the duties of the board; and it shall be the duty of such department or officer to supply the same at such time and place as the board may direct. (Code 1963, § 94.070)

Sec. 32-63. Powers of the board; special cases.

By virtue of the general powers granting the board by the preceding section and the statutes of the state, the board shall have the following powers, among others, which may be exercised upon appeals and within its discretion:

(1) To relocate the boundary lines of zoning districts to include, or exclude, all of a lot in a single ownership where the said boundary line locates such lot in more than one (1) zoning district.

(2) To permit a temporary building for commerce or industry in an "A" or "B" zoning district where such building is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.

(3) To permit the erection and use of a building, or the use of premises, in any zoning district for a public service corporation or municipal board or for public utility purposes necessary to the public convenience or welfare. (Code 1963, § 94.080)

Sec. 32-64. Powers, how exercised.

In exercising the powers granting in the preceding sections, the board of appeals may 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 administrative officer from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass. (Code 1963, § 94.090)

Sec. 32-65. Decisions in writing.

The decisions of the board shall be in the form of a resolution in writing, available to parties in interest and to the public. (Code 1963, § 94.100)

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ZONING § 32-69

Sec. 32-66. Appeals to board, procedure.

Appeals to the board of adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within ten (10) days from the date of

notification by the administrative officer of his decision in the matter to which the appeal relates. Such appeal shall be taken by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers, or a transcript thereof, constituting the record upon which the action appealed from was taken. (Code 1963, § 94.110)

Sec. 32-67. Cost deposit.

(a) At the time of filing the notice of appeal, as provided in section 32-66, the person aggrieved shall deposit with the board of adjustment the sum of seventy-five dollars (\$75.00), which sum shall be used for postage and other administrative expenses in connection with the appeal and shall be nonrefundable. No officer, department, board or bureau of the city taking an appeal shall be required to provide said deposit.

(b) An amount equal to the cost of recording a two (2) page instrument, as established by section 59.310, Revised Statutes of Missouri, as amended, shall be deposited, in addition to the above fee, for recording the certificate of variance; such deposit being delineated as "cost of recording". The excess fee deposited as "cost of recording" shall be returned to the person aggrieved if, (a) the appeal is denied, or (b) the instrument is one (1) page in length. (Code 1963, § 94.115; Ord. No. 3149, § 1, 12-2-80; Ord. No. 3163, § 1, 4-7-81)

Sec. 32-68. Effect of appeals.

(a) An appeal to the board of adjustment in accordance with the preceding section stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property.

(b) In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. (Code 1963, § 94.120)

Sec. 32-69. Hearing, notice, appearance.

The board of adjustment shall fix a reasonable time for the hearing of such appeal, giving public notice thereof, as well as due notice to the parties in interest and all owners of record of property within three hundred (300) feet of the premises to which the appeal relates. Notice to such owners of record may be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. At such hearing, any party may appear in person or by agent or by attorney. (Code 1963, § 94-130)

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Sec. 32-70. Decision of board, when effective.

The decision of the board shall not become final until the expiration of ten (10) days from the entry of such decision unless the board shall find the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so stipulate as a part of the decision. (Code 1963, § 94.140)

Sec. 32-71. Decisions of board, review procedure.

Any person aggrieved by a decision of the board of adjustment may appeal to the Hannibal Court of Common Pleas by authority of sections 89.100 and 89.110, Revised Statutes of Missouri, 1949, and in accordance with the procedure provided in such sections. (Code 1963, § 94.150)

Sec. 32-72. Expenses.

(a) Annually, in accordance with this Code, the board shall prepare an estimate of the moneys required for its operation for the ensuing fiscal year. The board shall confine its expenditures within the sum appropriated to its use and stipulated in the budget of the city. Requirements for money not so appropriated, of an extraordinary or emergency nature, may be submitted to the city council for its determination.

(b) On the first of each calendar month, or as soon thereafter as practical, the board shall certify to the city council a report of its expenses for the preceding calendar month. (Code 1963, § 94.160)

Sec. 32-73. Recording of variances.

(a) The board of adjustment shall cause to be prepared a certificate of variance in the form specified in subsection (b), herein, which shall be recorded in the office of the recorder of deeds for the appropriate county. The certificate of variance will be signed by the chairman of the board of adjustment and acknowledged by the city clerk. The cost of recording the variance shall be paid as specified in section 32-67. The certificate of variance shall not be recorded until after the variance is effective as established in section 32-70.

(b) The certificate of variance shall be prepared in the following form:

"CERTIFICATE OF VARIANCE

WITNESSETH, that on the ___ day of _____, 19__, a variance was granted by the Board of Adjustment of the City of Hannibal, Missouri, to _____ purpose of

Sec. 32-87. Extent of use.

The lawful use of the building existing at the time of the passage of this chapter may be continued although such use does not conform to the provisions hereof; and such use may be extended throughout the building provided no structural alterations, except those required by law, are made. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. (Code 1963, § 88.020)

Sec. 32-88. Application.

Sections 32-46 and 32-87 shall apply to nonconforming uses in districts that are hereafter changed. (Code 1963, § 88.030)

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Sec. 32-89. Act of God.

Nothing in this article shall prevent the restoration of a building destroyed to the extent of not more than seventy-five (75) percent of its reasonable value, by fire, explosion or other casualty or act of God, or the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction. (Code 1963, § 88.040)

Secs. 32-90-32-100. Reserved.

DIVISION 5. ZONING PERMIT

Sec. 32-101. Required.

No building shall be constructed, erected, reconstructed, structurally altered, enlarged or moved unless and until a zoning permit is secured from the administrative officer upon written application. Every such application shall be filed and shall be accompanied by a drawing, or plat, showing the lot and building site, the location of the building on the lot, accurate dimensions of the building, of the yards and of the lot, and such other information as may be necessary to the enforcement of this chapter and the disclosure of the intended use and occupancy of the proposed building. Unless construction is started within ninety (90) days from the date of issue, the zoning permit shall become void. (Code 1963, § 91.030)

Sec. 32-102. Filing.

The original application, drawings or plats, copy of zoning permit and any other explanatory matter filed by the applicant shall be recorded, kept and preserved in the office of the administrative officer. During the period of building construction or other change in the use or occupancy of the premises to which the zoning permit relates, the applicant shall keep upon the premises the duplicate copy of such application, drawings or plats and the original zoning permit. (Code 1963, § 91.040)

Sec. 32-103. Issuance.

At the time of filing an application for a zoning permit, if the proposed change in use or occupancy of the premises to which the application relates involves new construction, erection, reconstruction or alteration of buildings or structures, the applicant shall also file an application for such building permit or permits as may be required by this chapter. In such case, the building permit shall not be issued until the zoning permit has been issued. (Code 1963, § 91.050)

Sec. 32-104. Conformity.

No zoning permit shall be issued unless the proposed erection, construction, reconstruction, alteration, occupancy and use of buildings, structures and land conform to the regulations and restrictions of this chapter. The drawings, plats and plans, together with the application for the zoning permit, shall be prima facie evidence of the facts necessary to determine such conformity, provided, a zoning permit issued in violation of this section shall be of no force or effect nor shall it confer upon the permittee any right or privilege not authorized by the chapter or stop the enforcement of any provision hereof. (Code 1963, § 91.060)

Secs, 32-105 --32.200. Reserved.

ARTICLE III DISTRICTS GENERALLY

Sec. 32-201. Purpose and number of districts.

In order to regulate and restrict the location of trades, industries and residences and the location of buildings erected or altered for specified uses, and to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and determine the area of yards and other open spaces, and to regulate and limit the density of population, the city is divided into zoning districts, as follows:

- | | |
|-------|------------------------------------|
| "A" | One- and Two-Family District. |
| "B" | Multiple-family District. |
| "C" | Local Business District. |
| "D" | Highway Business District. |
| "E" | Commercial District. |
| "E-I" | Supplementary Commercial District. |

"F"	Industrial District.
"H"	Historic Districts as established in article X.
"MI"	Mobile Home Parks District.
"RD"	Rural Zoning District.
"PDR"	Planned Density Residential District

(Code 1963, § 81.010; Ord. No. 3733, § 1, 9-20-90; Ord. No. 3967, § 1, 5-7-96; Ord. No. 4085, § 2, 12-15-98; Ord. No. 4086, § 2, 12-15-98)

Sec. 32-202. Zoning map.

The boundaries of such districts are shown upon the map attached hereto and made a part of this chapter and designated as the "Zoning District Map" and the map and all the notations, references and other information shown thereon are as much a part of this chapter as if the matters and information set forth by the map were all fully described herein. (Code 1963, § 81.020)

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§ 32-203 HANNIBAL CODE

Sec. 32-203. Rules where map designation uncertain.

Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the zoning district map, the following rules shall apply:

(1) The district boundaries are either streets or alleys unless otherwise shown. Where the designation on the zoning district map indicates the various districts are approximately bounded by street or alley lines, the street or alley shall be construed to be the boundary of the district.

(2) Where the zoning district boundaries are not otherwise indicated and where the property is divided into blocks and lots, the district boundaries shall be lot lines. Where the designation on the zoning district map indicates that the various districts are approximately bounded by lot lines, the lot lines shall be the boundary of such district unless boundaries are otherwise indicated on the map.

(3) In unsubdivided property, the zoning district boundary lines on the zoning district map may be determined by use of the scale contained on the map. (Code 1963, § 81.030)

Sec. 32-204. District boundaries; designation by metes and bounds

The city council may fix and establish the boundaries of any zoning district by metes and bounds description. Such boundaries shall be controlling for all purposes. (Code 1963, § 81.040)

Secs. 32-206--32-300. Reserved.

ARTICLE IV. DISTRICT A, ONE- AND TWO-FAMILY DWELLING DISTRICT

Sec. 32-301. Scope.

This article applies to the "A" District.

Sec. 32-302. Use regulations.

In the "A" District no building or land shall be used and no building shall be erected or structurally altered (unless otherwise provided in this chapter) except for one (1) or more of the following uses:

(1) One- or two-family dwellings.

(2) Churches.

(3) Elementary schools, high schools and colleges.

(4) Museums, libraries, parks, playgrounds or community centers not operated or used for commercial purposes, and such public buildings as are necessary for health and safety, except hospitals.

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ZONING § 32-302

(5) Golf courses, except miniature golf courses.

(6) Farming, truck gardening, orchard, nursery or greenhouse, provided no sales office is maintained in a building separate and apart from a residence or accessory building customarily incident to such use of a residence.

(7) Accessory buildings, including one (1) private garage in the rear yard or constructed as a part of the main building.

(8) Customary home occupations or office of a resident member of a recognized profession, when confined to the main building provided no display of products made or sold shall be visible from the street.

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ZONING § 32-401

(9) Professional or other announcement signs not over one (1) square foot

in area, attached flat to the main wall of the buildings, temporary real estate signs not over six (6) feet by six (6) feet in size pertaining to the lease or sale of said property on which such sign is located, or illuminated bulletin boards or announcement boards of public buildings and churches not to exceed twenty (20) square feet in area.
(Code 1963, § 82.010)

Sec. 32-303. Height regulations.

No building erected or structurally altered shall exceed thirty-five (35) feet in height except as otherwise provided in this chapter. (Code 1963, § 82.020)

Sec. 32-304. Area regulations.

(a) Front yards. Except as otherwise provided in this chapter, there shall be a front yard having a depth of not less than twenty-five (25) percent of the average depth of the lot or twenty-five (25) feet, whichever is smaller.

(b) Side yards. Except as otherwise provided in this chapter, there shall be a side yard on each side having a width of not less than ten (10) percent of the average width of the lot or five (5) feet, whichever is smaller.

(c) Rear yards. Except as otherwise provided in this article, a rear yard having a depth of not less than thirty (30) percent of the average depth of the lot or thirty (30) feet, whichever is smaller.

(d) Lot area, single-family dwellings. Every lot for single-family dwellings shall have an area of not less than six thousand (6,000) square feet; except that if a lot of record has less area and has been duly platted and recorded prior to January 1, 1952, in the county office of the recorder of deeds, such lot may be used for a single-family dwelling.

(e) Two-family lot area. Every lot for two-family dwellings shall have an area of not less than seven thousand (7,000) square feet.

(f) Lot width. All lots platted in "A" District shall have an average width of not less than sixty (60) feet, and all streets shall have a width of not less than sixty (60) feet. (Code 1963, § 82.030)

Secs. 32-305-32-400. Reserved.

ARTICLE V. DISTRICT B, MULTIPLE RESIDENCE DISTRICT

Sec. 32-401. Scope.

This article applies to the "B" District.

§ 32-402 HANNIBAL CODE

Sec. 32-402. Use regulations.

In the "B" District no building or land shall be used and no building shall be erected or structurally altered unless otherwise provided in this chapter for one (1) or more of the following uses:

- (1) Any use permitted in the "A" District.
- (2) Multiple-family dwellings, apartments and group houses.
- (3) Board[ing] or lodging houses.
- (4) Clubs, lodge halls, fraternity and sorority houses.

(5) Hospitals and clinics, provided that each hospital shall be located upon a tract of land to be occupied exclusively by the hospital and its accessory buildings and provided that no hospital or clinic which is devoted exclusively to the treatment of insane persons or persons addicted to the use of intoxicating liquor or narcotic drugs shall be established and maintained, except upon a tract of land containing at least ten (10) acres.

- (6) Buildings which are accessory to any of the above uses.
- (7) Parking garages.

(8) Offices wherein no tangible personal property is produced, processed, stored, received, sold or delivered in commerce or trade.
(Code 1963, § 83.010)

Sec. 32-403. Area regulations.

(a) Front yards. Except as otherwise provided in this chapter there shall be a front yard having a depth of not less than twenty (20) percent of the average depth of the lot or twenty (20) feet, whichever is smaller.

(b) Side yards. Except as otherwise provided in this chapter there shall be a side yard on each side having a width of not less than ten (10) percent of the average width of the lot or five (5) feet, whichever is smaller.

(c) Rear yards. Except as otherwise provided in this chapter there shall be a rear yard having a depth of not less than twenty-five (25) percent of the average depth of the lot, or twenty-five (25) feet, whichever is smaller.

(d) Lot area, single-family dwellings. Every lot for single-family dwellings shall have an area of not less than five thousand (5,000) square feet, except that if a lot of record has less area than herein required, and has been duly platted and recorded prior to January 1, 1952, in the office of the recorder of deeds, such lot may be used for a single-family dwelling.

(e) Lot area, multiple dwellings. Every lot for multiple family dwellings, group houses or apartments shall have an area of not less than five thousand (5,000) square feet for the first family plus an additional one thousand (1,000) square feet for each additional family.

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ZONING § 32-502

(f) Lot width. All lots platted in District "B" shall have an average width of not less than fifty (50) feet and all streets shall have a width of not less than sixty (60) feet. (Code 1963, § 83.030)

Secs. 32-404-32-500. Reserved.

ARTICLE VI. DISTRICT C, LOCAL BUSINESS DISTRICT

Sec. 32-501. Scope.

This article applies to the "C" District.

Sec. 32-502. Use regulations.

In the "C" District no building or land shall be used and no building shall be erected or structurally altered unless otherwise provided for in this chapter, except for one (1) or more of the following uses:

- (1) Churches.
- (2) Retail business/offices.
- (3) Establishments where food or drinks (other than intoxicating liquors) are sold to the public for consumption upon the premises.
- (4) Establishments selling packaged intoxicating and nonintoxicating liquors and beer not to be consumed on the premises.
- (5) Multiple-family residential, combined with any of the commercial uses in a single multi-use structure.

- (6) Barbershops.
- (7) Beauty parlors.
- (8) Tailoring, cleaning and dyeing establishments.
- (9) Parking lots.
- (10) Signs, provided they are attached flat to the front wall of a business building and do not exceed three (3) feet in height.
- (11) Elementary schools, high schools, and colleges.
- (12) Museums, parks, libraries, playgrounds, community centers, and public buildings.
- (13) Hospitals and clinics.
- (14) Clubs and lodge halls.
- (15) Parking garages.
- (16) Golf courses.

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§ 32-502 HANNIBAL CODE

(17) Farming, truck gardening, orchards, nurseries and greenhouses. (Code 1963, § 84.010; Ord. No. 3808, § 1, 11-17-92; Ord. No. 3834, §§ 1-3, 7-20-93)

Sec. 32-503. Height regulations.

Height regulations are the same as height regulations in the adjoining district having the greatest restrictions. (Code 1963, § 84.020)

Sec. 32-504. Area regulations.

(a) Front yards. Front yard regulations are the same as front yard regulations in the adjoining district having the greatest restrictions.

(b) Side yards. Side yard regulations are the same as side yard regulations in the adjoining district having the greatest restrictions.

(c) Rear yards. Rear yard regulations are the same as rear yard regulations

in the adjoining district having the greatest restrictions.

(d) Lot area. Lot area per family is the same as lot area regulations per family in the adjoining district having the greatest restrictions, but where business and dwelling uses are combined on the same lot, the area required per family shall be in addition to the area used for business.

(e) Lot width. Width of lots and widths of streets are the same as width of lot and width of street regulations in the adjoining district having the greatest restrictions. (Code 1963, § 84.030)

Secs. 32-505-32-600. Reserved.

ARTICLE VII. DISTRICT D, HIGHWAY BUSINESS DISTRICT

Sec. 32-601. Scope.

This article applies to the "D" District.

Sec. 32-602. Use regulations.

In the "D" District, no buildings or land shall be used, and no building shall be erected or structurally altered, unless otherwise provided in this chapter, except for one (1) or more of the following uses:

- (1) Any use permitted in a "C" District.
- (2) Public garages, storage, repair or sales.
- (3) Tourist courts, cabins or motels.

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ZONING § 32-700

- (4) Trailer parks or camps.

(5) Establishments where food and drinks (including intoxicating and nonintoxicating liquors and beer, provided food constitutes at least fifty(50) percent of the annual gross sales of any such establishment) are sold to the public for consumption on the premises.

(6) Signs, on-premises and off-premises. Signs shall be limited to three hundred (300) square feet per side for double face signs and shall be at least three hundred (300) feet apart. All ground signs shall have a setback of twenty (20) feet from front and rear lot lines and not less than five (5) feet from interior lot lines. Signs shall not exceed

thirty-five (35) feet in height. Signs are subject to the provisions of chapter 26.

(7) Radio, television or microwave towers and similar commercial structures subject to the provisions of Art. XI, Div. 4, "Communications Towers and Antennas." (Code 1963, § 85.010; Ord. No. 3375, § 1, 2-7-84; Ord. No. 3808, § 2, 11-17-92; Ord. No. 4070, § 1, 8-18-98)

Sec. 32~603. Height regulations.

The height regulations in District "D" are the same as height regulations in the adjoining district having the least restrictions.
(Code 1963, § 85.020)

Sec. 32-604. Area regulations.

(a) Front yards. Front yard regulations are the same as front yard regulations in the adjoining district having the least restrictions.

(b) Side yards. Side yard regulations are the same as side yard regulations in the adjoining district having the least restrictions.

(c) Rear yards. Rear yard regulations are the same as rear yard regulations in the adjoining district having the least restrictions.

(d) Lot area. Lot area per family is the same as lot area per family regulations in the adjoining district having the least restrictions.

(e) Lot width. Width of lots is the same as width of lot regulations in the adjoining district having the least restrictions.

(f) Street width. Width of streets is the same as width of streets provided in "A" District. (Code 1963, § 85.030)

Secs. 32-605 -- 32-700. Reserved.

Supp. No. 10 2041

§ 32-701 HANNIBAL CODE

ARTICLE VIII. DISTRICT E. COMMERCIAL DISTRICT

Sec. 32-701. Scope.

This article applies to the "E" District.

Sec. 32-702. Use regulations.

In the "E" District, no building or land shall be used and no building shall be erected or structurally altered unless otherwise provided in this chapter, except for one (1) or more of the following uses:

- (1) Any use permitted in "C" and "D" Districts.
- (2) Offices not otherwise permitted in "A", "B", "C" and "D" Districts.
- (3) Financial institutions,
- (4) Amusement enterprises, including dance halls, skating rinks, concert halls and theaters .
- (5) Studios.
- (6) Fire stations and public convenience stations.
- (7) Wholesale businesses.
- (8) Freight and passenger stations and station grounds.
- (9) Bus depots.
- (10) Telephone exchange.
- (11) Hotels.
- (12) Telegraph offices.
- (13) Restaurants and lunch counters.
- (14) Printing shops.
- (15) Public garages.
- (16) Establishments selling intoxicating or nonintoxicating liquor by drink or package.
- (17) Any light manufacturing or light industry which is carried on entirely within buildings, which is not noxious or offensive due to the emission of odors, gas, smoke, dust or noise, which is not a menace to public health and safety, and which will not substantially or permanently injure the appropriate use of neighboring property.
- (18) Fuel and building material or storage yards primarily operated as a retail business as herein defined.

(19) Signs provided that no such sign shall constitute a traffic or fire hazard. Such signs shall be subject to the provisions of chapter 26.

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ZONING § 32-703

(20) Radio, television or microwave towers and similar commercial structures subject to the provisions of Art. XI, Div. 4, "Communications Towers and Antennas." (Code 1963, § 86.010; Ord. No. 3372, § 1, 1-17-84; Ord. No. 3808, § 3, 11-17-92; Ord. No. 4070, § 1, 8-18-98)

Sec. 32-703. Height restrictions.

No building built or structurally altered in District "E" shall exceed forty-five (45) feet in height except as otherwise provided in this chapter. (Code 1963, § 86.020)

Supp. No. 10 2042.1

§ 32-754 HANNIBAL CODE

Sec. 32-754. Building regulations.

(a) New buildings shall have a zero setback on the primary and secondary facades.

(b) Renovated or rehabilitated buildings may maintain the existing setback.

(c) The front facade of new buildings shall have a minimum height of twenty-two (22) feet and a maximum height of forty-five (45) feet as measured vertically from the sidewalk to the top of the facade.

(d) The front facades of existing buildings may, if structurally sound, be used as they now exist.

(e) Renovation or rehabilitation activities that involve the structural integrity of the front facade of any existing building, shall cause the compliance with the regulation for the front facades of new buildings.

(f) The front facades of new buildings, or renovated or rehabilitated buildings that have had the facades constructed to new building standards, shall be of masonry construction. It is the intent that such masonry construction be compatible in style and content with adjacent structures. (Ord. No. 3733, § 2, 9-20-90)

Sec. 32-755. Signs.

(a) Signs attached flat to the walls of a business building shall not exceed forty-eight (48) square feet.

(b) Signs projecting from the facade of the business building shall not exceed thirty-two (32) square feet, shall provide a minimum of two (2) feet horizontal clearance to the street as measured from the back of the curb, and shall provide a minimum vertical clearance of ten (10) feet to the sidewalk.

(c) Portable signs may be placed on the sidewalk under the following limitations:

(1) Total size of the portable sign may not exceed twenty (20) square feet, the maximum dimension of the sign shall not exceed four (4) feet by two-and one-half (2 1/2) feet.

(2) Obstruction of the sidewalk to pedestrian traffic shall not be permitted, except as allowed by the city sidewalk ordinance.

(3) There shall be no visual obstruction to motorists on adjacent streets.

(4) Signs shall be removed from the sidewalk at the end of each business day.

(d) No off-premises signs shall be permitted.

For the purposes of this chapter, the term portable signs shall define signs of the sandwich board or "A" frame type, which are not illuminated, internally or externally, are placed directly on the sidewalk without a frame, chassis, or wheels. (Ord. No. 3733, § 2, 9-20-90)

Supp. No. 4 2042.2

ZONING § 32-800

Sec. 32-756. Awnings, canopies and balconies.

(a) Awnings and canopies shall provide a minimum of two (2) feet horizontal clearance to the street as measured from the back of the curb, and shall provide a minimum vertical clearance of ten (10) feet at all locations.

(b) Legends, logos, and advertising shall be permitted on awnings and canopies provided that such legends, logos and advertising pertain only to the business or building upon which the awning or canopy is attached. It is not the intent to classify such legends, logos, and advertising as signs.

(c) Rigid awnings and canopies of a permanent nature shall not be permitted.

(d) Balconies shall be permitted on the front facade of the structure at the level of the second floor.

(1) Balconies shall be approved only upon submission of detailed plans certified by a registered professional engineer or a licensed professional architect. A copy of the plans submitted for approval shall remain the property of the city.

(2) Balconies shall provide a minimum of two (2) feet horizontal clearance to the street as measured from the back of the curb.

(3) Balconies shall be freestanding and shall have no vertical supports intruding into the area of the sidewalks. (Ord. No. 3733, § 2, 9-20-90)

Secs. 32-757-32-800. Reserved.

Supp. No. 4 2042.3

ZONING § 32-753

Sec. 32-704. Area regulations.

(a) Front yards. For any dwelling use, except hotels, the front yard requirements are the same as front yard requirements in "B" District. For commercial use no front yard is required.

(b) Side yards. For any dwelling use, except hotels, the side yard requirement is the same as the side yard requirement in "B" District. For commercial use no side yard is required.

(c) Rear yards. For any dwelling use, except hotels, the rear yard requirement is the same as the rear yard requirement in "B" District. For commercial use no rear yard is required unless otherwise specified in this chapter.

(d) Lot area. For any dwelling use, except hotels, the area of lot per family is the same as in "B" District. For combined commercial and dwelling use, except hotels, an area of one thousand (1,000) square feet per family shall be provided in addition to the area devoted to commercial use. (Code 1963, § 86.030)

Secs. 32-705-32-750. Reserved.

ARTICLE VIII.L. DISTRICT E-1, SUPPLEMENTARY COMMERCIAL DISTRICT*

Sec. 32-751. Scope.

This article applies to the "E-1" District. (Ord. No. 3733, § 2, 9-20-90)

Sec. 32-752. Purpose.

The "E-1" District is designed to preserve features of historical and cultural significance to the city. The district is intended to provide conditions and regulations for the protection, enhancement and perpetuation of buildings, structures, areas, places or works of art in the city which have special historic and cultural value for the general welfare of the public and community. (Ord. No. 3733, § 2, 9-20-90)

Sec. 32-753. Use regulations.

In the "E-1" District, no building or land shall be used and no building shall be erected or structurally altered unless otherwise provided in this chapter, except for one (1) or more of the following uses:

- (1) Any use permitted in "A" District except the following:
 - a. Golf courses and miniature golf courses.

*Editor's note-Ord. No. 3733, § 1, adopted Sept. 20, 1990, amended this chapter by the addition and creation of a new zoning district to be known as "District E-1, Supplementary Commercial District." Section 2 of said ordinance added provisions to the Code pertaining to the new district which have been included herein as Art. VIII.1, §§ 32-751-32-756, at the discretion of the editor.

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§ 32-753 HANNIBAL CODE

- b. Farming, truck gardening, orchard, nursery or greenhouse.
 - c. Elementary, high schools or colleges.
 - d. One- or two-family dwellings.
 - (2) Any use permitted in "B" districts except the following:
 - a. Hospitals and clinics.
 - (3) Any use permitted in "C" district.
 - a. Filling stations.

(4) Any use permitted in "D" District except the following:

- a. Trailer parks or camps.
- b. Signs, on premises and off premises except as outlined herein.

(5) Any use permitted in "E" District except the following:

- a. Fuel and building material or storage yards primarily operated as a retail business herein defined.
- b. Signs except those permitted as herein defined.

(Ord. No. 3733, § 2, 9-20-90; Ord. No. 3808, § 4, 11-17-92)

Sec. 32-754. Building regulations.

- (a) New buildings shall have a zero setback on the primary and secondary facades.
- (b) Renovated or rehabilitated buildings may maintain the existing setback.
- (c) The front facade of new buildings shall have a minimum height of twenty-two (22) feet and a maximum height of forty-five (45) feet as measured vertically from the sidewalk to the top of the facade.
- (d) The front facades of existing buildings may, if structurally sound, be used as they now exist.
- (e) Renovation or rehabilitation activities that involve the structural integrity of the front facade of any existing building, shall cause the compliance with the regulation for the front facades of new buildings.
- (f) The front facades of new buildings, or renovated or rehabilitated buildings that have had the facades constructed to new building standards, shall be of masonry construction. It is the intent that such masonry construction be compatible in style and content with adjacent structures. (Ord. No. 3733, § 2, 9-20-90)

Sec. 32-755. Signs.

- (a) Signs painted on or attached flat to the walls of a business building shall not exceed a total of twenty (20) percent of the gross area of each facade.

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ZONING § 32-756

(b) Signs projecting from the facade of the business building shall not exceed thirty-two (32) square feet, shall provide a minimum of two (2) feet horizontal clearance to the street as measured from the back of the curb, and shall provide a minimum vertical clearance of ten (10) feet to the sidewalk.

(c) Portable signs may be placed on the sidewalk under the following limitations:

(1) Total size of the portable sign may not exceed twenty (20) square feet, the maximum dimension of the sign shall not exceed four (4) feet by two-and one-half (2/2) feet.

(2) Obstruction of the sidewalk to pedestrian traffic shall not be permitted, except as allowed by the city sidewalk ordinance.

(3) There shall be no visual obstruction to motorists on adjacent streets.

(4) Signs shall be removed from the sidewalk at the end of each business day.

(d) No off-premises signs shall be permitted.

For the purposes of this chapter, the term portable signs shall define signs of the sandwich board or "A" frame type, which are not illuminated, internally or externally, are placed directly on the sidewalk without a frame, chassis, or wheels. (Ord. No. 3733, § 2, 9-20-90; Ord. No. 3808, § 5, 11-17-92)

Sec. 32-756. Awnings, canopies and balconies.

(a) There shall be a minimum clearance of seven (7) feet from the sidewalk to the lowest part of the framework or any fixed portion of any awning, except that the bottom of the valance of canvas awnings shall have a minimum clearance of six (6) feet, nine (9) inches above the sidewalk. Retractable awnings shall be securely fastened to the building and shall not extend closer than two (2) feet in from the curblines. Retractable awnings shall be equipped with a mechanism or device for raising and holding the awning in a retracted or closed position against the face of the building. Fixed or permanent awnings installed above the first story shall not project more than four (4) feet. Canopies shall be constructed of a metal framework with an approved covering, and shall be attached to the building at the inner end and supported at the outer end by not more than two (2) stanchions with braces anchored in an approved manner and placed not less than two (2) feet in from the curblines. The horizontal portion of the framework shall not be less than eight (8) feet nor more than twelve (12) feet above the sidewalk and the clearance between the covering or valance and the sidewalk shall not be less than seven (7) feet.

(b) Legends, logos, and advertising shall be permitted on awnings and canopies provided that such legends, logos and advertising pertain only to the business or building upon which the awning or canopy is attached. It is not the intent to classify such legends, logos, and advertising as signs. Legends, logos and advertising visible on awnings and canopies shall not be illuminated by internal lights.

(c) Rigid awnings and canopies of a permanent nature shall not be permitted, except that canopies and awnings may be constructed with an internal rigid frame and covered with a pliable cloth-like material.

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§ 32-756 HANNIBAL CODE

(d) Balconies shall be permitted on the front facade of the structure at the level of the second floor.

(1) Balconies shall be approved only upon submission of detailed plans certified by a registered professional engineer or a licensed professional architect. A copy of the plans submitted for approval shall remain the property of the city.

(2) Balconies shall provide a minimum of two (2) feet horizontal clearance to the street as measured from the back of the curb.

(3) Balconies shall be freestanding and shall have no vertical supports intruding into the area of the sidewalks. (Ord. No. 3733, § 2, 9-20-90; Ord. No. 3808, §§ 6-8, 11-17-92)

Secs. 32-757-32-800. Reserved.

ARTICLE IX. DISTRICT F, INDUSTRIAL DISTRICT

Sec. 3-2-801. Scope.

This article applies to the "F" District.

Sec. 32-802. Use regulations.

In the "F" District, no building or land shall be used and no building shall be erected or structurally altered unless otherwise provided in this chapter except for the following purposes:

(1) Any use permitted in "C," "D" and "E" Districts.

(2) Any trade, industry or purpose which is not noxious or offensive due to the emission of odor, gas, smoke, dust or noise and which is not a menace to public health

or safety.
(Code 1963, § 87.010; Ord. No. 3808, § 9, 11-17-92)

Sec. 32-803. Height regulations.

No buildings erected or structurally altered shall exceed seventy-five (75) feet in height, provided that chimneys, tanks, elevators and other special equipment required for the efficient operation of any lawful use may be erected to a height of one hundred (100) feet. (Code 1963, § 87.020)

Sec. 32-804. Area regulations.

No front, side or rear yards are required unless otherwise specified in this chapter. (Code 1963, § 87.030)

Secs. 32-805-32-900. Reserved.

Supp. No. 6 2046

ZONING § 32-1129

Sec. 32-1129. Accessory buildings.

Accessory buildings may be built in a required rear yard; but the accessory buildings shall not be nearer than two (2) feet to any side or rear lot line, nor nearer than five (5) feet to any alley abutting the rear of the lot; nor shall any such accessory building occupy more than forty (40) percent of the required rear yard. (Code 1963, § 89.050)

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ZONING § 32-926

ARTICLE X. HISTORIC DISTRICTS*

DIVISION 1. GENERALLY

Sec. 32-901. Setbacks and facades of new and renovated or rehabilitated buildings in historic districts.

(a) New buildings shall have a zero setback on the primary and secondary facades which extends the full length and width of the property.

(b) Renovated or rehabilitated buildings may maintain the existing setback.

(c) The front facade of new buildings shall have a minimum height of twenty-two (22) feet and maximum height of forty-five (45) feet as measured vertically

from the sidewalk to the top of the facade. The average height of new buildings shall not exceed ten (10) percent of the adjoining buildings or those in the same block.

(d) The front facades of existing buildings may, if structurally sound, be used as they now exist.

(e) Renovation or rehabilitation activities that involve the structural integrity of the front facade of any existing building, shall cause the compliance with the regulation for the front facades of new buildings.

(f) The front facades of new buildings, or renovated or rehabilitated buildings that have had facades constructed to new building standards, shall have the majority of the construction of clay brick, stone or architectural style block or newly developed products that closely approximate original material. It is the intent that such masonry and/or wood construction be compatible in style and content with adjacent structures. (Ord. No. 3974A, § 1, 8-6-96)

Secs. 32-902-32-925. Reserved.

DIVISION 2. DISTRICT H-1

Sec. 32-926. Scope.

There is hereby established and created within the City of Hannibal, Missouri, an additional zoning district which shall be known and designated as District H-1.

*Editor's note-Ord. No. 3623, § 1, adopted April 19, 1988, repealed Art. X of this chapter relative to historic districts, the substantive provisions of which were included as §§ 32-926-32-931 and 32-951. Such provisions derived from §§ 87A.010-87A.070 of the city's 1963 Code, as amended by Ord. No. 3440, §§ 1, 3, adopted February 5, 1985. Ord. No. 3623 enacted similar new provisions as §§ 32-926-32-931.

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Included within District H-1 shall be an area designated as the Mark Twain Historic District, which is composed of property bounded on the east by the Mississippi River, on the north by the south right-of-way line of U.S. Highway 36, on the south by Bird Street, and on the west by the North Third Street, all in the City of Hannibal, Missouri.

Also included within District H-1 shall be an area designated as the Moses Bates Historic District, which is composed of property bounded on the east by the west line of First Street, on the north by the south line of Bird Street, on the south by the north line of Center Street, on the west by the east side of the alley west of Main Street, all in the City of Hannibal, Missouri. (Ord. No. 3623, § 1, 4-19-88)

Sec. 32-927. Purpose.

The H-1 District is designed to preserve features of historical and cultural significance in the city. The district is established to provide conditions and regulations for the protection, enhancement and perpetuation of buildings, structures, areas, places or works of art in the city which have special historic and cultural value for the general welfare of the public and community. (Ord. No. 3623, § 1, 4-19-88)

Sec. 32-928. Historic district development commission.

(a) There is hereby created the historic district development commission, which shall consist of seven (7) members appointed by the city manager as follows: one (1) member of the Mark Twain Home Board to serve for five (5) years; one (1) member of the planning commission to serve for five (5) years; and five (5) citizens of Hannibal, having an interest in historic preservation, to serve for five (5) years. All appointments shall be subject to confirmation by the city council. All members shall be appointed and serve staggered terms so one (1) member shall be appointed each year. Appointments shall be made by the city manager at the second regular city council meeting in May. Members appointed from the Mark Twain Home Board and planning commission shall serve only so long as they remain members of the body from which they are chosen. In the event of any other vacancy caused by the removal, death or resignation, the city manager, with consent of the city council, shall appoint a member to serve the unexpired term, such appointment to be made within thirty (30) days of the occurrence of such vacancy.

(b) At the first meeting of the historic district development commission in June of each year, the board shall select a chairman and a secretary. The first order of business shall be for the commission to promulgate rules and regulations establishing standards, consistent with this chapter and with applicable provisions of state law, to promote the historic character of the districts designated hereunder, their value as places of unique interest and character, and for the preservation of features of historical significance and promotion of harmonious exterior architectural features. The commission shall submit to the council for approval said proposed standards or amendments within ninety (90) days of such meeting. Upon approval by the city council by resolution or ordinance, said standards shall be filed in the office of the city clerk and be made available for public inspection.(Ord. No. 3623, § 1, 4-19-88; Ord. No. 3940, § 1, 8-15-95; Ord. No. 4026, § 1, 8-19-97)

Charter reference-Boards and commissions generally, Ch. 12.

Sec. 32-929. Certificate of appropriateness.

No exterior change of any building or improvement in a historic district subject to this chapter shall be made unless the property owner obtains a building permit therefor. No building or occupancy permits shall be issued for the construction, reconstruction, demolition, alteration or any exterior change of any structure now or hereafter existing within the boundaries of historic districts, unless a "certificate of appropriateness" is

issued by the historic district development commission. Where any change is contemplated, all applications for such certificate for any structure within such districts, filed with the city clerk, shall be referred to the said commission before a certificate is issued. It shall be the duty of the commission to examine the plans for said proposed building, particularly with reference to the exterior architectural features thereof, and to approve or disapprove the same. In making its determinations, the commission shall be guided by the intent and purpose of this chapter and shall approve the plans for said building or improvement, provided it finds that they are in harmony with the standards established by the commission and approved by the council. The commission shall hear the applicant for the certificate in question and the owner of the lot upon which it is proposed to erect or alter the structure in question, together with any other persons, either residents or property owners, desiring to be heard. Should the commission disapprove the plans of the applicant, it shall be its duty to suggest to the applicant any alteration in the design or plan of said building which will make it comply with the conditions necessary for approval.

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ZONING § 32-1126

The commission shall note upon the plans in writing its approval or disapproval. (Ord. No. 3623, § 1, 4-19-88)

Sec. 32-930. Exterior architectural feature and uses.

In this section, "exterior architectural feature" shall mean the architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to view from a public street or way including kind, color and texture of building material of such portion, and type of all windows, doors, lights, signs and other appurtenances to such portion, including off-street parking. Subject to the issuance of a certificate of appropriateness, one (1) or more of the following uses are permitted:

- (1) Museums, libraries and public parks (passive recreation).
- (2) Any retail sales stores within a building, including sale of intoxicating beverages and food for consumption on the premises.
- (3) Any service facilities within a building such as a bank, office, restaurant, motel, barbershop, photographer, hotel, shoe repair, amusement and similar facilities.
- (4) Accessory buildings and uses customarily incident to the above permitted uses, including off-street parking.
- (5) Any other use permitted in District "C," local business district. (Ord. No. 3623, § 1, 4-19-88)

Sec. 32-931. Area regulations.

(a) Front yard. No front yard is required.

(b) Side yard. No side yard is required.

(c) Rear yard. No rear yard is required.

(Ord. No. 3623, § 1, 4-19-88)

Secs. 32-932-32-1000. Reserved.

ARTICLE XI. SUPPLEMENTAL REGULATIONS

DIVISION 1. GENERALLY

Secs. 32-1001-32-1125. Reserved.

DIVISION 2. HEIGHT AND AREA EXCEPTIONS

Sec. 32-1126. Application.

This division, and the regulations herein, apply to and qualify the district regulations of this chapter. (Code 1963, § 89.010)

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§ 32-1127 HANNIBAL CODE

Sec. 32-1127. Dwellings.

Single-family dwellings, two-family dwellings, and multiple 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 the district in which they are located by not less than ten (10) feet; but they shall not exceed three (3) stories in height. (Code 1963, § 89.030)

Sec. 32-1128. Chimneys, towers, spires, etc.

Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers, or necessary mechanical appurtenances may be erected to a height in accordance with the provisions of this chapter. (Code 1963, § 89.040)

Sec. 32-1129. Accessory buildings.

Accessory buildings may be built in a required rear yard; but the accessory

buildings shall not be nearer than two (2) feet to any side or rear lot line, nor nearer than five (5) feet to any alley abutting the rear of the lot; nor shall any such accessory building occupy more than forty (40) percent of the required rear yard. (Code 1963, § 89.050)

Sec. 32-1130. Accessory buildings, limitations upon.

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes. If the city council by resolution declares a housing emergency, this section does not apply. (Code 1963, § 89.060)

Sec. 32-1131. Yards, cornices, fences, landscaping.

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 skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches. This requirement shall not prevent the construction of fences and landscape plantings; except that on that portion of lots within thirty (30) feet of the intersection of two (2) or more streets such fences or plantings shall not be more than three (3) feet high. (Code 1963, § 89.070)

Sec. 32-1132. Fire escapes, outside stairways, balconies.

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, and the ordinary projections of chimneys and flues may be permitted by the administrative officer. (Code 1963, § 89.080)

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ZONING § 32-1135

Sec. 32-1133. Open porches, terraces.

An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. (Code 1963, § 89.090)

Sec. 32-1134. Side yard; two-family or multiple dwellings.

For the purpose of the side yard regulations, a two-family or a multiple dwelling shall be considered as one (1) lot. (Code 1963, § 89.100)

Sec. 32-1135. Adult cabaret.

(a) Intent and purpose: Adult entertainment establishments, including adult cabarets as defined below, are hereby acknowledged to have special characteristics

and impacts upon their surroundings, and upon the use and enjoyment of adjacent property. It is the intent of these regulations to provide for the confinement of adult entertainment establishments, including adult cabarets as defined below, to those industrial areas in which these special impacts are judged to be least disruptive to the use and enjoyment of adjacent properties. These regulations are further intended to require that adult entertainment establishments, including adult cabarets as defined below, shall not be permitted to locate in such concentration that their operational features may establish the dominant character of any industrial area.

These regulations are further intended to protect and balance lawful rights of expression with other lawful rights to the enjoyment and use of property, adult entertainment uses, including use as an adult cabaret as defined below are recognized as having serious objectionable operational characteristics, particularly if several such uses are concentrated, thereby having deleterious effect upon adjacent areas, and could contribute to blight and degradation of the surrounding neighborhood. The special regulation of adult entertainment establishments, including adult cabarets as defined below, is necessary to ensure that the adverse effects of such uses will not contribute to the blighting or downgrading of surrounding neighborhoods, whether residential or non-residential, by location or concentration and to ensure the stability of such neighborhoods.

(b) Definitions: As used in this chapter, the following words shall be defined as follows:

(1) Adult cabaret. A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties.

(2) Nudity. The showing of either:

a. The human male or female genitals or pubic area with less than a fully opaque covering; or

b. The female breast with less than a fully opaque covering on any part of the nipple.

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(c) Any business operating as an adult cabaret shall only be permitted in District F J (Industrial) and shall be subject to the following additional requirements:

(1) No business operating as an adult cabaret shall be located or expanded within one thousand (1,000) feet from the closest property line of the adjacent residential zone or use.

(2) No business operating as an adult cabaret shall be located or expanded closer than five hundred (500) feet to the H-I District or E-I District. Said distance shall be measured in a straight line without regard to intervening structures from the closest property line of the adult cabaret to the closest property line of the said H-I or E-I zone.

(3) No business operating as an adult cabaret shall be located or expanded closer than one thousand (1,000) feet to any pre-existing place of worship, day care facility, public or private school or college.

(4) No adult cabaret shall be allowed to be located or expand within two thousand (2,000) feet of any other adult cabaret. Said distance shall be measured in a straight line without regard to intervening structures from the closest property line of each adult cabaret.

(Ord. No.4189 § 1, 9-18-01)

Cross reference-Offenses against public morals, § 16-126 et seq.

Secs. 32-1136-32-1200. Reserved.

DIVISION 3. OFF-STREET PARKING AND LOADING

Sec. 32-1201. Parking or dwellings.

For all one-family dwellings, provision shall be made upon the premises for parking of three (3) motor vehicles for the use of the occupants. For all two-family dwellings, provision shall be made upon the premises for the parking of two (2) motor vehicles per family unit.

(Code 1963, § 90.010; Ord. No.3807 , § 1, 11-17-92)

Sec. 32-1202. Parking for apartments and multiple dwellings.

For all apartments or multiple dwellings, provision shall be made for the storage or parking of motor passenger vehicles for the use of occupants either on the premises or within one thousand (1,000) feet. Two (2) parking spaces shall be provided for each dwelling unit.

(Code 1963, § 90.020; Ord. No. 3807, § 2, 11-17-92)

Sec. 32-1203. Parking for high-rise elderly housing units.

For all high-rise apartments or multiple dwellings designed for and actually occupied by elderly persons, provision shall be made for the storage or parking of motor passenger vehicles

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ZONING § 32-1207

for the use of occupants either on the premises or within one thousand (1,000) feet. One (1) parking space shall be provided for each dwelling unit. "High-rise" shall mean a structure consisting of three (3) or more stories in height. (Code 1963, § 90.025; Ord. No.3807 , § 3, 11-17-92)

Sec. 32-1204. Parking for places of assembly.

For every building used as a theater, auditorium, stadium or other place of public assembly, there shall be provided and maintained accessible off-street parking space for the parking of motor vehicles on the basis of one (1) vehicle for every three (3) seats of the total audience seating capacity of the building. Such parking shall be located on the same lot with the building, or within five hundred (500) feet thereof. (Code 1963, § 90.030; Ord. No.3807 , § 4, 11-17-92)

Sec. 32-1205. Parking for business and industrial buildings.

Any building used for any business use listed in District "C" or "D" and located in District "C" or "D" shall provide accessible off-street parking at the rate of at least one (1) parking space for each two hundred (200) square feet of floor area in the building. Any building so erected for industrial use in Districts "E" and "F" shall provide accessible off-street parking as follows:

(1) One (1) parking space for every four hundred (400) square feet of floor area of such building used for office purposes;

(2) One (1) parking space for every one thousand (1,000) square feet of floor area of such building used for manufacturing purposes;

(3) One (1) parking space for every five thousand (5,000) square feet of floor area of such building used for warehouse purposes.
(Code 1963, § 90.040)

Sec. 32-1206. Loading space for business and industry.

Any business or industrial building in any district shall provide adequate off-street facilities for the loading and unloading of merchandise and goods within or adjacent to the building, in such a manner as not to obstruct freedom of traffic movement on the public streets or alleys.
(Code 1963, § 90.050)

Sec. 32-1207. Paving and lighting requirements.

The entire parking area, including parking spaces and maneuvering lanes, required under this division shall be provided with asphaltic or concrete surfacing. The

parking area shall be paved in such a manner as to preclude drainage of water onto adjacent property or toward buildings.

All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed on the parking area only. (Ord. No.3807, § 5,11-17-92)

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§ 32-1208 HANNIBAL CODE

Secs. 32-1208-32-1250. Reserved.

DIVISION 4. COMMUNICATIONS TOWERS AND ANTENNAS

Sec. 32-1251. Districts where permitted use.

That radio, television or microwave towers and similar commercial structures shall be permitted uses within areas zoned "D" (Highway Business), "E" (Commercial) and "F" (Industrial District) within the city limits of Hannibal. (Ord. No.4070, § 1, 8-18-98)

Sec. 32-1252. Antennas and towers in all zoning districts; conditions.

Upon receipt of a sealed engineering study and issuance of a building permit, the following are permitted in any designated zoning district:

(1) The attachment of additional or replacement of antennae or shelters to any tower existing on the effective date of this division [Aug. 18,1998] or subsequently approved in accordance with these regulations, provided that additional equipment shelters or cabinets are located within the existing tower compound area.

(2) The mounting of antennae on any existing building or structure such as a water tower, V provided that the presence of the antennae is concealed by architectural elements or camouflaged by painting a color identical to the surface to which they are attached.

(3) The installation of antennae or the construction of a tower on buildings or land owned by the city following the approval of a lease agreement by the city council. (Ord. No.4070, § 2, 8-18-98)

Sec. 32-1253. Criteria for permitted uses.

The criteria to grant permitted uses shall include, but not be limited to the following:

(1) The tower shall be no more than two hundred (200) feet in height.

(2) No tower/antennae shall be situated within two hundred twenty-five (225) feet of any residential structure. The minimum standard set-back from all adjoining property boundaries shall be equal to one (1) foot of set-back for each foot of tower height.

(3) Any new tower shall be constructed to twice the capacity of its primary use in order that secondary users might lease the balance of the tower capacity. The design of the tower compound shall maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment. (Ord. No.4070, § 3, 8-18-98)

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ZONING § 32-1301

Sec. 32-1254. Removal of obsolete towers.

Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the city with a copy of the notice to the FCC of intent to cease operations, and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The equipment on the ground is not to be removed, however, until the tower structure has first been dismantled and removed. (Ord. No.4070, § 4, 8-18-98)

Secs. 32-1255-32-1300. Reserved.

ARTICLE XII. DISTRICT "M", MOBILE HOME PARKS*

Sec. 32-1301. Definitions.

Mobile home. A manufactured transportable, single-family dwelling unit suitable for year-round occupancy and containing water supply, waste disposal and electrical service. This definition shall apply regardless of whether or not the wheels or other devices for transportability are actually in place.

*Editor's note-Ord. No.3967 , § 1, adopted May 7, 1996, did not specifically amend the Code; hence, inclusion herein as Art. XII, §§ 32-1301-32-1307 was at the discretion of the editor.

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ZONING § 32-1305

Mobile home park shall mean any park lot, or tract, or plot of land or any site retained in single ownership whereon two (2) or more mobile homes as herein defined are

placed, located or maintained, or intended to be placed, located or maintained, whether for or without compensation and shall include all buildings used or intended to be used as a part of the equipment thereof.

Mobile home space. A plot of ground within a mobile home park which is designed as the location for only one (1) mobile home and is not used for any other purposes whatsoever other than the customary accessory uses thereof. (Ord. No. 3967, § 1, 5-7-96)

Sec. 32-1302. Purpose.

The purpose of the Residential Mobile Home Park District is to provide for well designed mobile home parks in areas where public utilities are available and to establish basic standards which will determine the character of this land use and its effect on surrounding properties.
(Ord. No. 3967, § 1, 5-7-96)

Sec. 32-1303. Zoning regulations.

Mobile home parks shall be permitted only in Zones "D", "E" and "F", as defined herein. (Ord. No. 3967, § 1, 5-7-96)

Sec. 32-1304. Permitted uses.

A building or land in the mobile home park shall only be used for the following purposes:

Mobile home parks.

Recreational areas or open space.

Management office for mobile home park.

Community building for mobile home park.

Accessory structures incidental to the operation of mobile home park. Such as storage buildings located on an individual lot accessory to the trailer on that lot. (Ord. No. 3967, § 1, 5-7-96)

Sec. 32-1305. Area regulations.

(a) Front yards. Except as otherwise provided in this chapter there shall be a front yard having a depth of not less than ten (10) feet.

(b) Side yards. Except as otherwise provided in this chapter there shall be a side yard having a width of not less than ten (10) feet.

(c) Rear yards. Except as otherwise provided in this chapter there shall be a rear yard having a depth of not less than twenty-five (25) feet.

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(d) Lot area. Every lot shall have an area of not less than five thousand (5,000) square feet.

(e) Lot width. All lots platted in a mobile home park shall have an average width of not less than forty (40) feet.
(Ord. No. 3967, § 1, 5-7-96)

Sec. 32-1306. Mobile home park development standards.

All mobile home park developments submitted for approval shall comply with Chapter 29, Subdivisions of the Ordinances of the City of Hannibal, except as otherwise provided in this chapter.

Mobile home parks shall have minimum lot sizes of forty (40) feet by one hundred twenty (120) feet for single wide homes and sixty (60) feet by one hundred twenty (120) feet for double wide homes.
(Ord. No. 3967, § 1, 5-7-96)

Sec. 32-1307. Additional provisions.

(a) No mobile home park shall be located in the city until development plans have been approved.

(b) Not more than one (1) mobile home may be placed on any one (1) lot.

(c) A mobile home shall not be occupied for dwelling purposes until all utility equipment has been approved and services provided.

(d) Each lot shall be provided with individual utility services.

(e) No existing mobile home park shall be altered, enlarged, extended or expanded until mobile park plan for such development has been approved by the city council.

(f) Upon transfer of ownership such mobile home park shall be made to comply with all development standards for new mobile home parks.

(g) All mobile homes shall be properly skirted with acceptable industry

standard material.

(h) All mobile homes shall be properly blocked and leveled, and anchored to the ground as required by Chapter 700 of the Revised Statutes of the State of Missouri.

(i) All mobile home parks located in the Flood Plain shall comply with Article 3, Chapter 9 Flood Damage Prevention of this Code.

(j) All mobile home parks shall comply with Article 4, Chapter 9 Stormwater Runoff Management of this Code.

(k) Fuel or storage tanks shall be properly anchored as provided in Article 3, Chapter 9 of this Code.

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ZONING §32-352

(1) Protective screening. The development shall be surrounded by a landscaped or wooded strip of open space at least thirty (30) feet wide along an arterial street of major thoroughfare frontage, and at least twenty-five (25) feet wide along all other exterior lot lines or street frontage. The rear yard setback requirements may be used for partial fulfillment of the protective screening requirements. (Ord. No. 3967, § 1, 5-7-96)

Secs. 32-130--21-350. Reserved.

ARTICLE XIII. DISTRICT RD, RURAL ZONING DISTRICT

Sec. 32-1351. District established; purpose.

A new zoning district to be know as the Rural Zoning District (RD) is hereby adopted to provide for agricultural activities, as well as a transition zone to provide for the orderly transfer of land from rural to city uses. (Ord. No. 4085, § 1, 12-15-98)

Sec. 32-1352. Permitted uses.

The following uses are permitted in the RD District:

- (1) Accessory buildings.
- (2) Agricultural use (see section 32-1353).
- (3) Bed and breakfast inns.

- (4) Detached single-family residences.
- (5) Campgrounds.
- (6) Cemeteries.
- (7) Clubs, lodges and recreation facilities--for use by non-profit organizations.
- (8) Convalescent centers.
- (9) Day care facilities.
- (10) Manufactured homes.
- (11) Garden centers.
- (12) Marinas and boating facilities.
- (13) Golf courses and related activities.
- (14) Kennels.
- (15) Churches.
- (16) Roadside agricultural stands (temporary).
- (17) Summer camps.

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- (18) Veterinary clinics.
- (19) Government facilities, not to include correctional facilities.
- (20) Public and private schools.
- (21) Public parks and playgrounds.
- (22) Public utility facilities.
- (23) Towers for transmitting and receiving electronic signals.
(Ord. No. 4085, § 2, 12-15-98)

Sec. 32-1353. Agricultural.

The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, agriculture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feedlots or buildings for poultry or livestock sales yards and auction yards for cattle or hogs shall be classified an industrial and not an agricultural use.

(Ord. No. 4085, § 2, 12-15-98)

Sec. 32-1354. Regulations.

(a) Minimum lot area: Twenty thousand (20,000) square feet. The minimum lot area for the raising and keeping of poultry or livestock shall be two (2) acres.

(b) Minimum lot width: One hundred (100) feet.

(c) Front yard: Not less than fifty (50) feet from right-of-way.

(d) Rear yard: Twenty-five (25) feet.

(e) Side yard: Thirty (30) feet total, twelve (12) feet minimum side yard. Corner side yards shall not be less than twenty-five (25) feet.

(f) Height: No dwelling or non-farm building or structure shall exceed a height of thirty-five (35) feet. No general and specialized farm building and structures shall exceed a height of fifty (50) feet.

(g) The above requirements shall apply to every lot, building or structure; provided further that where poultry or livestock is raised or kept, no structure or storage of hay, feed or manure shall be located less than fifty (50) feet from a property line. (Ord. No. 4085, § 2, 12-15-98)

Secs. 32-1355--32-1400. Reserved.

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ZONING § 32-1404

ARTICLE X~V. DISTRICT PDR, PLANNED DENSITY RESIDENTIAL DISTRICT

Sec. 32-1401. District established; purpose.

A new zoning district to be known as a Planned Density Residential District is hereby adopted to allow for design flexibility, encourage efficient use of land and public services

and to promote high quality design that will provide a variety of dwelling types, as well as adequate support services and open space for the residents of the development.
(Ord. No. 4086, § 1, 12-15-98)

Sec. 32-1402. Permitted uses.

The following uses are permitted in the PDR District:

- (1) Accessory buildings.
- (2) Detached' single-family dwellings.
- (3) Duplex (2) and triple (3) attached dwellings
- (4) Multi-family dwellings (rental apartments)
- (5) Condominiums/townhouses attached (ownership).
- (6) Limited office/commercial.

(Ord. No. 4086, § 2, 12-15-98)

Sec. 32-1403. Density.

The specific density in units per gross acre must be included in the rezoning request. Eight (8) units per gross acre maximum.

(Ord. No. 4086, § 2, 12-15-98)

Sec. 32-1404. Dimensional requirements.

- (a) Gross tract size for initial zoning purposes. Three (3) acres.
- (b) Minimum lot area: The PDR District provides for a variety of dwelling unit styles and supports uses without restrictions to the lot area and yard requirements provided in other districts; therefore, no minimum lot area is specified.
- (c) Setback from streets: No building shall be erected, reconstructed, altered or moved nearer to the property line along the street on which such building faces than is indicated in the following table:

Residential Density in PDR Tract (Dwelling Along	Minimum Distance From Property Line
---	-------------------------------------

Units Per Acre)	Front Street (Feet)
1.0 - 4.0	8
4.1 - 8.0	15

- (d) Minimum side distance from street: Ten (10) feet.

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- (e) Accessory buildings shall neither be placed in the front yard nor closer than five (5) feet to the side or rear property lines.

(Ord. No. 4086, § 2, 12-15-98)

Sec. 32-1405. Building to building relationships.

- (a) Single-family detached: While there are no minimum lot sizes in the PDR District, the following yard requirements must be met: Minimum yards--Eight (8) feet from

all property lines

- (b) Minimum separation between buildings: Sixteen (16) feet.
- (c) Building separations may be increased by the building inspector.
- (d) Single-family PDR developments shall identify the building footprint for each lot on the recorded plat. (Ord. No. 4086, § 2, 12-15-98)

Sec. 32-1406. Height requirements.

Maximum building height shall be thirty-five (35) feet.
(Ord. No. 4086, § 2, 12-15-98)

Sec. 32-1407. Open space requirement.

- (a) Required open space shall be as follows:

Residential Density in PDR Tract (Dwelling Percent of Gross Site Area Required as Usable Units Per Acre) Open Space

1.0 - 2.9	0
3.9 - 5.9	5
6.0 - 8.0	10

- (b) *Usable open space consists of:
 - (1) Property, which is naturally vegetated or revegetated to appear naturally vegetated, or water features held in common ownership or governmental ownership.
 - (2) Properties that are undevelopable, including properties in the floodway, floodway fringe, water bodies, exceptionally low or wet soils and steep slopes (fifteen (15) percent). However, such property shall not exceed more than fifty (50) percent of the required open space.
- (c) Property developed for active recreation purposes may be counted for up to fifty (50) percent of the total required open space.
- (d) Streets, driveways and yard spaces provided for the residences may not be counted toward the open space requirement.

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- (e) Open space shall be established on the development plan with provisions for permanent maintenance either through dedication and acceptance by the City of Hannibal for public use, or by dedication to an entity identified for permanent maintenance.
- (f) Open space property shall be described and identified by location, size, use and improvements on the development plan prior to dedication to a private or public entity.
- (g) Open space property shall not be disturbed, graded or cleared except in

conformance with an approved plan.
(Ord. No. 4086, § 2, 12-15-98)

Sec. 32-1408. Transitional use areas.

A transitional use area shall be established around the perimeter of each PDR District that shall be a minimum of twenty-five (25) feet in depth. The purpose of this area shall be to insure compatibility with surrounding land uses.

(1) Where a PDR District adjoins a nonresidential district, the permitted use shall be a planted buffer area.

(2) Where a PDR District adjoins another PDR District, only a single transitional use area is required. (Ord. No. 4086, § 2, 12-15-98)

Sec. 32-1409. Additional requirements.

(a) A development plan shall accompany all petitions, for PDR zoning. Approval of any PDR zoning petition shall be contingent upon approval of the development plan by the council.

(b) Uses shall be permitted only in the location shown on the approved development plan. Development of the property shall not begin until building permits have been approved for that portion of the property. Should alterations or changes present a substantial departure from the approved plan, an amendment is required by city council.

(c) In order to provide diversity and to avoid long rows of attached dwelling units, no more than four (4) contiguous townhouse units shall be allowed with the same setback. Variations in building setback must be at least two (2) feet.

(d) Condominiums shall be recorded in accordance with Missouri General Statutes, Chapter 448.

Sec. 32-1410. Development plan requirements:

(a) Development plans shall be prepared by a professional engineer, professional architect, registered landscape architect, or registered land surveyor.

(b) Development plans shall include the following information:

(1) Vicinity map showing north arrow, scale and name of project.

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(2) Location of boundary lines in relation to section, quarter-section lines or adjoining subdivisions, and legal description of property including acreage.

(3) Zoning districts of the subject property and adjacent properties, and the required setbacks of the site.

(4) Owners of the property and adjacent properties.

(5) Land uses of adjacent properties and major improvements on the site,

and within fifty (50) feet of the boundary of the site.

- (6) Generalized floodplain locations as well as existing streambeds.
- (7) Existing topography.
- (8) Existing property lines to be removed.
- (9) Existing rights-of-way with street names, utility easements and any other easements either on-site or adjacent to the site.
- (10) Existing water and sewer lines and stormwater drainages.
- (11) Proposed land use plan indicating the general locations of residential improvements, including the type and maximum density of the dwellings.
- (12) Proposed recreation areas and general location of open space reservations.
- (13) Proposed landscape plan, including plant materials, save areas and areas for replanting.
- (14) Proposed traffic circulation system with generalized location of streets, parking areas and pedestrian paths.
- (15) The general location and character of proposed stormwater drainage and sanitary sewer facilities.
- (16) Statement describing proposed availability of water and electric supply.

The petitioner may add other information if petitioner wishes. Supporting information may include details pertaining to the proposed improvements, lot dimensions, landscaping details, building footprints, building elevations and other such information as may be appropriate. Significant modifications to the development plan after a public hearing may warrant another public hearing. Conditions placed upon a development plan are considered requirements, and fully enforceable as ordinance requirements. (Ord. No. 4086, § 2, 12-15-98)

Sec.,32-1411. Standards for retail and office.

- (a) The development shall contain fifty (50) or more dwelling units.
 - (b) The total floor area of all commercial and office uses in the development shall not exceed ten (10) percent of the total floor area of all dwelling units, or 15,000 square feet, whichever is smaller.
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- (c) The total floor area of any single establishment shall not exceed (3,000) square feet.
- (d) Uses shall be limited to: Offices, financial institutions, retail shops, personal service establishments, and restaurants (no drive-thru windows). (Ord. No. 4086, § 2, 12-15-98)

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