

CHAPTER 400: ZONING REGULATIONS

SECTION 400.050: ZONING DISTRICTS

- A. The City of Windsor is hereby divided into zones as shown on the Official Zoning Map filed with the City Clerk. The map as amended and all explanatory material thereon is hereby made a part of this Chapter.
- B. Zones shall be designated as follows:
1. *Agricultural*. "A-1, Agricultural District (Brown).

"A-2", This district if the same as "A-1" except that grass intended to be baled shall not exceed three feet in height.
 2. *Residential*. (Blue).

"R-1", Single-Family Residential District.

"R-2", Two-Family Residential District.

"R-3", Medium Density Multiple-Family Residential District.
 3. *Commercial*. (Yellow).

"C-1", Neighborhood Commercial District.

"C-2", Central Commercial Business District.
 4. *Industrial*. (Red).

"I-1", Light Industrial District.

"I-2", Heavy Industrial District.
- C. Specific District Regulations are set forth in Article II of this Chapter.
(Ord. No. 1991-6 Art I §5, 6-3-91)

SECTION 400.060: DEFINITIONS

- A. For the purpose of these Regulations, words used in the present tense shall include the future tenses; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "*shall*" is mandatory; the word "*may*" is permissive.
- B. For the purpose of these Regulations, certain terms and words are to be used and interpreted as defined hereinafter.

ACCESSORY BUILDING OR STRUCTURE: A building customarily incidental, appropriate and

subordinate to the main building or use and located on the same lot with the main building.

ACCESSORY USE: A use customarily incidental, appropriate and subordinate to the principal use of land or buildings located on the same premises.

ADVERTISING SIGN OR STRUCTURE: A sign, device or structure of any character whatever, including statuary, placed for advertising purposes. The term "*placed*" shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, as warning nor other signs posted by public officials in the course of their public duties or merchandise or materials being shall be construed as advertising signs for the purpose of this definition.

AGRICULTURAL: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, viticulture, 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; and further provided that the keeping of poultry and livestock shall be in accordance with other applicable City ordinances.

ALLEY: A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

ALTERATION: Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building.

APARTMENT HOUSE: A multiple-family dwelling. (See "*Dwelling, Multiple-Family*").

AUTOMOBILE: A self-propelled vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, busses, motor scooters, and motorcycles.

AUTOMOBILE SERVICE STATION: Any area of land, including structures thereon, that is used for the sale of gasoline or oil fuels, and which may also include facilities for lubricating, washing, cleaning, or otherwise servicing automobiles, but not including the painting thereof.

AUTOMOBILE WASH OR LAUNDRY: A structure designed primarily for washing automobiles with a chain conveyor, blower, steam cleaner, high pressure spray or other mechanical device.

AUTOMOBILE WRECKING OR SALVAGE YARD: An area outside of a building where motor vehicles are disassembled dismantled, junked, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

BASEMENT: A story partly or wholly underground.

BOARDING HOUSE OR LODGING HOUSE: A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

BUILDING: Any structure intended for shelter, housing or enclosure of persons, animals, or chattel.

BUILDING COVERAGE: The percentage of the lot area covered by the building. The building area

shall include all overhanging roofs.

BUILDING HEIGHT: The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

BUILDING LINE: A line beyond which buildings and structures may not be located except as otherwise provided.

BUILDING MAIN: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING SITE: A single parcel of land occupied or intended to be occupied by a building or structure.

CARPORT: A permanent roofed structure permanently opens on at least two (2) sides, designed for or occupied by private passenger vehicles.

CHILD CARE CENTER: Any place, home or institution which receives four (4) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided however, this definition shall not include public and private schools organized, operated or approved under the laws of this State, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third (3rd) degree or religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities, including but not limited to family day care, group day care, and day care centers.

CLINIC, DENTAL OR MEDICAL: A facility, including but not limited to, dental and doctor's office for the examination and treatment of ill or afflicted human outpatients; provided however, that patients are not kept overnight except under emergency conditions.

CLUB, PRIVATE: A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

CONDOMINIUM: An association of co-owners, organized in accordance with the Missouri condominium laws, in which individual owners hold title exclusively in their unit and are co-owners of the common elements. The association of co-owners has responsibility for control and maintenance of common elements.

CONVALESCENT, REST, NURSING HOME: A health facility other than a hospital where persons are housed and furnished with meals and continuing nursing care for compensation.

COURT: An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bordered on two (2) or more sides by such building or buildings.

DISTRICT, ZONING: Any section or sections of a City for which regulations governing the use of buildings or premises or the height and area of buildings shall be uniform.

DORMITORY: A dwelling other than a hotel where, for compensation, and by prearrangement for

definite periods, lodging in or lodging and meals are provided for more than twelve (12) persons.

DRIVE-IN RESTAURANT: Any establishment where food, frozen dessert and/or beverage is sold to the customer and where motor vehicle parking space is provided and where such food, frozen dessert and/or beverage is intended to be consumed in a motor vehicle parked upon the premises or at a different location.

DWELLING: Any building, or portion thereof, which is designed or used as living quarters for one (1) or more families, but not including house trailers, mobile homes, or travel trailers.

DWELLING, ATTACHED: A dwelling, having any portion of the structure in common with adjoining dwellings.

DWELLING, DETACHED: A dwelling having no portion of the structure in common with another dwelling.

DWELLING, MULTIPLE-FAMILY: A dwelling designed for occupancy by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, mobile home parks, hotels or restore type hotels.

DWELLING, ROW HOUSE OR TOWN HOUSE: Three (3) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one (1) family.

DWELLING, SINGLE-FAMILY: A detached dwelling designed to be occupied by one (1) family. Single-family dwelling or single family residence shall include, but not be limited to, any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparent's or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. Single-family dwelling or single-family residence shall also include, but not be limited to, any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption.

DWELLING, TWO-FAMILY: A dwelling designed to be occupied by two (2) families living independently of each other.

FAMILY: One (1) or more persons related by blood or marriage, including adopted children, and domestic servants, or a group of not to exceed four (4) persons (excluding servants) not all related by blood or marriage, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of all the floors as a building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings. For the purpose of determining off-street parking requirements, parts of floors used for restrooms, utilities, stairways and elevators shall be excluded.

GARAGE, PRIVATE: An accessory building or part of a main building used for storage of automobiles used solely by the occupants and their guests of the building to which it is necessary.

GARAGE, PUBLIC: Any building, other than a private garage, available to the public, where

automobiles are parked or stored for remuneration, hire or sale.

GARAGE, REPAIR: A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles, for remuneration.

GRADE (ADJACENT GROUND ELEVATION): The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between exterior wall of building and the property line if it is less than five (5) feet distant from said wall. In case walls are parallel to and within five (5) feet of a public sidewalk, alley, or public way, the grade shall be the elevation of the sidewalk, alley or public way.

HOMES ASSOCIATION: An incorporated non-profit organization operating under recorded land agreements through which:

1. Each lot and/or homeowner in a planned unit or other described land area is automatically a member; and
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and
3. The charge if unpaid becomes a lien against the property.

HOME OCCUPATION: Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings, and in connection with which no sign other than one (1) non-illuminated nameplate, not more than two (2) square feet in area attached to the main or accessory building, and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which said occupation is conducted. The conducting of a beauty or barber shop, tea room, or restaurant, rest home, clinic, doctor or dentist office, child care center, tourist home, cabinet, metal or auto repair shop, or other such use shall not be deemed a home occupation.

HOSPITAL: An institution providing health services or medical or surgical care for the sick or injured, primarily for human in-patients, and including related facilities such as laboratories, out-patient's departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.

HOTEL/MOTEL: A building or group of buildings under one (1) ownership containing four (4) or more sleeping rooms with private bath occupied, intended and designed to be occupied as the more or less temporary abiding place of persons who are lodged, with or without meals for compensation, including motels or motor inns, but not including an auto or trailer court or camp, sanatoriums, hospital, asylum, orphanage or building where persons are housed under restraint.

KENNEL/DOG OR CAT: Any lot or premises on which a total of four (4) or more dogs or cats over six (6) months of age are kept.

LANDSCAPING: The bringing of the soil surface to a smooth finished grade, installing sufficient trees, shrubs, ground cover and grass to soften buildings lines, provided shade and generally produce a pleasing visual effect of the premises.

LOT: Any plot of land occupied or intended to be occupied by one (1) building, or a group of

buildings, and accessory buildings and use, including such open spaces as required by this Chapter and other laws or ordinances, and having its principal frontage on a street.

LOT AREA: The total horizontal area included within lot lines.

LOT, CORNER: A lot of which at least two (2) adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°).

LOT DEPTH: The average distance from the front street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

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

LOT, FRONT OF: The front of a lot shall be considered to be that side on the lot which fronts on a street. In the case of a corner lot, the narrowing side fronting on the street shall be considered to be the front of the lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein.

MOBILE HOME: A moveable detached single-family dwelling unit for permanent long-term occupancy with a minimum living area within said unit of seven hundred eighty-four (784) square feet exclusive of attached porches or rooms; is constructed complete with an integral utility system capable of being connected to an outside system; can be transported over the road on its own chassis and wheels to the site where it is to be connected semi-permanently to separate utility systems and is not permanently attached to any foundation as required for a permanent conventional structure. The term, "*mobile homes*", does not include camper, tent trailers, or other units designed for overnight or transitory use.

MOBILE HOME PARKS: Any development, site, parcel or tract of land designed, maintained, or intended to be used for the purpose of providing long term accommodation of more than thirty (30) days for placement of two (2) or more mobile homes and shall include all buildings used or maintained for the use of the residents of the development.

MODULAR HOME: To qualify as a modular home a dwelling unit must meet all of the following criteria. The dwelling units:

1. Arrives at its permanent erection site after fabrication on a wheeled dolly, flat bed or wheeled chassis. The means of conveyance chassis or transporting dolly must be removed at erection site.
2. Arrives at the site in two (2) or more component parts which are permanently joined together at the site.
3. Is to be permanently attached to a permanent foundation.

A "*modular home*" shall be deemed to be a standard single-family dwelling and shall not be subject to all requirements of a single-family unit.

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

NON-CONFORMING USE: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

PARKING SPACE: A permanent surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking spaces with a street or alley and permitting ingress and egress of an automobile. For purposes of this Chapter, the size of parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

PERSON: Any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic; and including any trustee, receiver, assignee, or other similar representative thereof.

PLANNED UNIT DEVELOPMENT: A development planned in accordance with the provisions of Article IV of this Chapter.

PORTABLE STORAGE CONTAINERS: Any container or vessel originally designed for, or used in, the packing, storage, shipping, movement or transportation of cargo, freight, goods, equipment or commodities; and/or any container or vessel designed to be, or capable of being, mounted or moved by rail, truck, or ship by means of being mounted on a chassis or other transport device, including portable on-site storage containers, or units having similar characteristics; any railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles, and similar pre-fabricated items originally built for purposes other than the storage of goods and materials.

PUBLIC HEALTH CENTER: A facility primarily utilized by a health unit for the provisions of public health services including related facilities such as laboratories, clinics, and administrative offices operated in connection therewith.

RESTAURANT: A public eating house, including but not limited to, the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants and soda fountains.

ROOMING HOUSE: A building where lodging only is provided for compensation to five (5) or more, but not exceeding twelve (12) persons; all in excess of this number shall be defined as a hotel/dormitory under the terms of this Chapter.

SELF-SERVICE STORAGE FACILITY: Any real property designed and used for the purpose of renting or leasing individual storage space for the purpose of storing and removing personal property. No self-service storage facility shall be used for residential purposes.

SETBACK: The distance between the lot lien and the building line.

SITE DEVELOPMENT PLAN: A plan drawn at a scale of not less than one hundred (100) feet equals one (1) inch which shows the topographic characteristics of the site at a contour interval of not more than five (5) feet; the location and dimensions of buildings, yards, courts, landscape, pedestrian and vehicular circulation and parking, fences, and screening; service driveway connecting the parking space with a street or alley or permitting ingress and egress of an automobile. For purposes of this Chapter, the size of a parking space for one (1) vehicle shall consist of a rectangular area having

dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

STABLE, PRIVATE: A stable for private uses with a capacity for not more than two (2) horses or mules.

STABLE, PUBLIC: A stable, other than a private stable, with a capacity for more than two (2) horses or mules.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused under floor space shall be considered as a story.

STREET: Any public thoroughfare which affords the principal means of access to abutting property.

STREET, INTERSECTING: Any street which joins another street whether or not it crosses the other.

STREET, MAJOR: Any street designated as an existing or proposed arterial on the Major Street Plan in the Transportation Plan element of the Comprehensive Plan.

STRUCTURAL ALTERATIONS: Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE: Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to signs, and accepting utility poles, fences and retaining walls.

TRAILER, HAULING: A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities. This does not include boats.

TRAILER, TRAVEL OR CAMPING: A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants.

TRAVEL TRAILER CAMP: Any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing short term accommodation up to and including thirty (30) days or less for placement of two (2) or more travel trailer units and shall include all buildings used or maintained for the use of the occupants in the trailer camp.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure. For the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the main building or any projection thereof, other than steps.

YARD, REAR: A yard extending across the rear of a lot measured between lot lines and being the

minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. The "rear yard" shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

(Ord. No. 1991-6 Art I §2, 6-3-91; Ord. No. 2017-03 Art I §2, 7-20-2017)

ARTICLE II. SPECIFIC DISTRICT REGULATIONS

SECTION 400.070: "A-1", AGRICULTURAL DISTRICT

- A. *General Description.* This District is intended to provide a location for the land that is used for agricultural purposes, but will be undergoing urbanization in the future. Most of these areas will be in close proximity to residential and commercial uses, therefore the agricultural activities conducted in this District should not be detrimental to urban land uses. It is not intended that this District provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The type of uses, area and intensity of use of land which is authorized in this District is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made. The property must be four acres or larger and able to sustain one animal unit per acre.
- B. *Uses Permitted.* Property and buildings in an "A-1", Agricultural District, shall be used only for the following purposes:
1. Detached single-family dwelling.
 2. Church.
 3. Public school or school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping.
 4. Farming, dairy farming, livestock, poultry raising, game birds, pasturing of livestock, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to the sale or marketing of products raised except that the operation of commercial feed pens or lots shall not be permitted on the premises, provided that any building, structure or yard for the raising, feeding, pasturing, housing or sale of livestock or poultry shall be located at least one hundred (100) feet from a District "R-1" to "R-3" inclusive; and further provided that there shall be no feeding or disposal of garbage, rubbish or offal, within three hundred (300) feet of a District "R-1" to "R-3" inclusive.
 5. All of the following uses:
 - a. Country club.
 - b. Golf course or driving range.
 - c. Library.

d. Federal, State and County uses.

e. Municipal use.

f. Park or playground.

g. Plant nursery.

h. Public service/utility use.

6. Home occupation.

7. Accessory building which are not a part of the main building, including barns, sheds, and other farm buildings, private garages and accessory buildings which are a part of the main building.

8. Bulletin board or sign, not exceeding four (4) square feet in area appertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.

9. Sign or display, not exceeding two (2) in number, advertising the residential, commercial, or industrial development of the land on which the sign or display is situated. All signs or displays shall be removed immediately upon completion of the development, but in no case shall they be permitted to remain longer than three (3) years from the date of issuance of the special permit. The type, location and lighting of the sign or display shall be such as to not be detrimental to the use of adjacent properties, or to restrict sight distance on public streets. Intermittent lighting shall not be permitted.

C. *Uses Permitted in Review.* The following uses may be permitted on review by the City Planning Commission in accordance with the provisions contained in Article VIII, Section 400.430.

1. Lodge hall, Veterans organization, service organization.

2. Airport or landing field.

3. Cemetery.

4. Kennel/dog or cat.

5. Radio and television station and transmission tower, and receiving tower.

6. Stable, public.

7. Child care center in accordance with provisions as permitted by State laws.

8. Drilling for oil or natural gas or the extraction of sand, gravel, limestone, clay or minerals; provided that the operation is conducted in accordance with the provisions of this Chapter of Windsor and the State of laws and regulations relating thereto.

9. Recreation club.

D. *Height and Area Regulations.* In District "A-1", the height of buildings, the minimum dimensions of

lots and yards and the minimum lot area per family shall be as follows:

1. *Height.* Buildings or structures shall not exceed thirty (30) feet.
 2. *Front yard.* The depth of the front yard shall be at least thirty (30) feet.
 3. *Side yard.* There shall be a side yard on each side of a dwelling; no side yard shall be less than ten (10) feet.
 4. *Rear yard.* The depth of the rear yard shall be at least fifty (50) feet.
 5. *Width of lot.* The minimum width of a lot shall be one hundred (100) feet, provided that where a lot has less width than herein required in separate ownership on May 8, 2012, this regulation shall not prohibit the erection of a one-family residence.
 6. *Lot area per family.* Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a lot area of not less than ten thousand (10,000) square feet per family; However, if public or community sewer is not available, the ordinance of the City and laws of the State may require a larger lot area. Where a lot is in separate ownership on June 3, 1991, and can comply with City and State laws mentioned above, this regulation shall not prohibit the action of a one-family dwelling. Utilities must be provided to City standards to existing utilities.
- E. *Parking Regulations.* See Article V, Off-Street Automobile and Vehicle Parking and Loading.
- F. *Building on Unplatted Land.* A building permit for a residential or non-agricultural building in this District will not be issued until a plot plan showing the proposed building and the land areas to be set aside to accommodate it is submitted and approved by the Director of Public Works. Such plot plan may delineate a tract of land which is part of a larger ownership without the filing of a plat, provided the delineated tract is accurately tied to a section or quarter section corner, and has access to a public street, road or highway. This delineated tract shall be entered on the Official Zoning Map of the City and shall be considered the same as a platted lot for purposes of regulating permits on adjacent land. The owners of tracts abutting an existing road, street or highway which has less than City standard width shall present a warranty deed to the City for that amount of right of way necessary to comply with the City standards prior to the issuance of the building permit. If complete, these plans do not require professional assistance. (Ord. No. 1991-6 Art II §1, 6-3-91)

SECTION 400.075:

FARM ANIMALS IN NON-AGRICULTURAL ZONES

The regulations of this section are established to permit the keeping of farm animals by households in nonagricultural zones in a manner that prevents nuisances to persons in the vicinity and prevents conditions that are unsanitary or unsafe. Households contemplating such use should first consult any recorded covenants, conditions or restrictions attached to the subject property that may prohibit the keeping of farm animals.

- A. **Prohibited: Unlawful for owner to allow - impoundment authorized**
1. Unlawful to keep any animal other than dogs, cats and other city approved household domestic animals and those specifically allowed below in all non-agricultural zoning districts within the city of Windsor.

2. Unlawful to allow animals to run at large. It shall be unlawful for the owner or any person responsible for any animal, fowl or reptile, except as otherwise herein provided, to allow such animal, fowl or reptile to run at large or loose upon any of the streets or public places of the city, or upon the land, lot, garden or enclosure of another, to the damage or annoyance of such other person, and any such animal, fowl or reptile running at large or loose upon the streets or public places of the city shall be taken up by the animal control officer and impounded in the city pound, and shall be released to the owner thereof only upon payment to the animal control officer of the prescribed fee.
 3. Unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal that makes noise so as to habitually or regularly disturb the peace and quiet of any person in the vicinity of the premises.
 4. Animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.
 5. Unlawful odor and noise impacts. Odors from animals described above, their manure or other related substances shall not be perceptible at the property boundaries. Perceptible noise from these animals shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity. Animal enclosures and structures shall be regularly cleaned of waste and maintained so as to prevent offensive odors and the attraction of insects and rodents that would constitute a nuisance or health hazard to any person in the vicinity of the premises.
 6. It shall be unlawful for any person to keep farm animals in violation of any provision of this article and, it shall be unlawful for any owner, renter or leaseholder of property to allow farm animals to be kept on the property in violation of the provisions of this article.
- B. Livestock Running at Large Prohibited. It shall be unlawful for any person to permit any of his/her livestock to run at large within the City. (CC 1968 §3-3; Ord. No. 47 §1, 4-14-1884)

(Livestock shall include cattle, horses, mules, goats, sheep, hogs, geese, lamas, emu, ostriches, camels or any other non-domestic beast or fowl but shall not include Rabbits, Turkeys, Ducks and Chickens.)

- C. Rabbits, Turkeys, Ducks and Chickens: the following restrictions shall apply to the keeping of rabbits, turkeys, ducks and chickens, with the exception of roosters, which shall be prohibited from being kept in non-agricultural districts.
1. Number:
 - a). Provided that all other applicable standards herein are met, the maximum number of rabbits, ducks or chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract, only female chickens are allowed (there is no restriction on chicken species), provided also that no more than three (3) turkeys, may be kept by any one household or on any one parcel.
 - b). The keeping of additional animals by any one household or on anyone residential parcel may be conditionally allowed by the Board of Alderman, subject to issuance of a conditional use permit in accordance with this code. In considering such a request, the Planning and Zoning Commission shall consider the size of area, the setbacks from neighboring residences, the demonstration of need for the proposed number of animals and public comments provided

during a hearing. The Planning and Zoning Commission will provide to the Board of Alderman a recommendation of the request.

2. Containment Area Requirement and Standards:

- a). Area and Design. Rabbits, Turkeys, Ducks and Chickens shall be provided access to an outdoor area at least twenty (20) square feet or at least four (4) square feet for each bird, whichever is larger, and adequately fenced or contained to prevent escape of birds or entry by dogs or other predators. Any fencing must conform with this code.
- b). Rabbits, Turkeys, Ducks and Chickens must be kept in an enclosure or fenced area at all times. All animals shall be secured within a cage, henhouse or chicken tractor during non-daylight hours.
- c). Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- d). Cages, henhouses or chicken tractors must provide adequate ventilation with adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
- e). Cages, henhouses or chicken tractors shall be designed to provide safe and healthy living conditions for the animals while minimizing adverse impacts to other residents in the neighborhood.
- f). A cage, henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one (1) inch openings.

3. Material Requirement and Standards:

- a). The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials.
- b). The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouse and chicken tractors shall be well maintained. Enclosed pens shall consist of sturdy wire or wooden fencing. The pen must be covered with wire, aviary netting, or solid roofing.
- c). Height. Freestanding coops or cages shall not exceed eight feet (8ft) in height.
- d). Location and Setbacks. In addition to meeting all applicable building setbacks of the underlying zone, the coops or cages housing such animals or such containment yards shall not be located in a front yard and shall be maintained at a distance of at least ten (10) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business. Enclosures shall only be located to the rear of the dwelling or other main structure.

4. Rabbits, Turkeys, Ducks and Chickens at large. No dog or cat which kills these animals will, for that reason alone, be considered a dangerous or aggressive animal.

D. Alpacas, Llamas, Goats and Sheep: the following restrictions shall apply to the keeping of alpacas, llamas, goats and sheep:

1. Number:

- a). Provided that all other applicable standards herein are met, a household is allowed to keep two alpacas, Llamas, Goats and Sheep per one (1) acre of associated lot area.
- b). Keeping of up to two (2) such animals per one (1) acre of associated lot area by any one household or on any one residential parcel maybe conditionally allowed by the Planning and Zoning Commission, subject to issuance of a conditional use permit in accordance with this code. In considering such a request, the Planning and Zoning Commission shall consider the size of area, the setbacks from neighboring residences, the demonstration of need for the proposed number of animals and public comments provided during a hearing. The Planning and Zoning Commission will provide to the Board of Alderman a recommendation of the request.

2. Containment and Shelter Requirement and Standards:

- a). Area and Design.
 - 1). No two alpacas, llama, goat or sheep shall be kept in any non-agricultural zone unless the animal is contained within an area measuring at least two thousand five hundred (2500) square feet
 - 2). Such containment area shall be bounded by fencing that is appropriately designed and constructed to prevent the animal's escape from the owner's property and which conforms with Section C of this code.
- b). Containment yard location and setback. The containment area containing such animals shall not be located in a front yard and shall be maintained at a distance of at least fifteen feet (15ft) from any property line.
- c). Shelter location and setback: Any structure sheltering or housing any alpaca, llama, goat or sheep shall not be located in a front yard, shall be setback at least thirty feet (30ft) from all property lines and shall be maintained at a distance of at least three hundred feet (300ft) from any residential dwelling other than the dwelling on the same lot. Enclosures shall only be located to the rear of the dwelling or other main structure.

3. Shelter Material Requirement and Standards:

- a). The materials used in making a structure to house alpacas, llamas, goats or sheep shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials.
- b). The use of scrap, waste board, sheet metal, or similar materials is prohibited. Structures shall be well maintained. Enclosed areas shall consist of sturdy wire or wooden fencing. The pen must be covered solid roofing
- c). Height. Freestanding structures shall not exceed twenty-five feet (25ft) in height.

E. Swine: the following restrictions shall apply to the keeping of swine:

1. Number:

- a). Provided that all other applicable standards herein are met, a household is allowed to keep two swine per one (1) acre of associated lot area. Since swine are typically bred for litter sales, no breeding of swine is authorized in any zoning districts within the city of Windsor.
- b). The keeping of additional animals by any one household or on any one residential parcel may be conditionally allowed by the Board of Alderman, subject to issuance of a conditional use permit in accordance with this code. In considering such a request, the Planning and Zoning Commission shall consider the size of area, the setbacks from neighboring residences, the demonstration of need for the proposed number of animals and public comments provided during a hearing. The Planning and Zoning Commission will provide to the Board of Alderman a recommendation of the request.

2. Containment and Shelter Requirement and Standards:

- a). Area and Design.
 - 1). No two swine shall be kept in any non-agricultural zone unless the animal is contained within an area measuring at least five hundred (500) square feet
 - 2). Such containment area shall be bounded by fencing that is appropriately designed and constructed to prevent the animal's escape from the owner's property and which conforms with Section C of this code.
- b). Containment yard location and setback. The containment area containing such animals shall not be located in a front and/or side yard and shall be maintained at a distance of at least fifteen feet (15ft) from any property line.
- c). Shelter location and setback: Any structure sheltering or housing any swine shall not be located in a front yard, shall be setback at least thirty feet (30ft) from all property lines and shall be maintained at a distance of at least three hundred feet (300ft) from any residential dwelling other than the dwelling on the same lot. Enclosures shall only be located to the rear of the dwelling or other main structure.

3. Shelter Material Requirement and Standards:

- a). The materials used in making a structure to house swine shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials.
- b). The use of scrap, waste board, sheet metal, or similar materials is prohibited. Structures shall be well maintained. Enclosed areas shall consist of sturdy wire or wooden fencing. The pen must be covered solid roofing
- c). Height. Freestanding structures shall not exceed ten feet (10ft) in height.

F. Horses and cows: the following restrictions shall apply to the keeping of horses and cows:

1. Number:

- a). Provided that all other applicable standards herein are met, a household is allowed to keep one horse or cow per one (1) acre of associated lot area.
- b). Keeping of up to two (2) such animals per one (1) acre of associated lot area by any one household or on any one residential parcel maybe conditionally allowed by the Planning and Zoning Commission, subject to issuance of a conditional use permit in accordance with this code. In considering such a request, the Planning and Zoning Commission shall consider the size of area, the setbacks from neighboring residences, the demonstration of need for the proposed number of animals and public comments provided during a hearing. The Planning and Zoning Commission will provide to the Board of Alderman a recommendation of the request.

2. Containment Requirement and Standards:

- a). Area and Design.
 - 1). No horse or cow shall be kept in any non-agricultural zone unless the animal is contained within an area measuring at least two thousand five hundred (2500) square feet.
 - 2). Such containment area shall be bounded by fencing that is appropriately designed and constructed to prevent the animal's escape from the owner's property and which conforms with Section C of this code.
- b). Containment yard location and setback. The containment area containing such animals shall not be located in a front yard and shall be maintained at a distance of at least fifteen feet (15ft) from any property line.
- c). Shelter location and setback: Any structure sheltering or housing any horse or cow shall not be located in a front yard, shall be setback at least thirty feet (30ft) from all property lines and shall be maintained at a distance of at least three hundred feet (300ft) from any residential dwelling other than the dwelling on the same lot. Enclosures shall only be located to the rear of the dwelling or other main structure.

3. Shelter Material Requirement and Standards:

- a). The materials used in making a structure to house horses and cows shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials.
- b). The use of scrap, waste board, sheet metal, or similar materials is prohibited. Structures shall be well maintained. Enclosed areas shall consist of sturdy wire or wooden fencing. The pen must be covered solid roofing
- c). Height. Freestanding structures shall not exceed twenty-five feet (25ft) in height.

G. Predators, Rodents, Insects and Parasites. The owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Animals found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an animal control officer.

H. Feed and Water. Animals shall be provided with access to feed and clean water at all times.

- I. Waste Storage and Removal. The owner must provide for the storage and removal of animal waste. All stored waste shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. All containment yards, areas, enclosures, pens and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.
- J. Animal Nuisances and Cruelty Prohibited: Any violation of this article that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions. Complaints of animal nuisance and/or cruelty shall be investigated by the Enforcement Officer, who shall, upon finding a complaint to be in violation of the following requirements, issue a notice of violation and require abatement within forty-eight (48) hours of the notice of violation being received by the property occupant(s).
- K. Slaughtering of Animals. No animal may be slaughtered nor buried on site.
- L. Commercial Activity: The sale of animals and/or animal byproducts is allowed if conducted in conformance with the definition of a Home Occupation provided in the designated sections of the Windsor City code.
- M. Violations and Penalties. It is the discretion of the Mayor whether fines or impoundment actions will take place as a result of findings by the animal control officer or by an Enforcement Officer. Because farm animals require confinement under specific conditions, prescribed impoundment areas and fees are above that which is identified for dogs, cats and other city approved household domestic animals. Steps will be taken to first return an animal to its rightful owner. Impoundment may occur should an owner be unavailable or the offense of the owner is sufficient in the Mayor's judgment that the safety of the animal is at jeopardy and requires immediate action.
 - 1. Each day that a violation of this article continues is a separate offense.
 - 2. Any owner is in violation of this Section 400.075 and subject to pay to the City Collector a prescribed fee as follows:
 - a) Fifty dollars (\$50.00) for the first (1st) offense.
 - b) One Hundred dollars (\$100.00) for the second (2nd) offense.
 - c) Two Hundred and Fifty dollars (\$250.00) for the third (3rd) offense.
 - d) Five Hundred dollars (\$500.00) for the fourth (4th) and subsequent offenses.
- N. Compliance. All residents within the city of Windsor under such zones requiring compliance with this Section must immediately comply with its conditions within a reasonable period of time as described below:
 - 1. Sections above describing Area and Design; Material Requirement and Standards; Odor and noise impacts; Containment and Shelter Requirement and Standards; Feed and Water as well as Waste storage and removal must be complied with within 90 days of approval by the Board of Alderman and their Resolution of enforcement.
 - 2. Sections above describing the number of animals allowed per owner can be met through attrition of animals. Owners who maintain animals described in this section may keep the animals they have on

hand at the approval of the Board of Alderman and their Resolution of enforcement. Owners cannot replace animals that are sold or have died until they have attained the prescribed and allowable animal limits as noted in the above sections.

SECTION 400.080: "R-1", SINGLE-FAMILY RESIDENTIAL DISTRICT

A. *General Description.* This is a residential district intended for single-family development and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive area.

B. *Uses Permitted.*

1. Detached single-family dwellings with no less than eight hundred sixty-four (864) square feet of living area, excluding garages, carports, breezeways, porches and basements. In the case of a residential home for mentally or physically handicapped persons, the exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards and further, the density of such individual homes in any specific single family dwelling neighborhood shall be limited to one (1).
2. Modular homes with not less than eight hundred sixty-four (864) square feet excluding garages, carports, porches, breezeways and basements.
3. Church.
4. Public schools offering general educational courses as given in public schools, having no rooms regularly used for housing and sleeping.
5. Park or playground.
6. Library.
7. Garden or agricultural crops but not for the raising of livestock.
8. Home occupation.
9. *Accessory buildings.* Any building not attached to the main building.
10. Bulletin board or sign display.
11. Temporary buildings of the construction industry shall be removed when construction work is completed.
12. Railroad right of way not including railroad yards.
13. As permitted in Article VI, outdoor advertising signs and structures.

C. *Uses Permitted on Review.* The following uses may be permitted on review in accordance with provisions contained in Article VIII, Section 400.430.

1. Municipal use, public building and public utility.
2. Plant nursery and greenhouse.
3. Golf club and recreation club.
4. Lodge halls, fraternal organizations and veteran's organizations.
5. Child care center in accordance with State regulations.
6. Child nursery and kindergarten.
7. Mortuaries.
8. Mobile homes in accordance with Article VIII.

D. *Height and Area Regulations.* In District "R-1" the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family shall be as follows:

1. *Height.* Buildings or structures shall not exceed thirty-five (35) feet.
2. *Front yard.*
 - a. The minimum depth of the front yard shall be thirty (30) feet.
 - b. If twenty-five percent (25%) or more of the lots on one (1) side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet.
 - c. When a yard has double frontage the front yard requirements shall be provided on both streets.
3. *Side yard.*
 - a. For dwelling located on interior lots there shall be a side yard on each side of the main building of not less than ten percent (10%) of the width of the lot as the building line. For unattached buildings of accessory use there shall be a side yard of not less than three (3) feet from an interior side lot line when all parts of the accessory building are located not less than sixty (60) feet from the front property line. Carports and garages can be even with the front of the house.
 - b. For dwelling and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet. However, this regulation shall not be so interpreted as to reduce the building width of a corner lot in separate ownership on June 3, 1991, to less than thirty-five (35) feet.
 - c. Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwelling shall be setback from all exterior and interior side lot lines a distance of not less than thirty-five (35) feet.

4. *Rear yard.* The depth of the rear yard shall be at least twenty (20) feet. Unattached buildings of accessory shall be three (3) feet from rear property line.
5. *Lot width.* For dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty (30) feet. Corner lots shall have a minimum front width of one hundred (100) feet. Where a platted lot in single ownership on June 3, 1991, has less width than required herein, this regulation will not prohibit the erection of a single-family dwelling.
6. *Intensity of use.*
 - a. Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a lot area of not less than six thousand (6,000) square feet per family; however, if a public or community sewer is not available, the ordinance of the City and laws of the State may require a larger lot area. Where a lot is in separate ownership on May 8, 2012, and can comply with City and State laws mentioned above, this regulation shall not prohibit the erection of a one-family dwelling.
 - b. For churches and main accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V.
- E. *Minimum Dwelling Size.* Each single-family dwelling shall contain a minimum of eight hundred sixty-four (864) square feet of living area.
- F. *Parking Regulations.* See Article V, Off-Street Automobile and Vehicle Parking and Loading.
- G. *Plan Approval.*
 1. *General.* For all uses and structures other than single-family residences and their accessory uses, all plans shall be reviewed by the Planning Commission and approved by the Board of Alderman prior to the issuance of building permits. Preliminary plans submitted shall include a site plan, building floor plan and elevation sketches. Final plans submitted shall include complete working drawings including finished grades. If complete, these plans do not require professional assistance.

Approval or disapproval shall be based upon the following:

- a. The capability of the site to accommodate the building, parking and drives with reasonable open space and safe and easy ingress and egress.
- b. A reasonable degree of harmony will prevail between the architectural quality of the proposed public building or church and the surrounding neighborhood.
- c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V.
(Ord. No. 1991-6 Art II §2, 6-3-91; Ord. No. 2015-08 Art II §3, 8-13-2015)

SECTION 400.090: "R-2", TWO-FAMILY RESIDENTIAL DISTRICT

- A. *General Description.* A residential district intended for two-family development and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive area.
- B. *Uses Permitted.*
 - 1. Two-family dwelling.
 - 2. Any uses permitted in "R-1", Single-Family Residential District.
 - 3. Accessory buildings and uses customary incidental to any of the above uses when located on the same lot.
- C. *Uses Permitted on Review.* The following uses may be permitted on review in accordance with provisions contained in Article VIII, Section 400.430: Any uses permitted on review in "R-1", Single-Family Residential District.
- D. *Height and Area Regulations.* Same as "R-1", Single-Family Residential District.
- E. *Minimum Dwelling Size.* Each dwelling unit shall contain at least six hundred fifty (650) square feet of living area. Each detached single-family dwelling shall contain a minimum of eight hundred sixty-four (864) square feet of living area.
- F. *Parking Regulations.* See Article V, Off-Street Automobile and Vehicle Parking and Loading.
- G. *Plan Approval.* Same as "R-1", Single-Family Residential District.
(Ord. No. 1991-6 Art II §3, 6-3-91)

SECTION 400.100: "R-3", MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- A. *General Description.* This is a residential district to provide for multiple-family developments not to exceed twelve (12) dwelling units per net acre. The principle use of the land is for one and two-family dwellings, town house and garden apartments. Recreational, religious, and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas.
- B. *Uses Permitted.* Property and buildings in an "R-3", Medium Density Multiple-Family Residential District, shall be used only for the following purposes:
 - 1. Any use permitted in an "R-2", Two-Family Residential District.
 - 2. Garden apartment.
 - 3. Town house.
 - 4. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

- C. *Uses Permitted on Review.* The following uses may be permitted on review in accordance with provisions contained in Article VIII, Section 400.430. Any use permitted on review in an "R-2", Two-Family Residential District.
- D. *Height and Area Regulations.* In District "R-3", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family shall be as follows:
1. *Height.* Buildings or structures shall not exceed forty-five (45) feet, and shall not exceed three (3) stories in height.
 2. *Front yard.*
 - a. The minimum depth of the front yard shall be thirty (30) feet.
 - b. If forty percent (40%) or more of the lots on one (1) side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than thirty (30) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than thirty-five (35) feet.
 - c. When a yard has double frontage the front yard requirements shall be provided on both streets.
 3. *Side yard.*
 - a. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than ten percent (10%) of the width of the lot at the building line provided that such side yard shall not be required to be more than fifteen (15) feet. For unattached buildings of accessory use there shall be a side yard of not less than three (3) feet from the rear lot line.
 - b. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet. The interior side yard shall be the same as for dwellings and accessory buildings as for an interior lot.
 - c. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall setback from all exterior and interior side lot lines a distance of not less than thirty (30) feet.
 4. *Rear yard.* The depth of the rear yard shall be at least thirty (30) feet.
 5. *Lot width.*
 - a. For single-family and two-family dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty (30) feet. Corner lots shall have a minimum front width of seventy-five (75) feet. Where a platted lot in a single ownership on May 8, 2012, has less width than required herein, this regulation will not prohibit the erection of a single-family

dwelling.

- b. For town house dwellings there shall be a minimum lot width of twenty-two (22) feet at the front building line, and the front lot line shall abut a street for a distance of not less than twenty-two (22) feet.
- c. For multiple-family dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line and the width shall be increased by ten (10) feet for each additional dwelling unit exceeding three (3) which is located in the dwelling; however, the lot width at the front building line shall not be required to exceed one hundred fifty (150) feet; and further provided that the front lot line shall abut a street for a distance of not less than fifty (50) feet.

6. *Intensity of use.*

- a. For a three-family dwelling and accessory building, there shall be a lot area of not less than nine thousand (9,000) square feet.
- b. For each town house dwelling unit and accessory building, there shall be a lot area of not less than three thousand five hundred (3,500) square feet.
- c. For multiple-family dwellings with more than three (3) dwelling units, there shall be provided a lot area of not less than nine thousand (9,000) square feet and an additional three thousand (3,000) square feet shall be added for each dwelling unit, more than three (3), which is located in the building.
- d. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking area required in Article V.

7. *Coverage.* Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

E. *Minimum Dwelling Size.* Each dwelling unit shall contain a minimum of six hundred fifty (650) square feet of living area, provided however, that a detached single-family dwelling unit shall contain a minimum of eight hundred sixty-four (864) square feet of living area.
(Ord. No. 1991-6 Art II §4, 6-3-91)

F. *Plan Approval.* Same as "R-1", Single-Family Residential District.
(Ord. No. 1991-6 Art II §3, 6-3-91; Ord. No. 2015-08 Art II §4, 8-13-2015)

SECTION 400.110: "C-1", NEIGHBORHOOD COMMERCIAL DISTRICT

A. *General Description.* This Commercial District is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of the adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for light, air, open space, and off-street parking, are made than are provided in other commercial districts.

B. *Uses Permitted.* Property and buildings in a "C-1", Neighborhood District shall be used for the following purposes:

1. Any use permitted in "R-1", Single-Family Residential District.
 2. Name plate and sign relating only to the use of the store and premises or to products sold on the premises. Lighted signs of flashing or intermittent type shall be permitted unless it becomes a public nuisance with three (3) complaints.
 3. Materials or goods offered for sale or stored in connection with the uses enumerated above can be displayed or stored outside of a building as long as it does not become a public nuisance.
 4. Retail stores and shops which supply the regular needs of the residents of the neighborhood and which are primarily for their convenience.
- C. *Uses Permitted on Review.* The following uses may be permitted on review in accordance with provisions contained in Article VIII, Section 400.430: Any use permitted in adjoining districts.
- D. *Height and Area Regulations.*
1. In District "C-1", the height of buildings and the minimum dimensions of lots and yards shall be the same as "R-3", Medium Density Multiple-Family Residential District.
 2. *Intensity of uses.* Buildings shall not cover more than thirty percent (30%) of site on which the development is located.
- E. *Parking Regulations.* See Article V, Off-Street Automobile and Vehicle Parking and Loading. (Ord. No. 1991-6 Art II §5, 6-3-91)
- F. *Plan Approval.* Same as "R-1", Single-Family Residential District. (Ord. No. 1991-6 Art II §3, 6-3-91; Ord. No. 2015-08 Art II §4, 8-13-2015)

SECTION 400.120: "C-2", CENTRAL COMMERCIAL BUSINESS DISTRICT

- A. *General Description.* This commercial district is intended for the Central Commercial Business District as an area for the conduct of personal and business services and the general retail business of the community.
- B. *Uses Permitted.* Property and buildings in a "C-2", Central Commercial Business District shall be used for, but not limited to, the following purposes:
1. Any use permitted in a "C-1", Neighborhood Commercial District.
 2. Any of the following uses:
 - a. Armories, assembly halls.
 - b. Automobile parking lots.
 - c. Automobile sales rooms and used car lots including repair facilities.
 - d. Bakeries.

- e. Banks and savings and loan establishments with drive-up facilities.
- f. Bicycle repair shop, electric appliance and "fix-it" shops.
- g. Bus passenger stations.
- h. Drive-in restaurants, ice cream shops, refreshment stands, etc. where persons are served in automobiles.
- i. Dry cleaning establishments and laundries.
- j. Electrical appliance sales and repair.
- k. Hospitals for animals if within an enclosed building.
- l. Hotels.
- m. News stands.
- n. Printing and publishing plants, including bookbinding.
- o. Radio and television broadcasting stations and studios, except towers.
- p. Seed stores.
- q. Self-Service Storage Facility
- r. Shop for custom work, or manufacture of articles to be sold at retail only, on the premises, provided that such manufacturing use does not emit any vibrations, noise, etc.
- s. Storage garages for automobiles.
- t. Stores, or shops and markets for retail trades.
- u. Theaters (indoor).
- v. Upholstery shops.
- w. Video game centers.
- x. Accessory uses customarily incident to any of the above uses.

C. *Uses Permitted on Review.* The following uses may be permitted on review in accordance with provisions contained in Article VIII, Section 400.430:

1. Any use permitted in adjoining districts.
2. Shooting galleries, skating rinks, taverns and night clubs, gymnasiums, and similar commercial recreation buildings or activities; provided that no part of such building shall be less than three hundred (300) feet from any existing clinic, hospital, school or church; and shall be not less than three hundred (300) feet from a District "R-1" to "R-3" inclusive.

- D. *Height and Area Regulations.* In District "C-2", the height of buildings, and the minimum dimensions of lots and yards shall be as follows:
1. *Height.* No building or structure shall exceed thirty-five (35) feet and shall not exceed three (3) stories.
 2. *Front yards.* No front yard is required that where a lot in District "C-2" lies within the same block and fronts upon the same street with a portion of a District "R-1" to "C-1" inclusive and no lot with a portion of a District "R-1" to "C-1" inclusive and no lot within said District "C-2" is occupied by a building with a front yard of less depth than required in that portion of a requirement of such adjoining District "R-1" to "C-1" inclusive shall likewise apply to such lot in District "C-2".
 3. *Side yards.* Same as District "C-1", except that on a corner lot no side yard need be provided.
 4. *Rear yards.* No rear yard required.
 5. *Lot width.* No minimum.
 6. *Building Materials.* Front Façade of structure shall incorporate at a minimum, sixty percent (60%) brick and a minimum of twenty percent (20%) shall be transparent (windows and/or doors). (Ord. No. 2018-11 Art II §6, 12-13-18)
- E. *Screening.* No article of material permitted in this District shall be kept, stored, or displayed outside the confines of a building unless it be so screened by fences, walls or planting that it cannot be seen from adjoining or adjacent lots zoned residential when viewed by a person standing on ground level. (Ord. No. 1991-6 Art II §6, 6-3-91)
- F. *Plan Approval.* Same as "R-1", Single-Family Residential District. (Ord. No. 1991-6 Art II §3, 6-3-91; Ord. No. 2015-08 Art II §5, 8-13-2015; Ord. No. 2017-03 Art II §5, 7-20-2017)

SECTION 400.130: "I-1", LIGHT INDUSTRIAL DISTRICT

- A. *General Description.* This Industrial District is intended primarily for production and assembly plants that are conducted so the noise, odor, dust, and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air, or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the heavy industrial districts. Buildings in this District should be architecturally attractive and surrounded by landscaped yards.
- B. *Uses Permitted.* Property and buildings in an "I-1", Light Industrial District, shall be used only for, but not limited to, the following purposes:
1. Any use, except a residential use, permitted in a "C-2", General Commercial District, and including sleeping facilities for caretakers and night watchmen employed on the premises.
 2. Any of the following uses:
 - a. Bottling works.

- b. Book bindery.
 - c. Candy manufacturing.
 - d. Engraving plant.
 - e. Electrical assembly.
 - f. Electronic equipment assembly and manufacture.
 - g. Food products processing and packing.
 - h. Furniture manufacturing.
 - i. Instrument and meter manufacturing.
 - j. Jewelry and watch manufacturing.
 - k. Laboratories, experimental.
 - l. Laundry and cleaning establishments.
 - m. Leather goods fabrication.
 - n. Optical goods manufacturing.
 - o. Paper products manufacturing.
 - p. Seed processing and sales.
 - q. Sporting goods manufacturing.
3. All of the uses permitted under this Section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke or noxious odor or fumes outside the building housing the operation, or produce an increased noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls or fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level.

C. *Height and Area Regulations.* In District "I-1", the height of buildings, and the minimum dimensions of lots and yards shall be as follows:

- 1. *Height.* No building shall exceed forty-five (45) feet.
- 2. *Front yard.* All buildings shall be setback from the street right of way line to provide a front yard having not less than twenty-five (25) feet in depth, except lots on State highways shall provide a front yard of not less than fifty (50) feet.
- 3. *Side yard.* On the side of a lot adjoining a residential district there shall be a side yard of not less than fifteen (15) feet. Wherever the rear lot line of a corner lot abuts a residential district the side

yard adjacent to the street shall be not less than fifteen (15) feet in width. In all other cases no side yard shall be required.

4. *Rear yard.* No rear yard is required except where a commercial building is to be serviced from the rear, there shall be provided an alley way, service court or combination thereof of not less than thirty (30) feet. Where a rear line of a lot in this District abuts land in a residential district or District "C-1", a rear yard not less than fifteen (15) feet shall be required in this District.
 5. *Railroad siding frontage.* No yards shall be required for those portions of lots which front on railroad sidings.
 6. *Lot width.* No minimum.
 7. *Coverage.* Main and accessory buildings and off-street parking and loading facilities shall not cover more than eighty percent (80%) of the lot area. All yard areas required under this Section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.
 8. *Outdoor lighting.* Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.
- D. *Parking Regulations.* See Article V, Off-Street Automobile and Vehicle Parking and Loading. (Ord. No. 1991-6 Art II §7, 6-3-91)
- E. *Plan Approval.* Same as "R-1", Single-Family Residential District. (Ord. No. 1991-6 Art II §3, 6-3-91; Ord. No. 2015-08 Art II §6, 8-13-2015)

SECTION 400.140: "I-2", HEAVY INDUSTRIAL DISTRICT

- A. *General Description.* This Industrial District is intended to provide for heavy industrial uses and uses not otherwise provided for in the other districts established by this Chapter. The intensity of uses permitted in this District makes it desirable that they be located down-wind and separated from residential and commercial uses wherever possible.
- B. *Uses Permitted.* Property and buildings in an "I-2", Heavy Industrial District may be used for, but not limited to, the following:
1. All of the following uses until they have been studied by the Planning and Zoning Commission and have received the express approval of the Board of Aldermen. The Board of Aldermen may require approval of the County Health Department, the State Fire Marshall, and other State and County regulating agencies, and may attach to the approval specific restrictions designed to protect the public welfare.
 - a. Acid manufacture and battery assembly.
 - b. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.

- c. Cement, lime, gypsum or plaster of paris manufacture.
 - d. Explosives manufacture or wholesale storage.
 - e. Gas manufacture.
 - f. Petroleum or its products, refining of.
 - g. Wholesale or bulk storage of gasoline, propane, or butane, or other petroleum products.
 - h. Other similar uses.
2. All residential uses except sleeping facilities required by night watchmen and caretakers employed upon the premises.
 3. All uses not complying with this Chapter, or any other County, State or Federal regulation or law.
 4. Property and buildings in an "I-2", Heavy Industrial District, when used for the following purposes shall have the uses thereon conducted in such a manner that all operation, display, or storage of material or equipment is so screened by ornamental fences, walls, and/or permanent evergreen planting that it cannot be seen from a public street.
 - a. Automobile salvage or junk yard.
 - b. Building materials salvage yard.
 - c. Junk or salvage yard of any kind.
 - d. Scrap metal storage yard.

C. *Height and Area Regulations.* In District "I-2", the height of buildings, and the minimum dimensions of lots and yards shall be as follows:

1. *Height.* Where a lot adjoins a dwelling district, the building shall not exceed forty-five (45) feet in height, unless it is setback one (1) foot from all front and side yard lines for each foot of additional height above forty-five (45) feet.
2. *Front yard.* All buildings shall setback from the street right of way line to provide a front yard having not less than thirty-five (35) feet in depth.
3. *Side yard.* No building shall be located closer than twenty-five (25) feet from a side lot line.
4. *Rear yard.* Where a building is to be served from the rear, there shall be provided an alley way, service court, rear yard, or combination thereof of not less than thirty (30) feet in width or of an adequate area and width to provide for maneuver of service vehicles, whichever is greater. In all other cases, no building shall be located closer than twenty-five (25) feet to the rear lot line.
5. *Lot width.* No minimum.
6. *Coverage.* Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article V.

7. *Outdoor lighting.* Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.
- D. *Parking Regulations.* See Article V, Off-Street Automobile and Vehicle Parking and Loading. (Ord. No. 1991-6 Art II §8, 6-3-91)
- E. *Plan Approval.* Same as “R-1”, Single-Family Residential District. (Ord. No. 1991-6 Art II §3, 6-3-91; Ord. No. 2015-08 Art II §7, 8-13-2015)

ARTICLE III. ADDITIONAL DISTRICT PROVISIONS

SECTION 400.150: CONDITION OF A MORE RESTRICTED DISTRICT APPLIED TO RESIDENTIAL USES

Whenever the specific district regulations pertaining to one (1) district permit residential uses of a more restricted district, such residential uses shall be subject to the conditions as set forth in the regulations of the more restricted district unless otherwise specified. (Ord. No. 1991-6 Art III §1, 6-3-91)

SECTION 400.160: HEIGHT

The regulations herein set forth qualify or supplement as the case may be, the specific district regulations appearing in Article II herein.

Parapet Walls and False Mansards. Parapet walls and false mansards shall not extend more than six (6) feet above the height limit. Flag poles, chimneys, cooling towers, elevator bulkheads, penthouses, finials, tanks, grain elevators, stacks, storage towers, radio transmitter towers, ornamental towers, monuments, cupolas, domes, spires, standpipes, and the necessary mechanical appurtenances may be erected as to height in accordance with existing or hereafter enacted laws affecting the same. (Ord. No. 1991-6 Art III §2, 6-3-91)

SECTION 400.170: OPEN SPACE

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article II herein.

1. *Street right of way width.* Where the dedicated street right of way is less than fifty (50) feet, the depth of the front yard shall be measured at a starting point twenty-five (25) feet from the center line of the street easement, except that the depth of the front yard shall be measured from a starting point on the future right of way line for all collector streets and thoroughfares designated in the City of Windsor Comprehensive Plan.

2. *Street access for dwellings.* No dwelling shall be erected on a lot which does not abut on at least one (1) public street except in Planned Unit Developments. A street shall form the direct and primary means of ingress and egress for all dwellings units. Alleys, where they exist, shall form only a secondary means of ingress and egress.
3. *Sight lines at intersections.* On any corner lot on which a front and side yard is required, no wall, fence, sign, or structure, or any plant growth which obstructs sight lines at elevations between two (2) and six (6) feet above the crown of the adjacent roadway shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection.
4. *Yard exceptions.*
 - a. *Front yard.* In District "R-1", "R-2", and "R-3", where lots comprising forty percent(40%) or more of the frontage on the same side of a street between two (2) intersecting streets are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, except that where a recorded plat has been filed showing a setback line which otherwise complies with the requirements of this Chapter, yet is less than the established setback for the block as provided above, such recorded setback line shall apply.
 - b. *Rear yards.* No rear yard shall be required in District "C-1" to "C-2" inclusive on any lot used for business or industrial purpose, where the rear line of which adjoins a railway right of way or which has a rear railway track connection.

In computation of the depth of a rear yard for any residential building where such yard abuts an alley, one-half (½) of such alley may be assumed to be a portion of the rear yard. (Ord. No. 1991-6 Art III §3, 6-3-91)

SECTION 400.175: MOBILE HOME WITHIN CITY LIMITS

- A. All Mobile Homes must be placed in a “*Mobile Home Park*”.
- B. Any mobile home located in a district other than a Mobile Home Park district from and after the effective date of this Chapter shall be considered as a non-conforming use of the land under the provisions of this chapter; provided however, that the placement of a mobile home with a newer or improved model mobile home by the owner of the existing mobile home under the provisions of the special use regulations of this chapter shall not be considered such a change so as to alter the pre-existing non-conforming use. (Ord. No. 2015-08 Art III §4, 8-13-15)

SECTION 400.180: MOBILE HOME PARK REGULATIONS

- A. *Mobile Home Parks.* Mobile home parks are permitted upon review in Districts "R-2" through "R-3" in accordance with the provisions contained in this Section.
 1. A mobile home may be permitted elsewhere in the City by the Board of Aldermen for the purpose of providing temporary housing following a disaster, such as fire, windstorm or flood provided

such mobile home is removed from its location within six (6) months of its original placements.

2. One (1) or more mobile homes may be used as temporary office or other non-residential structure on the site of a construction project, provided such structure is removed upon completion of the project.

B. *Standards and Regulations.* The following standards and regulations shall apply to all mobile home parks:

1. The minimum area for a mobile home park shall be two (2) acres.
2. The density may not exceed five (5) units per gross acre.
3. Sanitary sewers, storm sewers and water supply must be provided in conformance with City standards and specifications.
4. Construction shall be subject to approval of the Director of Public Works or his authorized agent prior to connection with the General Sewer System.
5. No use shall be made of sewer system, unless and until the same shall be connected to an approved sewage disposal system.
6. All streets and sidewalks within the street right of way shall be dedicated to the City of Windsor, Missouri. The streets and sidewalks shall be built to City specifications.
7. Utility supply and hookups shall be made available to each mobile home. A mobile home shall not be located closer to an electrical pedestal than dictated by the local power company.
8. Underground served street lighting shall be provided by the developer on all public streets and all play or recreational areas.
9. *Landscaping and screening.* A landscaping area of not less than five (5) feet wide shall be provided adjacent to all property lines forming the boundary of a mobile home park. Landscaping may include a chain-link fence or other fence approved by the Planning Commission and/or continuous planting of either hedge, shrubbery or trees, or a combination of planting to fill the required five (5) foot area. The screening strip shall not be located within a mobile home site.
10. *Parking.* Two (2) off-street parking spaces shall be provided on adjacent to each mobile home lot. In addition, a common parking area shall be provided at the rate of one (1) space for each four (4) mobile home sites for parking of boats, trailers, etc. Each parking space shall be minimum of nine (9) feet by twenty (20) feet.

C. *Environmental, Open Space and Park Requirements.*

1. Each mobile home pad shall provide anchorage or tie-down to prevent uplift and overturn of the mobile home.
2. Each mobile home shall be skirted by enclosing the open area under the unit, within ninety (90) days after placement in the park.
3. *Front yard requirements.* The front yard requirements shall be determined by the Planning

Commission and, when approved by same, shall become a part of the final plat.

4. *Open space.* Not less than fifteen (15) feet of open space shall be provided between mobile homes.
5. *Corner lot requirements.* There shall be a minimum of thirty-six (36) feet of open space between a mobile home and the back curb of any street adjacent to a corner lot.
6. *Accessory storage building.* One (1) detached accessory storage building may be located on a mobile home site, provided it is located a minimum of twenty (20) feet from a street and not located forward of the mobile home.
7. *Additions to mobile homes.* Additions attached to mobile homes shall be subject to the review of the Director of Public Works. A building permit shall be required for any alteration or addition to a mobile home.

D. *General Park Requirements.*

1. *Permitted uses.*
 - a. Each mobile home shall only be used for a single-family unit.
 - b. Mobile home parks may have maintenance and office facilities incidental to the management of the park and such recreational facilities which are incidental to park residents only.
2. *Site location requirements.* Direct vehicular access to each mobile home park shall be provided by means of an abutting improved public street having a right of way of not less than fifty (50) feet.
3. *Height.* Office, recreational and service buildings shall not exceed two (2) stories nor more than twenty-five (25) feet in height.
4. *Utilities.* In the mobile home park, underground utility installations shall be provided.
5. *Facilities.* In the mobile home park, the following minimum facilities shall be provided: All areas not covered by buildings or paved areas shall be landscaped and such landscaping shall be continuously maintained.
6. *Outside storage on mobile home lots.* All outside storage shall be prohibited in mobile home parks except for vehicular parking, miscellaneous items within approved storage units or beneath skirted mobile homes.

E. *Application Procedure for Approval of a Mobile Home Park.*

1. An application for approval of a mobile home park shall be submitted and reviewed in accordance with the provisions contained in Article VIII, Section 400.430.
2. An application for approval to construct, alter, or enlarge a mobile home park shall be accompanied by a plan for the park drawn to a scale of not less than 1 inch = 100 feet, nor more than 1 inch = 50 feet. The plan shall show the following:
 - a. Existing topography showing two (2) foot contour intervals.

- b. Proposed street and drive pattern.
- c. Proposed mobile home spaces and their approximate dimensions.
- d. Any existing streets in or abutting the property.
- e. Location and size of parking spaces.
- f. Location and size of park and playground area.
- g. Screening and landscaping.
- h. Legal description of the tract.
- i. Name of the landowner, developer and the firm preparing the plan.
- j. North point, scale and date.
(Ord. No. 1991-6 Art III §4, 6-3-91; Ord. No. 2015-08, 8-13-2015)

SECTION 400.185: PORTABLE STORAGE CONTAINERS

- A. No Portable Storage Container shall be permitted in any zoned district of the City that is inconsistent with this Section.
- B. Portable Storage Containers may be permitted within City Limits subject to the following requirements:
 - 1. A Portable Storage Container shall not be considered to be an “Accessory Building” under Chapter 400.
 - 2. Notwithstanding the provisions set forth in subsection (A) of this section, the temporary placement of portable Storage Containers in any zoned district, for the limited purpose of temporary storage to accommodate a move, a remodeling project, or the clean-up of a casualty loss, shall be permitted for a period of time not exceeding thirty (30) days in any one calendar year unless used in conjunction with a valid City Building Permit.
 - 3. Notwithstanding the provisions set forth in subsection (A) of this section, licensed and bonded contractors may use Portable Storage Containers for the temporary location of an office, the temporary storage of equipment, and/or materials during construction which is taking place on the property where the Container is located, when used in conjunction with a valid City Building Permit.
 - 4. Notwithstanding the provisions set forth in subsection (A) of this section, a variance may be requested within an Industrial Zoned District, for placement of portable Storage Containers, through the Planning & Zoning Commission and the Board of Alderman.
- C. *Portable Storage Containers Standards and Regulations.* The following standards and regulations shall apply to On-Site Containers:

1. A building permit is required prior to placement of a Portable Storage Container larger than 200 square feet in area that is otherwise allowed under this Ordinance. The proposed Portable Storage Container must be accessory to the permitted use of the property, and shall meet the setback requirements of the underlying zone.
 2. Portable Storage Containers shall not be stacked above the height of a single container.
 3. Portable Storage Containers shall not be used for any advertising purpose and shall be kept free of all alpha-numeric signage and writing.
 4. All Portable Storage Containers shall be in a condition free from rust, peeling paint and other forms of deterioration.
 5. As a condition of placement, Portable Storage Containers may be required to be fenced or screened from abutting properties and/or rights-of-way pursuant to the provisions of the underlying zoning regulations.
 6. Portable Storage Containers shall not occupy required off-street parking, loading or landscaping areas.
 7. Materials stored within Portable Storage Containers are subject to inspection and approval by local and state fire officials.
- D. *Portable Storage Container Permit.* Portable Storage Containers shall be allowed only upon the issuance of a permit obtained through City Hall. Permit requirements are as follows:
1. The fee for a Portable Storage Container permit shall be ten dollars (\$10.00).
 2. No permit fee will be charged for a Portable Container if it is being used in conjunction with a valid City Building Permit.
 3. Portable Storage Containers are allowed for a period not to exceed 30 consecutive days in a 6-month period unless being used in conjunction with a valid City Building Permit.
 4. When Portable Storage Containers are used in conjunction with a valid City Building Permit they must be removed immediately upon the expiration of the Building Permit.
 5. Permits for containers shall be displayed on the outside of the container in plain view from the nearest street.

SECTION 400.190: CHILD CARE CENTER

Child care centers authorized under uses permitted on review in residential districts shall meet the following provisions:

1. The center shall be located in a single-family dwelling or a building which coincides with surrounding structures.
2. The dwelling shall meet City, County, and State Health Department requirements as to safety,

design, facilities and equipment and other features.

3. The dwelling, if in District "A" or "R-1" shall be located on a lot having not less than ten thousand (10,000) square feet of area, and in District "R-2" through "R-3" on a lot having not less than nine thousand (9,000) square feet of area. All portions of said lot used for outdoor play space shall be fenced with non-climbable fence not less than forty-two (42) inches in height.
4. The center shall be operated in a manner that will not adversely affect other properties and uses in the area.
5. The center shall be located in a single-family dwelling or a building compatible with surrounding structures. "Compatibility" for purpose of this Chapter means the exterior appearance of the facility and property shall be in reasonable conformance with the general standards in the area. (Ord. No. 1991-6 Art III §5, 6-3-91)

SECTION 400.200: SWIMMING POOLS

Private swimming pools may be constructed as an accessory use, in conformity with the ordinance of the City of Windsor, provided however, that a swimming pool shall not be constructed in front of the front building line and no portion of the pool, equipment, or other facilities related thereto, shall be located closer than eight (8) feet to the side or rear lot line. Swimming pools with a side wall over 18" in height shall be completely enclosed with a protective fence, a minimum of forty-two (42) inches in height. Swimming pools under 18" in height don't require a fence. If gates are installed they shall be equipped with locking devices. (Ord. No. 1991-6 Art III §6, 6-3-91; Ord. No. 2012-01, 3-13-2012)

SECTION 400.210: STORAGE OF LIQUEFIED PETROLEUM GASES

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the ordinances of the City of Windsor, Missouri. (Ord. No. 1991-6 Art III §7, 6-3-91)

SECTION 400.220: FLOOD PLAIN

In any flood hazard area designated under the National Flood Insurance Act of 1968, no building or land use permit shall be issued contrary to Federal requirements related to new construction, substantial improvements, and/or grading and filling in such areas. (Ord. No. 1991-6 Art III §8, 6-3-91)

Cross Reference—As to flood regulations, see ch. 410.

ARTICLE IV. PLANNED UNIT DEVELOPMENTS

SECTION 400.230: PURPOSE

- A. It is the intent of this Section to provide for integrated developments having harmony of design and variety of function. It is not intended to permit a greater density of uses different from those set forth in the regulations or the district in which the development is located, but this Article is to provide for a greater flexibility in the design of buildings, yards, courts, and circulation, than would otherwise be

possible through the strict application of district regulations, and to produce:

1. A maximum choice in the type of environment and living units available to the public.
 2. Open space and recreation areas.
 3. A pattern of development which preserves trees, outstanding natural topography, and geological features, and prevents soil erosion.
 4. A creative approach to the use of land and related physical development.
 5. An efficient use of land resulting in smaller networks of utilities and streets and thereby lowering housing costs.
 6. An environment of stable character in harmony with surrounding development.
 7. A more desirable environment than would be possible through the strict application of other Sections of this Chapter.
- B. The Planned Unit Development section is designed to provide for small and large scale developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such developments may consist of individual lots or condominiums with common building sites. Common land must be an essential and major element of the plan which is related to and effects the long-term value of the homes and other development. A planned unit shall be a separate entity with a distinct character in harmony with surrounding development.
(Ord. No. 1991-6 Art IV §1, 6-3-91)

SECTION 400.240: PLANNED UNIT DEVELOPMENT AUTHORITY

A Planned Unit Development may be authorized, provided that all of the following provisions are complied with:

1. *Location.* A Planned Unit Development shall be permitted in any district.
2. *Design characteristics.* The proposed Planned Unit Development shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the district in which the unit is located. The design may provide for modification of yard, setback and height requirements, but the uses, density, and intensity of use for the district shall not be reduced. Where the proposed Planning Unit Development is in a district permitting residential uses, the design may provide for one (1) or more dwelling types.
3. *Minimum site size.* The minimum recommended size of the site upon which a Planned Unit Development shall be located shall not be less than five (5) acres for residential developments, forty (40) acres for industrial, educational, medical and other types of institutional developments, and not less than three (3) acres for commercial development. The Windsor City Planning Commission may vary said minimum site size where such an alteration is in the best interest of the community, and where the public health, safety and welfare will be preserved.
4. *Off-street parking.* The off-street parking requirements set forth in Article V may be complied with by providing one (1) or more permanent, common, off-street parking facilities for all uses within the development, provided that the facility contains the requisite number of spaces for each

use, and that the spaces provided for permanent residents shall be clearly designated and separated from spaces used by transients and the total number of spaces provided shall not be less than the sum of individual requirements and the spaces required for each use, and shall be under the permanent control of the owners of the use for which the spaces are required.

5. *Site development plan.* The applicant shall submit a Site Development Plan of the proposed Planned Unit Development in support of the application. Said plan and application shall be considered the same as a re-zoning request and the same procedures shall be followed concerning application. Upon such approval, the letters PUD followed by an identifying number shall be affixed to the appropriate part of the City's Official Zoning District Map. The plan may provide for staged development of the project, and if so, it shall be indicated on the plan.
6. *Contents of the Site Development Plan.* The Site Development Plan shall consist of maps and text which contain:
 - a. Name of the Planned Unit Development.
 - b. Name, address and phone number of the applicant.
 - c. Name, address and phone number of land planners, engineers, architects or landscape architects preparing the plans.
 - d. Sufficient surrounding area to demonstrate the relationship of the Planned Unit Development to adjoining uses, both existing and proposed.
 - e. Existing topographic character of the site with no greater than two (2) foot contour intervals based on U.S.G.S. datum.
 - f. Boundary survey showing measurements and legal description.
 - g. Proposed land uses, including public areas and open spaces and the approximate location of buildings and other structures.
 - h. *The density of dwelling units.* Density shall be expressed in number of dwelling units and quantitative area of each identifiable segment of the proposed Planned Unit Development.
 - i. The approximate location of streets, drives, off-street parking and loading areas.
 - j. An explanation of the character of the proposed Planned Unit Development.
 - k. The expected schedule of development.
 - l. Approximate location of parking areas and parking ratio.
 - m. The following plans and diagrams, insofar as the Windsor City Planning Commission finds that the Planned Unit Development creates special problems of traffic parking, landscaping or economic feasibility, may be required.
 - 1) A circulation diagram indicating the proposed movement of vehicles, goods, and Pedestrians within the Planned Unit Development to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or

Insure the safety of this circulation pattern must be shown.

- 2) A landscaping and tree planting plan.
 - 3) An economic feasibility report or market analysis.
- n. Statement of intent to comply with all ordinances of the City of Windsor.
7. *Number of permitted dwelling units.* It is the intent of this Section that the aggregate density and intensity of use within the Planned Unit Development remain the same as that which would be permitted if the area were developed conventionally, but that within the Planned Unit Development the permitted number of dwelling units may be relocated irrespective of use district lines or lot lines. The maximum number of permitted dwelling units within a Planned Unit Development shall be computed as follows:

$$\text{Permitted D.U.'s} = \frac{\text{Residential Area of the P.U.D.}}{\text{minimum land area per D.U. permitted in the applicable use district.}}$$

The residential area for the purposes of the above described computation shall be the gross area of the Planned Unit Development less the lot area or areas designated for any use other than dwellings, quasi-dwellings, residential open space and recreation areas. The minimum land area per dwelling unit for the purposes of the above described computation shall be the least restrictive minimum land area per dwelling unit permitted in the applicable district. If the Planned Unit Development is within two (2) or more use districts, the permitted density shall be the sum of the permitted dwelling units computed separately for the residential area within each district.

8. *Commercial and industrial uses.* Except as provided in Subsection (9) below, commercial and industrial uses in Planned Unit Developments shall be permitted only in areas zoned to permit such use.
9. *Accessory commercial development.* Where located on a site with residential uses, commercial uses may be considered accessory uses customarily incident to the residential uses included within the Planned Unit Development. The aggregate floor area of the commercial facilities shall not exceed fifty (50) square feet per dwelling unit nor a total of thirty thousand (30,000) square feet. Each commercial establishment shall be limited to a maximum of three thousand five hundred (3,500) square feet in floor area. The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the Planned Unit Development, and shall be designed and located in such a manner as to be compatible with the residential use of the Planned Unit Development and adjacent properties.
10. *Height limitation.* Within any Planned Unit Development, the maximum height shall be determined by the Windsor City Planning Commission with due consideration to the district in which the Planned Unit Development is to be located and the spirit of this Chapter.
11. *Perimeter requirements.* In all residential areas, no portion of a building or structure shall be closer than fifteen (15) feet to a perimeter property line of the entire tract or twenty-five (25) feet to a street right of way. In all non-residential areas, no portion of a building or structure shall be closer than twenty-five (25) feet to a perimeter property line of the entire tract.
12. *Final plat required.* A final plat of the Planned Unit Development shall be required.

13. *Homes association.* The developer shall provide for a home's association if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities including streets, drives, service and parking areas, and recreation areas.
14. *Commencement of construction of accessory commercial uses where associated with residential uses.* Where it is the intent of the applicant to combine commercial and residential uses on the same site, as provided in Subsection (9) above, no commercial construction shall commence until at least one-fourth ($\frac{1}{4}$) of the total residential units called for in the site development plan are under construction.
15. *Time limit.* The construction of the Planned Unit Development shall be started within eighteen (18) months of the effective date of approval of the plan by the Windsor City Board of Aldermen. Failure to begin the development of the plan within said eighteen (18) months shall automatically void the development plan and the property covered by the plan shall revert to the same zoning classification which existed immediately preceding the approval in connection therewith. Upon reasonable grounds being shown therefore and when so requested in writing and by personal appearance, the Windsor City Planning Commission may extend the eighteen (18) months for such additional periods as the Windsor City Planning Commission may deem proper under the circumstances.
16. *Amendments.* Minor changes in the final plat of the Planned Unit Development may be authorized by the Windsor City Planning Commission upon a review of the proposed amended subdivision plan, incorporating such changes, so long as substantial compliance is maintained with the site development plan and the purposes and standards of the Planned Unit Development provisions hereof. Changes which would represent a significant departure from the site development plan shall require filing of a new application for Planned Unit Development.
17. *Filing fee.* To defray partially the costs of notification and administration procedures, there shall be paid to the City Clerk at the time the Planned Unit Development application is made a fee of five hundred dollars (\$500.00). (Ord. No. 1991-6 Art IV §2, 6-3-91)

ARTICLE V. OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING

Editor's Note—Amd. ord. no. 1991-6 enacted June 13, 1995, repealed art. V of this ch. 400, §§400.250—400.340 and enacted a new art. V as set out herein. Former art. V derived from ord. no. 1991-6 art. V §§1—6, 8—11, 6-3-91.

SECTION 400.250: GENERAL INTENT AND APPLICATION

It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use within the City, except those located in District "C-2", Central Commercial Business District, in the form of private garages, carports or open areas made available exclusively for that purpose. Requirements are intended to be based on the demand created by each use. Such parking spaces shall be located entirely on private property with no portion except the necessary drives extending into any street or other public way. Parking shall be provided in quantities stated in other Sections of this Article. (Amd. Ord. No. 1991-6 Art V §1, 6-13-95)

SECTION 400.260: LOCATION

The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley

widths, of the principal use and shall have direct access to a street or alley except as otherwise provided herein. (Amd. Ord. No. 1991-6 Art V §2, 6-13-95)

SECTION 400.270: JOINT PARKING FACILITIES

Whenever two (2) or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements. Spaces provided for permanent residents of dwellings shall be clearly designated and separated from spaces provided for employees, customers, and service. Spaces provided for multiple-family uses shall have ingress and egress via a private drive. Such spaces shall not require backing out into a public street. (Amd. Ord. No. 1991-6 Art V §3, 6-13-95)

SECTION 400.280: OWNERSHIP OR CONTROL OF LOT

The land upon which the off-street parking lot is located, except in District "C-2", Central Commercial Business District, shall be owned or controlled by the same entity which owns or controls the land on which the principal use is located. (Amd. Ord. No. 1991-6 Art V §4, 6-13-95)

SECTION 400.290: AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED

- A. Off-street parking and loading facilities shall be provided in all Districts except District "C-2", Central Business, in accordance with the following schedule:
1. *Dwelling.* Two (2) parking spaces for each dwelling.
 2. *Boarding or rooming house or hotel.* One (1) parking space for each two (2) guests provided overnight accommodations in a rooming or boarding house and one (1) parking space for each room or unit in a hotel.
 3. *Dormitory.* One (1) space for two (2) residents provided overnight accommodation.
 4. *Hospitals.* One (1) space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus two (2) spaces for each three (3) employees per shift including nurses, plus adequate area for the parking of emergency vehicles.
 5. *Medical or dental clinics or offices.* Seven (7) spaces per doctor plus two (2) spaces for each three (3) employees.
 6. *Mobile home.* Two (2) parking spaces for each unit.
 7. *Convalescent or nursing homes.* One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus two (2) spaces for each four (4) employees including nurses per shift.
 8. *Community center, theater, auditorium.* One (1) parking space for each five (5) seats, based on maximum seating capacity.

9. *Convention hall, lodge, club, library, museum, place of amusement or recreation.* One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
 10. *Office building.* One (1) parking space for each two hundred fifty (250) square feet of gross floor area in the building, exclusive of basement storage area.
 11. *Commercial establishment not otherwise classified.* One (1) parking space for each two hundred (200) square feet of gross space in the building, exclusive of basement storage areas.
 12. *Industrial establishments.* Adequate area to park all employees and customers vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or part of the primary operation of the establishment, but not less than one (1) parking space for each two (2) employees, nor less than one (1) parking space for each one thousand (1,000) square feet of floor area.
 13. *Church sanctuary.* One (1) parking space for each five (5) seats, based on maximum seating capacity; provided however, that churches may establish joint parking facilities for not to exceed fifty percent (50%) of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary.
- B. For all uses not covered in Subsections (A) (1–13) above, the Windsor Planning and Zoning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirements for the permitted use.
- C. Off-street loading berths for non-residential uses shall be provided in accordance with the following:

<i>Size of Establishment</i>	<i>Berths Required No.</i>	<i>Size Ft.</i>
1,000 – 20,000	1	(10x25)
20,000 – 25,000	2	(10x25)
25,000 – 40,000	2	(10x50)
40,000 – 100,000	3	(10x50)
100,000 – 250,000	4	(10x50)

For each additional twenty thousand (20,000) square feet or fraction thereof, one (1) additional berth shall be added at the size of ten by twenty-five (10 x 25) feet. (Amd. Ord. No. 1991-6 Art V §5, 6-13-95)

SECTION 400.300: DIMENSIONS OF PARKING AREAS

Parking stall dimensions shall be not less than eight and one-half by twenty (8½ x 20) feet plus the necessary space for maneuvering into and out of the space. For standard parking lots minimum cross dimensions shall be as follows:

90 degree pattern	Single loaded aisle	-	42 ft. Wheel stop to opposite curb.
90 degree pattern	Double loaded aisle	-	60 ft. Wheel stop to wheel stop.
60 degree pattern	Single loaded aisle	-	40 ft. Wheel stop to opposite curb.
60 degree pattern	Double loaded aisle	-	56 ft. Wheel stop to wheel stop.
45 degree pattern	Single loaded aisle	-	34 ft. Wheel stop to opposite curb.
45 degree pattern	Double loaded aisle	-	47 ft. Wheel stop to wheel stop.
Parallel space 9 x 23 feet each space.			

Minimum distance between wheel stops on bumper to bumper parking shall be seven (7) feet.
(Amd. Ord. No. 1991-6 Art V §6, 6-13-95)

SECTION 400.305: IMPROVEMENT OF PARKING AREAS

All parking areas shall be ready for use upon occupying a building and shall be surfaced with a permanent, bituminous or concrete paving meeting the standards of the City prior to the issuance of an occupancy permit, unless special permission is granted by the Director of Public Works, due to weather conditions not being satisfactory for placing asphaltic materials. If such permission is granted, a performance bond shall be posted with the City to guarantee the completion of this work.
(Amd. Ord. No. 1991-6 Art V §7, 6-13-95)

SECTION 400.310: ACCESS TO PARKING AREA, GARAGES, CARPORTS

Driveways used for ingress and egress shall be paved **and** shall not exceed twenty-five (25) feet in width, exclusive of curb returns. (Amd. Ord. No. 1991-6 Art V §8, 6-13-95)

INSERT-SHALL BE PAVED WITH A PERMANENT GRAVEL OR CONCRETE PAVING MEETING THE STANDARDS OF THE CITY

SECTION 400.320: HEAD-IN PARKING

Head-in parking in all Districts, except District "C-2", Central Business, from the public right-of-way shall not be permitted. (Amd. Ord. No. 1991-6 Art V §9, 6-13-95)

SECTION 400.330: LIGHTING OF PARKING AREAS

Any lights used to illuminate the parking area shall be arranged, located or screened to direct light away from any adjoining or abutting residential district and on-coming traffic on public streets.
(Amd. Ord. No. 1991-6 Art V §10, 6-13-95)

SECTION 400.340: ADDITIONAL PARKING REQUIREMENTS

- A. No parking area or driveway serving one- and two-family dwellings shall be located within two (2) feet of adjoining lot line. Parking areas or customary driveways in the required yards abutting streets shall not exceed thirty-five percent (35%) of the area of those yards for one- and two-family dwellings.
- B. For one- and two-family dwellings parking shall be restricted to customary passenger cars and motor vehicles of less than twenty (20) feet in length and having a chassis rated at one (1) ton or less. Such passenger cars and motor vehicles must be parked on driveways relating to the garage or carport and

paved in accordance with Section 400.305.

- C. In Districts "R-3" to "R-4" inclusive, no parking shall be permitted in the required front yard or within twenty-five (25) feet of a street line.
- D. In Districts "C-0" to "C-5" inclusive, no parking area shall be permitted within ten (10) feet of a street line. Such setback area shall be graded and planted with grass and shrubs or trees to the extent that it will constitute a finished lawn.
- E. All parking lots and drives leading thereto, except those serving single-family and two-family dwellings, shall have curbs and drainage facilities approved by the Director of Public Works. Where greater setback requirements do not prevail, the back of the curb of a paved parking area shall not be closer than six (6) feet to a property line, except that in a planned unit development, the Planning Commission may permit a lesser setback where similar development on an adjoining lot will produce a satisfactory relationship.
- F. No signs shall be permitted on required parking areas except those necessary for the orderly parking thereon, and not more than one (1) sign with maximum area of twenty (20) square feet at each entrance to identify such parking area and present any regulations governing same.
- G. The Planning Commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, screen planting or fence of a height that the Commission deems adequate.
- H. A portion of the parking area required under this Article may remain unimproved until such time as the Board of Aldermen deems it must be improved permitted only after the Commission is satisfied that the initial occupancy of the premises will be adequately served by the lesser number of spaces and only after approval of a final development plan indicating clearly the location, pattern and circulation to and from the delayed parking spaces. The land area so delineated for future parking shall be brought to finished grade, be landscaped and shall not be used for building, storage, and loading or other purposes.
- I. The Planning and Zoning Commission, in specific cases, may require that any screen planting, fence or wall around a parking lot shall be setback from a street if such setback will prevent adverse effects upon the appropriate use of adjacent property, or will prevent a traffic hazard, but provided that such setback need not be greater than the respective front or side yard requirement in that district.
(Amd. Ord. No. 1991-6 Art. V §11, 6-13-95)

ARTICLE VI. NON-CONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

SECTION 400.350: NON-CONFORMING BUILDINGS AND STRUCTURES

- A. A non-conforming building or structure existing on or before May 8, 2012, may be continued and maintained except as otherwise provided in this Section.
- B. *Building Vacancy.* A non-conforming building, structure, or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located. (Ord. No. 1991-6 Art VI §1, 6-3-91)

ARTICLE VII. BOARD OF ADJUSTMENT

SECTION 400.360: BOARD OF ADJUSTMENT CREATED

There is hereby created within and for the City of Windsor a Board of Adjustment with the powers and duties as hereinafter set forth. (Ord. No. 1991-6 Art VII §1, 6-3-91)

SECTION 400.370: MEMBERSHIP

- A. The Board of Adjustment shall be composed of five (5) members, residents of the City of Windsor, each appointed by the Mayor with the approval of the Board of Aldermen for a term of five (5) years; provided however, that the terms of the existing Board of Adjustment, appointed to staggered terms in accordance with the provisions of Chapter 89 RSMo., shall continue. Three (3) alternative members may also be appointed to serve in the absence of or the disqualification of the regular members.
- B. The City Clerk shall be considered a non-voting ex officio member of the Board of Adjustment and shall serve as Secretary of the Board.
- C. Members of the Board of Aldermen, City Planning Commission, the Director of Public Works, City Attorney, City Engineer, or other Municipal officials shall not be appointed to the Board of Adjustment.

Board of Adjustment members, once appointed, can thereafter be removed only for cause, upon written charges, and after a public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose office becomes vacant.

- D. The Board shall elect a Chairman and an Acting Chairman from its membership, who shall serve for a term of office of one (1) year. (Ord. No. 1991-6 Art VII §2, 6-3-91)

SECTION 400.380: PROCEDURE

- A. The Board of Adjustment shall adopt rules of procedure in accordance with the provisions of this Chapter and the State Statutes governing their operation.
- B. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of a witness. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be public record. All testimony, objections thereto and rulings thereon, shall be taken down by the Secretary or a reporter employed by the Board of Adjustment for that purpose.
(Ord. No. 1991-6 Art VII §3, 6-3-91)

SECTION 400.390: POWERS

The Board of Adjustment shall have the following powers:

1. *Powers relative to interpretations.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of Public Works in the interpretation and enforcement of this Chapter.
2. *Powers relative to special exceptions.* To hear and decide, upon appeal, applications for Special Exception to the terms of this Chapter under the following circumstances and conditions:
 - a. To interpret the provisions of this Chapter where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is on file in the City offices.
 - b. To grant exceptions to the off-street parking requirements set forth in Article V when it is determined that the size or shape of the lot to be built on is such that off-street parking provisions could not be complied with and that the proposed use will not create undue traffic congestion in the adjacent streets.
 - c. To grant exceptions to the Minimum Dwelling Size requirements contained in Article II, Sections 400.100(E) where occupancy is limited to elderly or handicapped.
3. *Powers relative to variances.*
 - a. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of this Chapter, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of this Chapter would result in peculiar and exceptional practical difficulties to or exceptional undue hardship upon the owner of such property, the Board of Adjustment is hereby empowered to authorize upon an appeal in specific cases a variance from the terms of this Chapter, as will not be contrary to the public interest, so that the spirit of this Chapter will be observed and substantial justice will be done. The Board of Adjustment may establish such requirements relative to such property as would carry out the purpose and intent of this Chapter. It is specifically provided however, that the Board of Adjustment is not authorized to grant a use variance.
 - b. In exercising the above-mentioned powers the Board of Adjustment may, in conformance with the provisions of this Chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decisions, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, upon a specific finding that:
 - 1) The granting of the variance will not be contrary to the public interest;
 - 2) Literal enforcement of this Chapter will result in unnecessary hardship;
 - 3) By granting a variance contrary to the provisions of this Chapter the spirit of this Chapter will be observed; and
 - 4) By granting the variance, substantial justice will be done.

- c. In terms of this provision the Board of Adjustment shall have all the powers of the office from whom the appeal is taken. In considering all appeals from rulings made under this Chapter, the Board of Adjustment shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, conform, morals and general welfare of the people of the City of Windsor. It is further provided, that in exercising its power to grant Special Exceptions and Variances, the Board of Adjustment may impose any reasonable condition which shall be necessary to protect surrounding property values and to promote the health, safety, morals, and general welfare.
- d. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass or to effect any variation in this Chapter.
- e. Every ruling made upon any appeal to the Board of Adjustment shall be accompanied by a written findings of fact based on the testimony received at the hearing afforded by the Board of Adjustment and shall specify the reason for granting or denying the appeal. (Ord. No. 1991-6 Art VII §4, 6-3-91)

SECTION 400.400: APPEALS

- A. Appeals to the Board of Adjustment may be taken by any person aggrieved or any officer, department, board or bureau of the City of Windsor affected by any decision of the Director of Public Works in the interpretation and enforcement of this Chapter.
- B. Appeals to the Board of Adjustment shall be taken within thirty (30) days from the date of the decision by filing with the Director of Public Works from whom the appeal is taken and with the City Clerk a notice of appeal specifying the grounds thereof, and by paying a filing fee of twenty-five dollars (\$25.00) at the office of the City Clerk at the time the notice is filed. No portion of the filing fee shall be refunded and any expenditures in excess of the twenty-five dollars (\$25.00) incurred by the Board of Adjustment incidental to the processing of the appeal shall be billed to the applicant or petitioner.
- C. The Director of Public Works from whom the appeal is taken shall forthwith transmit to the Board of Adjustment certified copies of all the papers constituting the record of said matter together with a copy of the ruling or order from which the appeal is taken.
- D. An appeal 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 imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board 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.
- E. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

- F. The Board of Adjustment shall not rehear an appeal once decided unless it is shown by the appellant that all pertinent facts of the case were not brought before the Board of Adjustment at the public hearing, and that for some reason he was prevented from presenting such facts; or that the facts of the case have materially changed since the public hearing. (Ord. No. 1991-6 Art VII §5, 6-3-91)

SECTION 400.410: APPEAL TO CIRCUIT COURT

Any person or persons, jointly or separately aggrieved by any decision of the Board of Adjustment, or any officer, department, board or bureau of the City of Windsor, may present to the Circuit Court of the County in which the property affected is located, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment. Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, but shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that the testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his finding of fact and conclusions of law, which shall constitute as part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

(Ord. No. 1991-6 Art VII §6, 6-3-91)

ARTICLE VIII. ADMINISTRATION

SECTION 400.420: BUILDING PERMIT, LAND USE PERMIT, OR CERTIFICATE OF OCCUPANCY REQUIRED

This Chapter shall be enforced by the City Administrator, Director of Public Works, or their authorized representative, appointed by the Mayor. It shall be a violation of this Chapter for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move or improve any building or structure until a building permit, land-use permit, or certificate of occupancy has been obtained under the following conditions:

1. *Building permits.* Whenever any structure or building is to be improved, or erected, moved, or structurally altered, a building permit shall be obtained from City Hall. City Hall may require every application for a building permit to furnish the following information:
 - a. A plot plan, drawn to scale, showing the exact size, shape and dimension of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or the buildings proposed to be repaired,

altered, erected, or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.

- b. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing and proposed building is designed to accommodate.
 - c. Additional information relating to the proposed improvement needed to determine compliance with these regulations.
 - d. A survey prepared by a land surveyor registered in the State of Missouri of the boundaries and elevation of the lot in which the improvement is proposed to be located may be required.
2. *Land use permits.* No open vacant or unimproved land shall be used for any purpose permitted under this Chapter other than agricultural without first obtaining a land use permit from City Hall. Land use permits shall be required for, but not limited to, the following uses:
- a. Parking lots not included in a building permit.
 - b. Used car or auto storage lots.
 - c. Machinery, equipment or materials storage yard.
 - d. Skeet shoots or target ranges.
 - e. Commercial, public or semi-public recreation areas, such as ball parks, golf courses, race tracks, fairs, and similar temporary or permanent uses.
 - f. Refuse dumps or sanitary landfills.
 - g. Picnic groves, fishing lakes.
 - h. Cemeteries.
 - i. Nurseries.
 - j. Dredging, filling, grading or excavation of land within the one hundred (100) year flood plan.
3. *Filing, forms, fees.*
- a. Applications for building, land use or other permits shall be filed with City Hall upon forms prescribed, setting forth the legal description of the lot, tract or parcel of land, together with a general description of any building or structure to be constructed, erected or altered thereon, including the approximate size and shape, square foot area, and cubic contents, principal material of construction, location of the building or structure upon the lot, tract or parcel, and the intended use.
 - b. No permit shall be issued for any building, structure, construction or use of land unless the same be in conformity in every respect with all the provisions of this Chapter and all other applicable ordinances of the City of Windsor.

- c. The City Administrator or Director of Public Works shall be empowered to act within the provisions of this Chapter, upon all applications for building permits, and the same shall be approved or denied not later than the fifth (5th) business day succeeding the day of filing. In the event of the denial of a permit upon application, the applicant shall be notified of the right of appeal to the Board of Adjustment.
- d. For each building permit issued there shall be charged and collected from the applicant, a fee, in accordance with the schedule specified in Title V: Building Code.
- e. The fee for a land use permit shall be fifty dollars (\$50.00) plus one dollar (\$1.00) for each one hundred dollars (\$100.00) of cost of improvements to the property other than buildings or structures for which building permits are issued, provided the cost of grading or grubbing and clearing shall not be included in this fee calculation.
- f. There shall be a separate permit for each building or structure to be constructed, or altered, except accessory buildings, and appurtenances which may be included in the permit of the main building when construction is simultaneous.
- g. A permit may be revoked by the City Administrator or Director of Public Works at any time prior to the completion of the building or structure for which the same was issued, when it shall appear that there is departure from the plans, specifications or conditions as required under the terms of the permit, that the same was procured by false representation, or that any of the provisions of the Zoning Code are being violated. Upon the failure, refusal or neglect of any owner, his agent, contractor or duly authorized representative to secure such permit and pay the prescribed fee therefore, as herein provided, the City Administrator or Director of Public Works may issue a written stop order served upon the owner, his agent or contractor, or upon any person employed upon the building site or structure for which such permit was issued, and thereafter no such construction shall proceed. (Ord. No. 1991-6 Art VIII §1, 6-3-91)
- h. Filing shall be required regardless of who is performing the construction, erecting or alteration thereon. (Ord. No. 2013-34 § 12/10/2013)

SECTION 400.430: PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW

The uses listed under the various Districts herein as "Uses Permitted on Review", are so classified because they more intensely dominate the area in which they are located than do such uses permitted in this District; however, the nature of such uses makes it desirable that they be permitted to locate therein. The following procedure is established to integrate properly the uses permitted on review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure.

1. An application shall be filed by the owner or with the owner's consent with the Windsor City Planning Commission for review. Said application shall show the location and intended use of the site, the names of all the property owners and existing land uses within one hundred eighty-five (185) feet, and any other material pertinent to the request which the Windsor City Planning Commission may require. For each application for a Use Permitted on Review, a fee of one hundred fifty dollars (\$150.00) plus the cost of legal publication shall be paid to the City Clerk.
2. The Windsor City Planning Commission shall hold a public hearing thereon. At least fifteen (15) day's notice of the time and place of such hearing shall be published in an official paper or a

paper of general circulation in the City of Windsor. A sign shall be posted at locations designated by application by City to inform all people in area of proposed change of request that a public hearing is to be held on such date and time.

3. The Windsor City Planning Commission shall within sixty (60) days of the date of application, transmit to the Windsor Board of Aldermen its report as to the effect of such proposed building or use upon character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and the recommendation of the Windsor City Planning Commission concerning use thereon. Thereupon the Windsor City Board of Aldermen may authorize a building permit for the use of land or buildings as requested.
4. The developer shall obtain a building permit in accordance with the requirements and procedure of Section 400.420 of this Chapter, and shall begin construction within one (1) year after the effective date of approval, and shall make a reasonable and continuous progress toward completion. If the development is not under construction within one (1) year after the effective date of approval, the City Planning Commission shall review the status of the development, in conformity with the requirements of this Section, the Windsor City Planning Commission may initiate a hearing to consider the revocation of the approval, after which it may recommend such action to the Board of Aldermen. The City Board of Aldermen, upon receipt of such a recommendation from the Windsor City Planning Commission, may revoke its prior authorization of a building permit for the development. (Ord. No. 1991-6 Art VIII §2, 6-3-91)

SECTION 400.440: AMENDMENTS

- A. Application for amendment, revision or change of the Zoning District Map of Windsor may be made by any person, or his agent, who owns the land sought to be rezoned. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner. Such application shall be made upon forms prescribed by the Planning Commission and duly filed with the Director of Public Works.
- B. Applications for amendment, revision or change of any of the rules, regulations or provisions of the text of the Zoning Code of Windsor other than the Zoning District Map, may be made by any interested person, on forms prescribed by the Planning Commission and duly filed with the Director of Public Works.
 - A. A fee of one hundred fifty dollars (\$150.00) plus publication costs shall accompany each application for an amendment. Immediately upon receipt of such application the Director of Public Works shall note thereon the date of filing and make a permanent record thereof.
- D. All such applications shall be set down for hearing before the Planning Commission not later than the second (2nd) regular monthly meeting of the Commission from the date of filing the same. Any such hearing may, for good cause, at the request of the applicant or in the discretion of the Commission, be continued. Notice of such hearing shall be published in one (1) issue of a newspaper of general circulation within the City of Windsor such notice to be published at least fifteen (15) days prior to date of said hearing before the Commission. In addition to such publication notice, the applicant shall be responsible for mailing notices of such proposed change to all the owners of lands located within one hundred eighty-five (185) feet of the area proposed and an opportunity to be heard shall be given to all interested parties. Such mailed notice shall be given by certified mail, return receipt requested, and shall be in the form of a letter explaining the proposed change.
- E. Upon the final hearing of such application the Commission shall approve or deny the same and a report

of such action, together with a recommendation for final approval or denial shall be made by the Commission to the City Board of Aldermen.

- F. Before acting upon any application for amendment, the City Board of Aldermen shall set a time and place for a hearing thereon, notice of which hearing shall be published at least fifteen (15) days prior to the date of such hearing.
- G. Recommendations for revision, or amendment of this Chapter, including the Zoning District Map, may also be made by the Planning Commission upon its own motion, for final determination by the City Board of Aldermen; likewise, the City Board of Aldermen may revise, modify or amend this Chapter, including the Zoning District Map, upon its own motion, provided however, such proposed changes shall first be submitted to the Planning Commission for recommendation and report. In either case, final action thereon shall be taken only upon notice and hearing, as provided herein.
- H. In case a protest against a revision or amendment is presented, duly signed and acknowledged by the owners of thirty percent (30%) or more either of the 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 revision or amendment shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the City Board of Aldermen. (Ord. No. 1991-6 Art VIII §3, 6-3-91)

SECTION 400.450: CLASSIFICATION OF NEW ANNEXATIONS

- A. All new annexations of land to the City of Windsor after May 8, 2012, of this Chapter shall be classified as an "A-1", Agriculture District, unless otherwise classified by the City Board of Aldermen.
- B. Within a period of time not to exceed one (1) year from the effective date of the ordinance annexing said addition, the City Planning Commission shall study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with the Comprehensive City Plan and upon receipt of such recommendations the City Board of Aldermen shall, after public hearings as required by law, establish the district classification of said annexation; provided however, that this shall not be construed as preventing the City Planning Commission and the City Board of Aldermen from holding public hearings prior to annexation and establishing the district classification at the time of said annexation. (Ord. No. 1991-6 Art VIII §4, 6-3-91)

SECTION 400.460: OFFICIAL ZONING MAP

- A. The boundaries of the zoning districts are hereby established as shown on the Official Zoning Map. This map shall have applied thereon:
 - 1. The date of adoption by the Windsor City Board of Aldermen.
 - 2. The signature of the Mayor and the City Clerk.
- B. The Official Zoning Map for the City of Windsor shall be filed in the office of the City Clerk.
- C. The Official Zoning Map may be amended in accordance with Section 400.440 of this Chapter. (Ord. No. 1991-6 Art VIII §5, 6-3-91)

SECTION 400.470: VIOLATION AND PENALTY

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of Sections 89.010 to 89.140, RSMo., or of this Chapter, the proper local authorities of the Municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by the Director of Public Works who is empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this Chapter.
- B. The owner or general agent of a building or premises where a violation of any provision of this Chapter has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.
- C. Any such person who having been served with an order to remove any such violation shall fail to comply with said order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of this Chapter in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).
(Ord. No. 1991-6 Art VIII §6, 6-3-91)

CHAPTER 405: PLANNING AND ZONING COMMISSION

SECTION 405.010: CREATION—COMPOSITION

A Commission to be known as the City Planning and Zoning Commission is hereby created. The membership of said Commission shall consist of not more than eleven (11) nor less than seven (7) members, including (1) the Mayor, if the Mayor chooses to be a member, and (2) a member of the Board of Aldermen, selected by the Board if the Board chooses to have a member serve on the Commission, and (3) not more than nine (9) nor less than five (5) other citizens of Windsor, who represent insofar as is feasible, different professions, interests or occupations in the City and shall be appointed by the Mayor, by and with the approval of the Board of Aldermen. (Ord. No. 1987-19 §1, 8-10-87; Ord. No. 1999-7 §1, 8-10-99; Ord. No. 2013-23 § 9-10-13)

SECTION 405.020: TERM—REMOVAL OF MEMBER—VACANCY

The term of each of the citizen members of said Commission shall be for four (4) years, except that two (2) members of the first (1st) Commission shall be appointed to serve for the term of one (1) year, two (2) to serve for the term of two (2) years, and two (2) to serve for the term of three (3) years. All members shall hold office until their successors are duly elected and appointed. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing. Any vacancy on the Commission shall be filled for the unexpired term by appointment as aforesaid. (Ord. No. 1987-19 §2, 8-10-87)

SECTION 405.030: POWERS

The Windsor City Planning and Zoning Commission shall have all powers and operate under the same procedures as provided for Planning and Zoning Commissions as set forth in the applicable Sections of Chapter 89 RSMo., 1987, and as amended from time to time. (Ord. No. 1987-19 §3, 8-10-87)

CHAPTER 410: FLOOD REGULATIONS

SECTION 410.010: DEFINITIONS

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

AREAS OF SPECIAL FLOOD HAZARD: The land within a community subject to a one percent (1%) or greater chance of flooding in any given year. This land is identified as Zone "A" on the Official Map.

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

FLOOD: A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.

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

MANUFACTURED HOME: A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

MANUFACTURED HOME PARK (SUBDIVISION): A parcel (or contiguous parcels) of land which has been divided into two (2) or more lots for rent or sale and the placement of manufactured homes.

ONE HUNDRED YEAR FLOOD: The condition of flooding having a one percent (1%) chance of annual occurrence.

REGULATORY FLOOD ELEVATION: The water surface elevation of the one hundred (100) year flood.

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

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition "*substantial improvement*" is considered to occur when the first (1st) alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building, or safety codes or regulations as well as structures listed in National or State Registers of historic places. (Ord. No. 1988-4 §11, 2-8-88)

SECTION 410.020: MAYOR TO ENFORCE THESE PROVISIONS

The Mayor hereby has these added responsibilities and is authorized and directed to enforce all the provisions of this Chapter and all other ordinances of the City of Windsor now in force or hereafter adopted, relating to subdivisions. (Ord. No. 1988-4 §1, 2-8-88)

SECTION 410.030: MAYOR TO SERVE AT PLEASURE OF THE BOARD

The Mayor shall be appointed to these additional responsibilities by resolution of the Board of Aldermen and his/her appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the Mayor, the President of the Board of Aldermen shall perform these duties. (Ord. No. 1988-4 §2, 2-8-88)

SECTION 410.040: FLOOD INSURANCE RATE MAP

The Board of Aldermen of the City of Windsor hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map, and amendments, as the official map to be used in determining those areas of special flood hazard. (Ord. No. 1988-4 §3, 2-8-88)

SECTION 410.050: PERMITS REQUIRED

No person, firm, or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each building or structure.

1. Within Zone(s) "A" on the Official Map, separate Development Permits are required for all new

construction, substantial improvements and other developments, including the placement of manufactured homes.

2. *Application.* To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:
 - a. Identify and describe the work to be covered by the permit for which application is made.
 - b. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
 - c. Indicate the use or occupancy for which the proposed work is intended.
 - d. Be accompanied by plans and specifications for proposed construction.
 - e. Be signed by the permitted or his authorized agent who may be required to submit evidence to indicate such authority.
 - f. Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest floor (including basement or in the case of flood proofed non-residential structures, the elevation to which it has been flood proofed). Documentation or certification of such elevations will be maintained by the Mayor.
 - g. Give such other information as reasonably may be required by the Mayor.
(Ord. No. 1988-4 §4, 2-8-88)

SECTION 410.060: ALL DEVELOPMENT PERMIT APPLICATIONS TO BE REVIEWED

The Mayor shall review all Development Permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State law. (Ord. No. 1988-4 §5, 2-8-88)

SECTION 410.070: PROCEDURE FOR REVIEWING APPLICATIONS

The Mayor, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments (as defined in Section 410.010 of this Chapter) will:

1. Obtain, review, and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State, or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone "A" on the Official Map that the following performance standards be met:
 - a. *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
 - b. *Non-residential construction.* New construction or substantial structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or,

together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the local enforcement official.

- c. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 2) The bottom of all openings shall be no higher than one (1) foot above grade.
 - 3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
2. Require the use of construction materials and utility equipment that are resistant to flood damage.
3. Require the use of construction methods and practices that will minimize flood damage.
4. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
5. New structures to be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - a. Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at the intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.
 - b. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.
 - c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 - d. Any additions to manufactured homes be similarly anchored.

7. Require that all manufactured homes to be placed within Zones "A1-30", "AH", and "AE" on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Subsection (F) hereof. (Ord. No. 1988-4 §6, 2-8-88)

SECTION 410.080: BOARD OF ALDERMEN TO REVIEW SUBDIVISION APPLICATIONS

The Board of Aldermen shall review all subdivision applications and other proposed new developments, including manufactured home parks or subdivisions, and shall make findings of fact and assure that:

1. All such proposed developments are consistent with the need to minimize flood damage.
2. Subdivision proposals and other proposed new development greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone "A".
3. All public utilities and facilities are located so as to minimize or eliminate flood damage. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designated and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Adequate drainage is provided so as to reduce exposure to flood hazards.
(Ord. No. 1988-4 §7, 2-8-88)

SECTION 410.090: WATER AND SEWER SYSTEMS

New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designated to avoid impairment or contamination during flooding. (Ord. No. 1988-4 §8, 2-8-88)

SECTION 410.100: FLOOD-CARRYING CAPACITY OF WATERCOURSE TO BE MAINTAINED

The Board of Aldermen will insure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situation, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973. (Ord. No. 1988-4 §9, 2-8-88)

SECTION 410.110: AMENDMENTS MAY BE MADE

The Board of Aldermen of the City of Windsor may, from time to time, amend this Chapter to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Chapter are in compliance with the National Flood Insurance Program Regulation as published in Title

44 of the Code of Federal Regulations. (Ord. No. 1988-4 §10, 2-8-88; Ord. No. 2012-11 § 5-8-2012)