

# **CHAPTER 405: ZONING REGULATIONS**

## **ARTICLE I. IN GENERAL**

### **SECTION 405.010: TITLE**

This Chapter shall be known, referred to and recited as the "Zoning Ordinance" of the City of De Soto, Missouri. (CC 1988 §29-1; Ord. No. 2788 §1, 10-21-85)

### **SECTION 405.020: INTERPRETATION AND PURPOSE**

- A. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.
- B. Whenever this Chapter requires a greater width or size of yards, courts or other open spaces, requires a lower height of buildings, requires a greater percentage of lot to be left unoccupied or imposes higher standards than are required in any other Statute or local ordinance or regulations, the regulations of this Chapter shall govern. Whenever the provisions of any other Statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, require a lower height of buildings, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations of this Chapter, the provisions of such Statute, local ordinance or regulation shall govern.
- C. It is not intended by this Chapter to interfere with, abrogate or annul any easement, covenants or other agreements between parties, except that if this Chapter imposes a greater restriction, this Chapter shall govern. (CC 1988 §29-2; Ord. No. 2788 §1, 10-21-85)

### **SECTION 405.030: DEFINITIONS**

- A. *Tense And Usage.* For the purposes of this Chapter, the following words and terms shall  
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have the meanings given below, unless a contrary intention clearly appears:

1. Words used in the singular shall include the plural and vice versa.
2. Words used in the present tense shall include the future.
3. The words "*shall*" and "*must*" are mandatory.
4. The word "*building*" includes the words "*structure*" or "*premises*".
5. The term "*used for*" includes the terms "*designed for*" and "*intended for*".
6. Any word not herein defined shall be as defined in any standard English dictionary.

B. *Definitions.* For the purposes of this Chapter, the following words and terms as used are defined to mean the following:

*ACCESSORY BUILDING OR USE:* A detached subordinate building having a use incident to and located on the lot occupied by the main building; or a use incident to the main use of the property.

*AGRICULTURAL PROPERTY:* Any land and easements and real and personal, including, but not limited to, buildings, structures, improvements, equipment and livestock, which is used or is to be used in the City of De Soto by residents for:

1. The operation of a farm or ranch;
2. Planting, cultivating or harvesting cereals, natural fibers, fruits, vegetables or trees;
3. Grazing, feeding or the care of livestock, poultry or fish;
4. Dairy production;
5. Storing, transporting or processing farm and ranch products including, without limitation, facilities such as grain elevators, cotton gins, shipping heads, livestock pens, warehouses, wharfs, docks, creameries or feed plants.

*ALLEY:* A public or private thoroughfare which provides only a secondary means of access to abutting property.

*APARTMENT:* A building or portion thereof designed to house a family.

*AREAS OF SPECIAL FLOOD HAZARD:* The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

*AUTOMOBILE SERVICE STATION:* Any land or building used for the sale at retail of motor vehicle fuels, oils or accessories or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies or fenders of motor vehicles or painting motor vehicles, public garages or trailers.

*BASEMENT:* A story having part but not more than one-half (½) of its height below grade. A "*basement*" is not counted as a story for the purpose of height regulation unless it is subdivided and used for multi-family dwelling purposes other than by a janitor employed on the premises.

*BLOCK:* A parcel of land entirely surrounded by public highways or streets, other than alleys.

*BOARD:* The Board of Adjustment of the City of De Soto, Missouri.

*BOARDING HOUSE OR LODGING HOUSE:* A building occupied as a single housekeeping unit where lodging and/or meals are provided for three (3) or more persons for compensation, pursuant to previous arrangements; but not for the public or transients.

*BUILDING:* Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

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**BUILDING, HEIGHT OF:** The vertical distance measured from the highest of the following three (3) elevations:

1. From the street curb elevation.
2. From the established or average street elevation if the curb has not been established.
3. From the average finished ground elevation of the portion of the lot adjoining and within ten (10) feet of the building where it sits back from the street line ten (10) feet or more; to the elevation of the highest point of the roof beams of flat roofs or roofs inclining not more than one (1) inch to the foot, and to the average elevation of top of the main plate and highest ridge for other roofs.

**CELLAR:** That part of the building having more than one-half (½) of its height below the average grade of the adjoining ground.

**CITY:** The City of De Soto, Missouri.

**CLINIC:** A building used solely as a place for the treatment and diagnosis of outpatients.

**CLUB:** An organized group of people not open to or intended for or controlled by the public or for the use of the public.

**COMMISSION:** The Planning and Zoning Commission of the City of De Soto, Missouri.

**CONDITIONAL USE:** A use allowed in a zoning district after a permit is granted by the Planning and Zoning Commission.

**CONDOMINIUM:** A building having individual ownership of the area inside the walls of a multi-unit structure and joint ownership and maintenance of all other common ground.

**COUNCIL:** The City Council of De Soto, Missouri.

**CURB LEVEL:** The average elevation of the curb in front of the lot or along any abutting street where the median curb elevation is the height.

**DAY CARE CENTER OR HOME:** A group program providing care for four (4) or more children for compensation.

**DEVELOPMENT:** Any manmade change to all real estate including, but not limited to, building, mining, dredging, filling, grading, paving, excavating or drilling operations.

**DISTRICT:** A section of the City for which the zoning regulations of this Chapter are uniform.

**DRIVE-IN:** Any establishment for which business is transacted, services rendered or goods sold while the customer remains in a vehicle including, but not limited to, drive-in banks, cleaners, restaurants and theatres.

**DRIVEWAY:** An area established or used for ingress and egress of vehicles from a street or thoroughfare to any point on private property.

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

**DWELLING, MULTIPLE:** A building containing three (3) or more dwelling units.

**DWELLING, SINGLE-FAMILY:** A building containing one (1) dwelling unit.

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*DWELLING, TWO-FAMILY OR DUPLEX:* A building containing two (2) dwelling units.

*DWELLING UNIT:* A building or portion thereof designed to house a family.

*FAMILY:* A group of one (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage. A family shall not contain more than eight (8) persons not related by blood, marriage or adoption.

*FENCE:* A structure for enclosure or screening.

*FLOOD:* A general and temporary condition of partial or complete inundation of normally dry areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulations or runoff of surface waters from any source.

*FLOOD HAZARD BOUNDARY MAP:* An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

*FLOOD INSURANCE STUDY:* The official report provided by the Federal Insurance Administration containing flood profiles, the Flood Hazard Boundary Floodway Map and the water surface elevation of the base flood.

*FLOOR AREA:* The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when used for storage or incidental uses.

*GARAGE, PRIVATE:* A detached accessory or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.

*GROUND LEVEL:* The average level of the finished surface of the ground adjacent to the exterior walls of the building.

*GROUP HOME:* Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. Except for properties in the "R-1" District that were annexed by ordinance number 3460.

*HEALTH CARE CLINIC:* An establishment where patients are not lodged overnight but are admitted for examination, consultation and/or treatment by one (1) or more doctors.

*HEIGHT OF BUILDINGS:* The vertical distance measured from the highest of the following three (3) elevations:

1. From the street curb elevation.
2. From the established or average street elevation if the curb has not been established.
3. From the average finished ground elevation of the portion of the lot adjoining and within ten (10) feet of the building where it sits back from the street line ten (10) feet or more; to the elevation of the highest point of the roof beams of flat roofs or roofs inclining not more than one (1) inch to the foot, and to the average elevation of the top of the main plate and highest ridge for other roofs.

*HOME OCCUPATION:* An accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services. Home occupations must obtain a permit from the Commission and must conform to the following standards:

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1. *Employees*: No person other than family members living on the premises are employed.
2. *Incidental*: Must not occupy more than twenty-five percent (25%) of the floor area of the dwelling.
3. *Appearance*: No change is allowed in the outside appearance other than one (1) sign of not more than one (1) square foot in area, and no change is allowed in the exterior of the building or no variation from the residential character of the main building or accessory building.
4. *Accessory buildings*: No building is to be erected specifically for this purpose.
5. *Traffic*: No excessive traffic may be generated and additional parking may be required.
6. *Nuisance controls*: There shall be no excess noise, vibration, glare, fumes, odors, heat or electrical interference, and not excessive strain on City services.
7. *Business license*: No home occupation shall be permitted without attaining a business license from the City.

*HOTEL*: A building occupied or used as a temporary abiding place of individuals or groups of individuals who are lodgers.

*INSTITUTION*: A non-profit establishment for public use.

*INTERIOR LOT*: A lot whose side lines do not abut upon any street.

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

*LODGING OR ROOMING HOUSE*: A building occupied as a single housekeeping unit where lodging and/or meals are provided for three (3) or more persons for compensation, pursuant to previous arrangements; but not for the public or transients.

*LOT*: A plot of land separated from other parcels or portions by descriptions as on a subdivision of record or by metes and bounds or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or building development.

*LOT, CORNER*: A lot abutting upon two (2) or more streets at their intersection.

*LOT DEPTH*: The mean horizontal distance from the front property line to the rear line.

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

*LOT, FRONT OF*: The front of a lot shall be considered to be that part of a lot which abuts and has access to a public street, except for corner or double frontage lots.

*LOT, INTERIOR*: A lot whose side lines do not abut upon any street.

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

*LOT LINE, FRONT*: The boundary between a lot and the right-of-way on the street on which it fronts.

*LOT LINE, REAR*: The boundary line which is opposite and most distant from the front property line or that boundary line of an irregularly shaped lot that the City Manager shall determine to be the rear lot line.

*LOT LINE, SIDE*: Any lot boundary line not a front or rear line.

*LOT OF RECORD*: A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of the County, or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds prior to October 2,

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*LOT WIDTH:* The width of a lot at the front yard line.

*MOBILE HOME/MANUFACTURED HOME:* A factory-built structure or structures which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, contains three hundred twenty (320) or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units. Any unit that does not have a Missouri State Seal shall be considered a mobile home.

*MODULAR HOME:* A transportable building unit designed to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational or industrial purposes. This off-site manufactured structure must bear an approved Missouri State Seal and meet the modular housing design requirements of the International Building Code or a code which imposes similar standards on safety and quality as the International Building Code. The structure must set on a permanent concrete foundation. This definition shall not apply to structures under six hundred fifty (650) square feet.

*MOTEL, MOTOR COURT, MOTOR LODGE OR TOURIST COURT:* One (1) or more buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

*NON-CONFORMING USE, BUILDING OR YARD:* A use, building or yard which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated.

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

*OVERLAY DISTRICT:* A district which acts in conjunction with the underlying zoning district or districts.

*PARKING SPACE:* A surfaced area, enclosed or unenclosed, having an area of at least ten (10) feet by twenty (20) feet, exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected to a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

*PLANNED UNIT DEVELOPMENT:* A development that allows for a more flexible approach and allows for construction of large areas as a whole. PUDs can involve a mixture of uses and types and stage-by-stage development.

*POLITICAL SIGNS:* Any sign that advertises a candidate or an issue which needs to be voted on in a local, State or Federal election.

*PREMISES:* A lot together with all buildings and structures thereon.

*REAL ESTATE SIGNS:* Any sign advertising the sale, rental or lease of a premises.

*REVERSE CORNER LOTS:* The largest dimension of a corner lot, which ordinarily would be the side lot line, if the lot were not abutting on two (2) or more streets at their intersection.

*SETBACK LINE:* A line parallel to the property lines of a lot, and between said lines no building or structure may extend, except those projections specifically permitted in this

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Code.

*SIGN*: An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business.

*SIGN, AREA OF*: The total exterior surface computed in square feet of a sign having but one (1) exposed exterior surface, and one-half (½) the total of all of the exposed exterior surface computed in square feet of a size having more than one (1) such surface.

*STORY*: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling above it.

*STORY, HALF*: A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first (1st) story is a half story when between fifty percent (50%) and seventy-five percent (75%) of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air.

*STREET*: A public way which affords principal means of access to abutting property.

*STREET LINE*: A dividing line between a lot and a contiguous street.

*STRUCTURAL ALTERATION*: Any change, except those required by law or ordinance, which would prolong the life of the supporting members of a building or structural, such as bearing walls, columns, beams or girders, not including openings, bearing walls as permitted in other ordinances.

*STRUCTURE*: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.

*VARIANCE*: A modification or variation of the provisions of this Chapter, as applied to a specific piece of property, as distinct from rezoning.

*YARD*: An open space between a building and the adjoining lot line. In measuring a yard, the minimum horizontal distance between the lot line and the main building shall be used.

*YARD, FRONT*: A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

*YARD, REAR*: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building. On all lots the rear yard shall be in the rear of the front yard.

*YARD, SIDE*: A yard between the main building and the side line of the lot extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main building. (CC 1988 §29-100; Ord. No. 2788 §10, 10-21-85; Ord. No. 3415 §§2--3, 7-17-00; Ord. No. 3549 §§1--2, 1-22-04; Ord. No. 3690 §1, 6-19-06)

## **ARTICLE II. ESTABLISHMENT OF DISTRICTS AND DISTRICT PROVISIONS**

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#### **SECTION 405.040: DISTRICTS ESTABLISHED**

For the purpose of regulating and restricting the erection, construction, reconstruction, alteration or use of buildings, structures or land and regulating and restricting the location of trades and industries, and the location and design of buildings for specific purposes, and to regulate and limit the height and bulk of buildings, and the area of yards and other open spaces, and to regulate and limit the intensity of the use of the lot areas, the City is hereby divided into districts as follows:

1. *Agricultural District.*

District "A-1" Agricultural Activities

2. *Residential Districts*

District "R-1" One-Family Dwelling District District "R-2" One-Family Dwelling District

District "R-3" Two-Family Dwelling District District "R-4" Multiple-Family District

3. *Commercial and Office Districts.*

District "C-1" Office and Professional District District "C-2" Downtown Commercial District

District "C-3" General Commercial District

4. *Industrial Districts.*

District "M-1" Light Manufacturing District "M-2" General Manufacturing

5. *Overlay Districts.*

District "PUD" Planned Unit Development District "FP" Flood Plain District

(CC 1988 §29-3; Ord. No. 2788 §2, 10-21-85; Ord. No. 3195 §1, 10-24-94)

#### **SECTION 405.050: DISTRICT MAP ADOPTED**

- A. The boundaries of the districts are shown upon the map which is hereby designated as the "Zoning District Map" and which map and all notations, references and information shown thereon are hereby made as much a part of this Chapter as if the same were set forth in full herein.
- B. The original "Zoning District Map" is properly attested and is on file with the City Clerk.
- C. If, in accordance with procedures of this Chapter and of Chapter 89, RSMo., as amended, a change is made in a zoning district boundary, such change shall be made by the City Manager or his/her designee promptly after the ordinance authorizing such change shall have been adopted by the City Council and published, with an entry on the "Zoning District Map". (CC 1988 §29-4; Ord. No. 2788 §2, 10-21-85)

#### **SECTION 405.060: INTERPRETATION OF BOUNDARIES**

Where uncertainty exists as to the boundaries of zoning districts as shown on the "Zoning District Map", the following rules shall apply:

1. The district boundaries are the midpoints of streets or alleys unless otherwise shown, and where the districts designated on the map are bounded approximately by street or alley lines, the midpoint of the street or alley shall be construed to be the boundary of the district.

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2. Where district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the "Zoning District Map" are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
3. In unsubdivided property, the district boundary lines on the "Zoning District Map" shall be determined by use of the scale appearing on the map.
4. When the boundary line approximately follows the corporate boundary line of the City, it shall be construed as following the corporate boundary line.
5. Where a district boundary line divides a lot which is in single ownership at the time of the adoption or amendment of this Chapter, the City Council may permit as a conditional use the extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.
6. Where a physical or cultural feature existing on the ground is at variance with that shown on the "Zoning District Map" or in any other circumstances not covered in paragraphs (1--5) above, the City Council shall interpret the zoning district boundary. (CC 1988 §29-5; Ord. No. 2788 §2, 10-21-85)

#### **SECTION 405.070: CLASSIFICATION OF NEWLY ANNEXED TERRITORY**

- A. All properties proposed for annexation into the City shall go through two (2) public hearings to establish zoning of the property proposed for annexation. The City shall make available standard application forms for a petition to voluntarily annex and establish the zoning classification of property in the City of De Soto. The City may request additional information as necessary to study and review the petition, at a minimum the application and petition shall include the following upon submission:
  1. A processing fee in the amount of one hundred dollars (\$100.00) plus publication cost;
  2. Title search and/or related title work establishing ownership;
  3. Copy of the legal description of the property sought for annexation;
  4. Descriptive maps illustrating the property proposed for annexation and zoning; and
  5. Detailed information establishing the intent and proposed use of property upon annexation, including any relative information for the City to review the impact on City streets and infrastructure.
- B. Upon receipt of an application and petition to annex and zone property, the City shall evaluate the request to verify that it is contiguous to the City limits and to evaluate the ability to provide municipal services and if any other additional conditions shall be assigned upon annexation.
- C. Upon receiving an application and petition for annexation and to establish the zoning classification of property in the City of De Soto, a public hearing will be held with the Planning and Zoning Commission. The Planning and Zoning Commission will make a zoning recommendation to the City Council where a joint public hearing with Planning and Zoning and City Council will be held not less than fourteen (14) days following the public hearing. If written objections are not filed with the City within fourteen (14) days

after the joint public hearing, the Council may then deny or approve the annexation ordinance.  
(CC 1988 §29-6; Ord. No. 2788 §2, 10-21-85; Ord. No. 3720 §1, 3-19-07)

#### **SECTION 405.080: VACATION OF PUBLIC WAYS**

Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to a twenty (20) foot dedicated easement. (CC 1988 §29-7; Ord. No. 2788 §2, 10-21-85; Ord. No. 3753 §1, 1-14-08)

#### **SECTION 405.090: COMPLIANCE WITH CHAPTER REQUIRED**

Except as hereafter provided:

1. No buildings shall be erected, moved, constructed reconstructed or structurally altered, nor shall any building or land be used for any purpose other than that which is permitted in the district in which such building or land is situated.
2. No building shall be erected, moved, constructed, extended, enlarged, reconstructed or structurally altered which violates the height, yard, area or off-street parking or loading regulations established in this Chapter for the district in which such building is situated.
3. The minimum yards, parking spaces, and open spaces including lot area per family required by this Chapter for each building shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Chapter for the district in which such lot is located.
4. Every building hereafter erected or structurally altered shall be located on a lot, as herein defined, and in no case shall there be more than one (1) main building on one (1) lot, except as provided herein. (CC 1988 §29-8; Ord. No. 2788 §3, 10-21-85)

### **ARTICLE III. ZONING DISTRICTS-USE AND REGULATIONS**

#### **SECTION 405.100: "A-1" AGRICULTURAL ACTIVITIES DISTRICT REGULATIONS**

##### *A. Permitted Uses.*

1. Any agricultural property as defined in this Chapter.
2. Single-family dwelling with minimum of five (5) acres of ground.
3. Accessory building, use or structure.
4. Any "A-1" District within a Flood Plain Overlay District must comply with the residential district requirements of Chapter 420.

##### *B. Conditional Uses.*

1. Park or forest preserve.
2. Church.

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3. Greenhouse or nursery.
4. Home occupation.
5. Wind energy facilities, commercial wind turbines, small wind turbines and solar energy systems.

C. *Maximum Height Regulations.*

1. *Generally.* No building in this district shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.
2. *Exceptions.* See Section 405.360 for exceptions.

D. *Area Regulations.*

*Lot size (area).* Minimum lot area for any use shall be five (5) acres.

E. *Vision Clearance.* No wall, fence, sign or other structure or no plant growth of any type which would interfere with traffic visibility shall be permitted or maintained.

F. *Parking Regulations.* All districts must comply with the provisions of Section 405.390, Parking Requirements. (CC 1988 §§29-8.1--29-8.6; Ord. No. 3194 §1, 10-24-94; Ord. No. 3415 §1, 7-17-00; Ord. No. 3808 §1, 4-20-09)

**SECTION 405.110: "R-1" ONE-FAMILY DWELLING DISTRICT REGULATIONS**

A. *Permitted Uses.*

1. Single-family dwelling.
2. Public park or public operated recreational facility.
3. Church.
4. Public schools and private educational institutions having a curriculum the same as ordinarily given in public schools.
5. Golf course or grounds, except a miniature course or practice driving range operated for commercial purposes.
6. Any public building erected and used by any department of the City, County, State or Federal Government.
7. Agricultural uses such as field crops, truck gardening; berry or bush crops, tree crops; flower gardening; nurseries; orchards; aviaries; including a greenhouse but not including a salesroom or roadside stand.
8. Accessory building, use or structure.

B. *Conditional Uses.*

1. Home occupation.
2. Day care center or equivalent.
3. Country club, swimming club, tennis club and private recreation clubs excluding indoor tennis, racquetball and swimming clubs.
4. Private recreational facilities including lakes, tennis courts, golf courses and the like.
5. *Group homes.* The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within two thousand five hundred (2,500) feet of another group home. Group homes shall be eleemosynary or not-for-profit in nature. Except for properties in the "R-1" District that were annexed by ordinance number 3460.
6. Wind energy facilities, commercial wind turbines, small wind turbines and solar

energy systems.

C. *Maximum Height Regulations.*

1. *Generally.* No building in this district shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.
2. *Exceptions.* See Section 405.360 for exceptions.

D. *Area Regulations.*

1. *Intensity of use.*

- a. Minimum lot area shall be twenty thousand (20,000) square feet.
- b. Minimum lot width shall be one hundred (100) feet.
- c. The maximum lot coverage by buildings or structures shall not exceed thirty percent (30%) of the lot area.

2. *Minimum yards.*

a. *Generally.*

- (1) Front yard shall be a minimum of forty (40) feet.
- (2) Rear yard shall be a minimum of thirty (35) feet.
- (3) Side yard shall be a minimum of ten (10) feet.

b. *Exceptions.* See Section 405.370 for exceptions.

E. *Parking Regulations.* All districts must comply with the provisions of Section 405.390, Parking Requirements. (CC 1988 §§29-9--29-14; Ord. No. 2788 §4, 10-21-85; Ord. No. 3808 §1, 4-20-09)

**SECTION 405.120: "R-2" ONE-FAMILY DWELLING DISTRICT REGULATIONS**

A. *Permitted Uses.* Any use listed in "R-1".

B. *Conditional Uses.* Any use listed in "R-1".

C. *Maximum Height Regulations.*

1. *Generally.* No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.
2. *Exceptions.* See Section 405.360 for exceptions.

D. *Area Regulations.*

1. *Intensity of use.*

- a. Minimum lot area shall be twelve thousand (12,000) square feet.
- b. Minimum lot width shall be sixty-five (65) feet.
- c. The maximum lot coverage by buildings or structures shall not exceed thirty percent (30%) of the lot area.

2. *Minimum yards.*

a. *Generally.*

- (1) Front yard shall be a minimum of thirty (30) feet.
- (2) Rear yard shall be a minimum of thirty (30) feet.
- (3) Side yard shall be a minimum of ten (10) feet.

b. *Exceptions.* See Section 405.370 for exceptions.

E. *Parking Regulations.* All districts must comply with the provisions of Section 405.390, Parking Requirements. (CC 1988 §§29-15--29-20; Ord. No. 2788 §4, 10-21-85)

**SECTION 405.130: "R-3" TWO-FAMILY DWELLING DISTRICT**

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## **REGULATIONS**

### **A. Permitted Uses.**

1. All uses permitted in the "R-2" One-Family Dwelling District.
2. Two-family dwellings.

### **B. Conditional Uses.**

1. All conditional uses permitted in the "R-2" Single-Family Dwelling District.
2. Hospital, nursing home or sanitarium.
3. Cemetery.
4. College or university or business school.
5. Parking lot located immediately adjacent to or directly across the street from a commercial or industrial district.

### **C. Maximum Height Regulations.**

1. *Generally.* No building shall exceed three (3) stories or forty-five (45) feet in height.
2. *Exceptions.* See Section 405.360 for exceptions.

### **D. Area Regulations.**

#### **1. Intensity of use.**

- a. Minimum lot area shall be seven thousand two hundred (7,200) square feet.
- b. Minimum lot width shall be fifty (50) feet.
- c. The maximum lot coverage by buildings or structures shall not exceed thirty percent (30%) of the lot area.

#### **2. Minimum yards.**

##### **a. Generally.**

- (1) Front yard shall be a minimum twenty-five (25) feet.
- (2) Rear yard shall be a minimum of twenty-five (25) feet.
- (3) Side yard shall be a minimum of five (5) feet.

##### **b. Exceptions.** See Section 405.370 for exceptions.

### **E. Parking Regulations.** All districts must comply with the provisions of Section 405.390, Parking Requirements. (CC 1988 §§29-21--29-26; Ord. No. 2788 §4, 10-21-85)

## **SECTION 405.140: "R-4" MULTIPLE-FAMILY DISTRICT REGULATIONS**

### **A. Permitted Uses.**

1. All uses allowed in the "R-3" Two-Family Dwelling District.
2. Multi-family dwellings.
3. Modular home (see Section 405.030: DEFINITIONS).
4. Mobile/manufactured homes and modular homes or mobile home parks in accordance with Chapter 415 of the De Soto City Code.

### **B. Conditional Uses.**

1. All conditional uses allowed in the "R-3" Two-Family Dwelling District.
2. Medical or dental clinic when associated with a hospital.

### **C. Maximum Height Regulations.**

1. *Generally.* No building shall exceed three (3) stories or forty-five (45) feet in height.
2. *Exceptions.* See Section 405.360 for exceptions.

### **D. Area Regulations.**

#### **1. Intensity of use.**

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- a. Minimum lot area shall be six thousand two hundred fifty (6,250) square feet per unit for one-family dwelling, three thousand one hundred twenty-five (3,125) square feet per unit for two-family dwelling or one thousand five hundred (1,500) square feet per unit for a multi-family dwelling.
- b. Minimum lot width shall be fifty (50) feet.
- c. The maximum lot coverage by buildings or structures shall not exceed thirty percent (30%) of the lot area.

2. *Minimum yards.*

a. *Generally.*

- (1) Front yard shall be a minimum of twenty-five (25) feet.
- (2) Rear yard shall be a minimum of twenty-five (25) feet.
- (3) Side yard shall be a minimum of five (5) feet, except for multi-family dwellings which shall have minimum side yards of ten (10) feet.

b. *Exceptions.* See Section 405.370 for exceptions.

- E. *Parking Regulations.* All districts must comply with the provisions of Section 405.390, Parking Requirements. (CC 1988 §§29-27--29-32; Ord. No. 2788 §4, 10-21-85; Ord. No. 3549 §3, 1-22-04)

**SECTION 405.150: "C-1" OFFICE AND PROFESSIONAL DISTRICT**

A. *Permitted Uses.*

- 1. All uses allowed in the "R-4" Multiple-Family District.
- 2. Banks and financial institutions.
- 3. Hospital, medical clinic, nursing home or sanitarium.
- 4. Travel agencies.
- 5. Offices for professional, business, executive or administrative use involving the sale or provision of services but not the sale or rental of goods including, but not limited to:
  - a. Lawyers, architects, realtors, accountants, insurance agents, brokers, advertisers, engineers, designers and other consultants in similar professions.
  - b. Physicians, dentists, chiropractors or other licensed medical practitioners.
  - c. Seamstresses or tailors.
  - d. Teachers of private lessons in art, music or dance.
- 6. Veterinary hospital for small animals, if entirely within an enclosed building.

B. *Conditional Uses.*

- 1. Drive-up facilities incidental to permitted uses.
- 2. All conditional uses allowed in "R-4" Multiple-Family District.
- 3. Restaurants or cafeteria facilities for employees.
- 4. Pharmacy, retail sales of dental supplies and equipment and medical and dental laboratories located wholly within an office building having sixty-five percent (65%) or more of its floor area devoted to medical and dental office use.
- 5. Research labs.

C. *Maximum Height Regulations.*

- 1. *Generally.* No building in this district shall exceed four (4) stories or sixty-five (65) feet in height.
- 2. *Exceptions.* See Section 405.360 for exceptions.

D. *Area Regulations.*

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1. *Intensity of use.*

a. *Lot size.* If used for dwellings, six thousand two hundred fifty (6,250) square feet per unit for one-family, three thousand one hundred twenty-five (3,125) square feet per unit for two-family, one thousand five hundred (1,500) square feet per unit for a multi-family.

b. *Minimum lot width.* No restriction.

2. *Minimum yards.*

a. *Generally.*

(1) Front yard shall be a minimum of twenty-five (25) feet.

(2) Rear yard shall be a minimum of twenty-five (25) feet.

(3) Side yard shall be a minimum of five (5), feet except for multi-family dwellings which shall have minimum side yards of ten (10) feet.

b. *Exceptions.* See Section 405.370 for exceptions.

E. *Parking Regulations.* All districts shall comply with the provisions of Section 405.390, Parking Requirements. (CC 1988 §§29-33--29-38; Ord. No. 2788 §4, 10-21-85)

## **SECTION 405.160: "C-2" DOWNTOWN COMMERCIAL DISTRICT**

### **A. *Permitted Uses.***

1. Any use permitted in the "C-1" Office and Professional District.
2. Religious, educational or eleemosynary institutions of a philanthropic nature.
3. Clothing and apparel services including laundry pickup, automatic laundry, dressmaking, millinery tailor shop and shoe repair.
4. Food services including grocery, meat market, bakery, restaurant, delicatessen, food market and similar self-service units but not including any business of a drive-in type.
5. Personal services including barber shop, beauty shop, music studio, photography and art studios, messengers, taxicabs and telegraphic branch service stations and other similar uses.
6. Retail services and sales including drug store, hardware store, gift shop, dry goods and notion stores and sporting good stores.
7. Private school or business or commercial school.
8. Automobile service stations.
9. Theatres, except drive-ins.
10. Florist shop.
11. Funeral parlors or mortuaries.
12. Billiard parlor or bowling alley.
13. Hotel or motel, lodging house or boarding house.
14. Wholesale or distributing establishment or warehouse or wholesale market.
15. Printing, publishing or engraving.
16. Any other use of a similar character which is not objectionable by reason of odor, dust, smoke, gas, fumes, noise or vibration which is not prohibited.

### **B. *Conditional Uses.***

1. Restaurants and other establishments serving alcoholic beverages.
2. Drive-in type including restaurants, banks and theaters.
3. Tattoo and/or body piercing establishments.
4. Microbrewery.

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*C. Maximum Height Regulations.*

1. *Generally.* No building shall exceed four (4) stories or sixty-five (65) feet in height.
2. *Exceptions.* See Section 405.360 for exceptions.

*D. Area Regulations.*

1. *Intensity of use.*

- a. *Lot size.* Minimum lot area of a dwelling shall be six thousand two hundred fifty (6,250) square feet for one-family, three thousand one hundred twenty-five (3,125) square feet for two-family or one thousand five hundred (1,500) square feet for a multi-family.

- b. *Lot width.* No restrictions.

2. *Minimum yards.*

a. *Generally.*

- (1) Front yard. No restrictions.
- (2) Rear yard shall be a minimum of five (5) feet.
- (3) Side yard shall be a minimum of five (5) feet where lot abuts a residential district-- otherwise none.

- b. *Exceptions.* See Section 405.370 for exceptions.

*E. Parking Regulations.* All districts shall comply with the provision of Section 405.390, Parking Requirements. (CC 1988 §§29-39--29-44; Ord. No. 2788 §4, 10-21-85; Ord. No. 3765 §1, 3-17-08; Ord. No. 3805 §1, 4-20-09)

**SECTION 405.170: "C-3" GENERAL COMMERCIAL DISTRICT**

*A. Permitted Uses.*

1. All uses permitted in the "C-2" Downtown Commercial District.
2. Drive-in theaters.
3. Truck or bus garage or repair shop.
4. Automobile, trailer or boat display and sale.
5. Automobile body or engine repair shops.
6. Agricultural services including machinery sales and repair establishments and farm supply stores.
7. Mobile home and trailer sales and repair.
8. Show room and sales of new automobiles, farm machinery and other vehicles and equipment and the display and sales of used cars, farm machinery and other equipment when in conjunction with the show room and sales of new units thereof. Also repair of same when in conjunction with the show room and sales.

*B. Conditional Uses.*

1. Open air display areas and indoor storage structures. Display areas/storage structures must be located behind all building setback lines.
2. Lots for the sale of used cars, trucks, farm machinery and other used vehicles and equipment, when not sold in conjunction with sales of new cars, machinery, vehicles or equipment, and for the repair thereof.
3. Places of amusement, entertainment or recreation such as bowling alleys, miniature golf, commercial swimming pool, golf driving range, theaters, roller and ice skating rinks and dance halls.
4. All conditional uses allowed in the "C-2" Light Commercial District.

5. Machinery repair, general contracting or equipment rental.
6. Tattoo and/or body piercing establishments.
7. Microbrewery.

C. *Maximum Height Regulations.*

1. *Generally.* No building shall exceed four (4) stories or sixty-five (65) feet in height.
2. *Exceptions.* See Section 405.360 for exceptions.

D. *Area Regulations.*

1. *Intensity of use.*

- a. *Lot size.* If used for dwellings, six thousand two hundred fifty (6,250) square feet per family for one-family dwelling, three thousand one hundred twenty-five (3,125) square feet per family for two-family dwelling, one thousand five hundred (1,500) square feet per family for multi-family dwelling.

b. *Lot width.* No restrictions.

2. *Minimum yards.*

a. *Generally.*

- (1) Front yard shall be a minimum of twenty-five (25) feet.
- (2) Rear yard shall be a minimum of ten (10) feet except where lot abuts an alley, then none.
- (3) Side yard shall be a minimum of ten (10) feet unless lot abuts a residential district, then twenty-five (25) feet.

b. *Exceptions.* See Section 405.370 for exceptions.

- E. *Parking Regulations.* All districts shall comply with the provisions of Section 405.390, Parking Requirements. (CC 1988 §§29-45--29-50; Ord. No. 2788 §4, 10-21-85; Ord. No. 3516 §1, 12-16-02; Ord. No. 3765 §1, 3-17-08; Ord. No. 3805 §1, 4-20-09)

## **SECTION 405.180: "M-1" LIGHT MANUFACTURING DISTRICT**

A. *Permitted Uses.*

1. Research oriented and light industrial park uses.
2. Manufacturing, compounding process or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical toiletries and frozen food lockers.
3. Assembly of merchandise such as electrical appliances, electronic precision instruments and articles of similar nature.
4. Packaging of previously prepared materials but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or similar materials.
5. Printing, lithographic, blueprinting and similar uses.
6. Light manufacturing industrial use which by the nature of the materials and equipment are free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials: drugs, jewelry, musical instruments, sporting goods, glass products, small household appliances, electronic products, printed matter, baked and dairy products, advertising displays, tents and awnings, brushes and brooms, cameras and photographic equipment and supplies, wearing apparel, leather products and luggage but not including tanning products from such finished products as plastic, bone, cork,

feathers, felt, fiber, paper, glass, hair, horn, rubber, shell or yarn.

7. Research and testing facilities.

8. Warehouse and material distribution centers and contractors' establishments provided that all products and material and equipment are stored within an enclosed building or within an appropriately screened and fenced side or rear yards.

9. Body, paint and repair shops for automobiles and other vehicles.

10. Any accessory use, building or structure.

11. Tattoo and/or body piercing establishments.

**B. Conditional Uses.**

1. Restaurants and cafeteria facilities for employees but not including drive-in facilities.

2. Truck, bus, taxi and rail terminals.

3. Airport.

4. Open air display areas and indoor storage structures. Display areas/storage structures must be located behind all building setback lines.

5. Commercial service facilities of the kind needed to serve customers and employees of an industrial park such as but not limited to, restaurants but not including drive-ins, auto service stations, auto washes, gift shops, offices and motels.

6. Sexually oriented business.

7. Wind energy facilities, commercial wind turbines, small wind turbines and solar energy systems.

**C. Maximum Height Regulations.**

1. *Generally.* No building shall exceed four (4) stories or sixty-five (65) feet in height.

2. *Exceptions.* See Section 405.360 for exceptions.

**D. Area Regulations.**

1. *Intensity of use.*

a. *Lot size.* No restrictions.

b. *Lot width.* No restrictions.

2. *Minimum yards.*

a. *Generally.*

(1) Front yard shall be a minimum of twenty-five (25) feet.

(2) Rear yard shall be a minimum of twenty-five (25) feet.

(3) Side yard shall be a minimum of ten (10) feet.

b. *Exceptions.* See Section 405.370 for exceptions. (CC 1988 §§29-51--29-55; Ord. No. 2788 §4, 10-21-85; Ord. No. 3516 §2, 12-16-02; Ord. No. 3607 §1, 12-20-04; Ord. No. 3765 §1, 3-17-08; Ord. No. 3808 §1, 4-20-09)

**SECTION 405.190: "M-2" GENERAL MANUFACTURING DISTRICT**

A. *Permitted Uses.* Any use except the following conditional uses, and except that no dwelling other than that for a resident watchman or caretaker employed on the premises shall be permitted.

**B. Conditional Uses.**

1. Acid manufacture.

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2. Asphalt manufacturing.
3. Automobile wrecking, cars and parts, storage and sale.
4. Cement, lime, gypsum or plaster of Paris manufacture.
5. Explosives manufacture or storage.
6. Fat, grease, lard or tallow rendering or refining.
7. Fertilizer manufacture.
8. Public or private dumps, incinerators and sanitary landfills, junk yards or inoperative vehicle storage.
9. Glue or size manufacture.
10. Junk and salvage, paper, metal, rags, waste or glass storage treatment or bailing.
11. Paper manufacture.
12. Petroleum refining or manufacturing.
13. Petroleum products terminal.
14. Smelting of tin, copper, zinc or iron ores.
15. Stockyards of the slaughter of animals.
16. Storage or processing of rawhides or fur.
17. Any conditional uses permitted in the "M-1" Light Manufacturing District.

C. *Maximum Height Regulations.*

1. *Generally.* No building shall exceed four (4) stories or sixty-five (65) feet in height.
2. *Exceptions.* See Section 405.360 for exceptions.

D. *Area Regulations.*

1. *Intensity of use.*

- a. *Lot size.* No restrictions.
- b. *Lot width.* No restrictions.

2. *Minimum yards.*

a. *Generally.*

- (1) Front yard shall be a minimum of twenty-five (25) feet.
- (2) Rear yard shall be a minimum of twenty-five (25) feet.
- (3) Side yard shall be a minimum of ten (10) feet except where a lot abuts a residential district, then twenty-five (25) feet.

b. *Exceptions.* See Section 405.370 for exceptions.

E. *Parking Regulations.* All districts must comply with the provision of Section 405.390, Parking Requirements. (CC 1988 §§29-56--29-61; Ord. No. 2788 §4, 10-21-85)