

**AN ORDINANCE OF THE CITY OF AURORA, MISSOURI, REPEALING TITLE IV "LAND USE" CHAPTER 400 "ZONING REGULATIONS" ARTICLE III "SUPPLEMENTARY REGULATIONS BY REPLACING IT WITH A NEW ARTICLE III "SUPPLEMENTARY REGULATIONS"**

*WHEREAS*, the City of Aurora, Missouri (the "City"), is a city of the third class and political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the constitution and laws of the State of Missouri; and

*WHEREAS*, the City Council of the City of Aurora, Missouri (the "City") finds it necessary to amend the minimum residential structure size allowable within the City; and

*WHEREAS*, the City Council of the City of Aurora, Missouri (the "City") finds it necessary to allow construction of residential structures on certain parcels within the corporate limits of the City that are of substandard size; and

*WHEREAS*, the Building Official and the City Council having reviewed the current ordinance and the basis for the proposed changes, determined the need to repeal Title IV: "Land Use" Chapter 400: "Zoning Regulations" Article III "Supplementary Regulations" by replacing it with a new Article III: "Supplementary Regulations" to the Municipal Code of Ordinances.

***NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AND FOR THE CITY OF AURORA, MISSOURI, AS FOLLOWS:***

**Section One.** The City Council hereby amends Title IV: "Land Use" Chapter 400 "Zoning Regulations" Article III "Supplementary Regulations" by replacing it with a new Article III: "Supplementary Regulations" to read as follows:

**Chapter 400**

Zoning Regulations

Article III

**Supplementary Regulations**

Section 400.260 **In General.**

**[R.O. 1993 § 400.240; Ord. No. 85-1897 App. B § IV, 11-11-1985]**

The provisions of this Chapter shall be subject to the exceptions, action, or modifications provided by the following regulations.

Section 400.270 **Fencing.**

**[R.O. 1993 § 400.245; Ord. No. 2009-2825 § 1, 6-9-2009; Ord. No. 2009-2850 § 1, 9-8-2009; Ord. No. 2011-2906 § 1, 6-14-2011; Ord. No. 2016-3082 § 1, 9-13-2016]**

Within all zoning districts except District "A-1" (Agricultural) and "MHP" (Mobile Home Park) with undedicated City streets, all fences and privacy screens shall be of a substantial material of the following type: constructed of either metal chain link, ornamental aluminum/iron, wrought iron, masonry, rigid vinyl or wood. Fences constructed of light gauge wire such as poultry wire, rabbit wire, bamboo or other like material, barbed wire, electrical (not to include buried or hidden pet fences) or stockade are prohibited. Any material not listed and security fences must have approval from the Planning and Zoning Director or his/her designee. The maximum height of fences shall be six (6) feet, except the maximum height shall be three (3) feet within the front yard measured from the front building line. (See Section **400.320** for fences on corner lots.) Picket fences shall have a maximum distance between each picket of not more than three (3) inches. There shall be no fences placed within any drainage and utility easements or rights-of-way except

utility easements that are located at the rear of the property. Then said utility easement shall have gates ten (10) feet wide installed at the rear of the property to allow access from both sides of the utility easement unless no utilities are located in said easement. A permit is required for all fences.

**Section 400.280 Accessory Buildings.**

**[R.O. 1993 § 400.260; Ord. No. 85-1897 App. B § IV, 11-11-1985; Ord. No. 2004-2633 § 1, 12-14-2004; Ord. No. 2010-2861 § 1, 2-9-2010]**

A. Accessory buildings shall be subject to the following requirements:

Location.

1. It shall not be located nearer the front lot line than the main building.
2. The minimum distance from any property shall be ten (10) feet or five (5) feet if located within the rear one-third (1/3) of the lot.
3. No accessory buildings in excess of nine hundred (900) square feet in size shall be constructed in residential districts without the approval of the Planning and Zoning Commission and the City Council. Reference Section **500.050** of the City Codes.

**Section 400.290 Public Buildings And Utilities.**

**[R.O. 1993 § 400.270; Ord. No. 85-1897 App. B § IV, 11-11-1985]**

Public buildings and utilities may be permitted in any district subject to such protective restrictions deemed necessary by the City Planning and Zoning Commission.

**Section 400.300 Floodplains.**

**[R.O. 1993 § 400.280; Ord. No. 85-1897 App. B § IV, 11-11-1985]**

Notwithstanding the regulations contained in any part of this Chapter, no use other than an agricultural use, public park or parkway, and public street or highway will be permitted in any zone designated by the Planning and Zoning Commission as a floodplain area unless adequate measures are taken to protect the use from flood damage. These measures will be subject to approval by the Planning and Zoning Commission.

**Section 400.310 Excess Height Provisions.**

**[R.O. 1993 § 400.290; Ord. No. 85-1897 App. B § IV, 11-11-1985]**

The following structures will be permitted to extend above height limits specified in other parts of this Chapter: tanks, church spires, skylights, steeples, flagpoles, chimneys, ventilating fans, and other appurtenances not used for human use or habitation.

**Section 400.320 Sight Distance Requirements.**

**[R.O. 1993 § 400.300; Ord. No. 85-1897 App. B § IV, 11-11-1985]**

On corner lots no fence, wall, hedge or other structure or planting more than three (3) feet in height above the center line of the adjacent street shall be erected, placed, or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said street lines thirty (30) feet back from the intersection of the street lines at the corner of the property, at points which are sufficiently distant from the point of the intersection of the right-of-way to provide adequate sight distance for vehicles traveling at designated approach speed of street.

**Section 400.330 Storage And Parking Trailers, Commercial Vehicles, And Mobile Homes.**

**[R.O. 1993 § 400.310; Ord. No. 85-1897 App. B § IV, 11-11-1985; Ord. No. 2010-2872 § I, 4-27-2010]**

- A. Commercial vehicles and trailers of all types, including travel, camping and hauling and mobile homes, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district,

except in accordance with the following provisions:

1. Not more than one (1) commercial vehicle, which does not exceed one and one-half (1 1/2) tons rated capacity or a hauling trailer with a maximum length of twenty-four (24) feet and eight (8) feet in width per family living on the premises, shall be permitted. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
2. Not more than one (1) camping or travel trailer or recreational vehicle per family living on the premises shall be permitted, and said trailer shall not exceed forty-two (42) feet in length or ten (10) feet in width; and further provided, that said trailer shall not be parked or stored for more than one (1) week unless it is located behind the front yard building line. A camping or travel trailer may be occupied while it is parked or stored in any area within the incorporated limits for not more than thirty (30) days except in a travel trailer court or mobile home parks; then said trailers shall be allowed for ninety (90) days if tied down and skirted as authorized under the zoning ordinances of the City.
3. A mobile home shall be parked or stored only in a mobile home park which is in conformity with this Chapter.
4. Automotive vehicles or trailers of any kind or type without current City and State license plates shall not be parked or stored on any residential zoned property other than in completely closed buildings.

**Section 400.340 Off-Street Automobile And Vehicle Parking And Loading.  
[R.O. 1993 § 400.320; Ord. No. 85-1897 App. B § IV, 11-11-1985]**

- A. 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 of land within the City. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.
- B. Application Procedure.
  1. In all districts, in connection with every use, sufficient off-street parking spaces shall be provided to accomplish the principles set forth in this Chapter and to meet the parking demands generated by residents, employees, company officials, company vehicles, and customers.

Required parking spaces shall be located on the lot on which the principal use is located except as provided in this Section.

2. Each application for a building permit or variance shall include plans for at least the minimum number of parking spaces as herein provided. Plans shall include information as to location and dimensions of off-street parking spaces and the means of access to the spaces. The Building Official shall not approve any application until he/she determines that the requirements of this Section are met in the plans.
3. Each parking space shall contain not less than two hundred (200) square feet in area exclusive of access and circulation aisles. Areas normally used for drive-in windows and gas pump service areas shall not be counted as required parking spaces.
4. If the off-street parking space required by this Chapter cannot reasonably be provided on the lot on which the principal use is located, such space may be provided on any land within two hundred (200) feet exclusive of street and alley widths of the principal building or use. The principal use shall be permitted to continue only as long as its parking requirements are met.

- C. Minimum Spaces. The minimum number of required off-street parking spaces shall be determined by the following criteria (in addition, a developer shall evaluate his/her own needs to determine if they are greater than the minimum specified in this Chapter):
1. Uses permitted in "A-1," "R-1," "R-2," "R-3," "MHP," and "PRD" Zoning Districts shall be as follows:
    - a. Single-Family Dwellings. Two (2) off-street parking spaces per dwelling unit.
    - b. Two-Family Dwellings. Two (2) off-street parking spaces per dwelling unit.
    - c. Multifamily Dwellings. One and one-half (1 1/2) off-street parking spaces per dwelling unit.
    - d. Churches. One (1) off-street parking space for each four (4) seats in the principal place of assembly. Every twenty-four (24) inches of bench space shall be equal to one (1) seat.
    - e. Home Occupation. Minimum of three (3) off-street parking spaces, which may include residential spaces.
    - f. No off-street parking shall be permitted in the required front yard of any "R" Zoning District, except upon driveway providing access to a garage, carport, or parking area for a dwelling [also see Subsection **(H)**, Off-Street Parking Lot Construction and Maintenance].
    - g. Public Buildings.
      - (1) Schools. One (1) space for each staff member and employee. In the case of secondary schools, one (1) additional parking space for each eight (8) students in grades nine (9) through twelve (12) shall be provided.
      - (2) Community Centers, Libraries, Galleries, And Museums. Shall provide ten (10) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area.
      - (3) Stadiums. One (1) parking space for each three (3) spectator seats.
      - (4) Hospitals. One (1) parking space for each employee and one (1) additional space for each four (4) patient beds.
      - (5) Golf Course. Forty (40) parking spaces.
  2. Uses permitted in "C-O," "C-1," "C-2," or "CP" Zoning Districts shall be as follows:
    - a. Retail Business And Service Establishments. One (1) space for each company vehicle, and one (1) space for each two hundred (200) square feet of gross floor area, except medical facilities shall provide not less than one (1) parking space for each one hundred fifty (150) square feet of floor space.
    - b. Service Stations. Two (2) parking spaces for each gas pump and three (3) spaces for each grease rack.
    - c. Restaurant, Cafe, Tavern, Nightclub Or Similar Establishment. One (1) parking space for every two (2) employees and one (1) additional space for each one hundred (100) square feet of gross floor area.

- d. General Office Buildings, Banks, And Similar Institutions. One (1) parking space for each two hundred (200) square feet of gross floor area.
  - e. Auto Sales And Garages. One (1) parking space for each employee and four (4) spaces for each maintenance stall.
  - f. Pool Halls, Bowling Alleys, And Similar Recreational Facilities. One (1) parking space for each two hundred (200) square feet of gross floor area.
  - g. Funeral Homes. One (1) parking space for each fifty (50) square feet of gross floor area.
  - h. Motels And Hotels. One (1) space for each employee and one (1) parking space for each rental unit.
  - i. Theaters. One (1) space for every two (2) seats.
3. Uses permitted in "M-1" or "M-2" Zoning Districts:
- a. Manufacturing Industries. One (1) parking space for each employee on the largest shift and one (1) for each company vehicle.
  - b. Wholesale, Retail, And Commercial Storage. One (1) parking space for each employee and one (1) space for each company vehicle stored at the site.
- D. Additional Requirements.
- 1. Where fractional spaces result, the number of parking spaces required shall be construed to be the next whole number.
  - 2. The parking requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Planning and Zoning Commission.
  - 3. Whenever a building or use constructed or established after November 11, 1985, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to November 11, 1985, is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
  - 4. In the case of mixed or joint use, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- E. Parking Not Located On The Same Lot. All parking spaces required herein shall be located on the same lot with the building or use served; except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed two hundred (200) feet from the building served.
- 1. Up to fifty percent (50%) of the parking spaces required for:

- a. Theaters, public buildings, bowling alleys, dance halls, night clubs, or cafes; and up to one hundred percent (100%) of the parking spaces required for a church or school auditorium may be provided and used jointly by:
  - b. Banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used, or operated during the same hours as those listed in Subsection **(E)(1)(a)** above, provided, however, that written agreement thereto is properly executed and filed as specified below.
2. In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, a written agreement thereby ensuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and executed by the City Attorney and shall be filed with the application for a building permit.
  3. Off-street parking space may be located within the required front yard of any "C" or "M" Zoning District. No off-street parking shall be permitted in the required front yard of any "R" Zoning District, except upon a driveway providing access to a garage, carport, or parking area for a dwelling.
- F. Size Of Off-Street Parking Space. The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than ten (10) feet by twenty (20) feet plus adequate area for ingress and egress.
- G. Off-Street Loading Requirements. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the premises off-street loading space in accordance with the following requirements:
1. Within any "C-1" or "C-2" Zoning District, one (1) loading space for each ten thousand (10,000) square feet of gross floor area.
  2. Within any "M-1" or "M-2" Zoning District, one (1) loading space for each fifteen thousand (15,000) square feet of gross floor area.
  3. For the purpose of this Section, an off-street loading space (exclusive of adequate access drives and maneuvering space) shall have minimum dimensions of twelve (12) feet by forty (40) feet in height above the alley or street grade.
- H. Off-Street Parking Lot Construction And Maintenance.
1. Lots adjacent to residential districts. Whenever off-street parking lots for more than six (6) vehicles are to be located adjacent to a residential district, the following provisions shall apply:
    - a. All sides of the lot abutting the residential district shall be enclosed with an opaque, ornamental fence, wall, or dense evergreen hedge, having a height of not less than five (5) nor more than six (6) feet. Such fence, wall, or hedge shall be maintained in good condition.
    - b. No parking shall be permitted within a front yard setback line established twenty-five (25) feet back of the property line of interior and corner lots whenever the parking lot immediately abuts the front yard of a residential unit. In all other cases, no setback shall be required; provided, however, that on any

corner lot formed by two (2) intersecting streets, no parking shall be permitted, and no wall, fence, sign, structure, or plant growth having a height in excess of three (3) feet above the elevation of the crown of the adjacent roadway surface shall be maintained in a triangle formed by measuring a distance of thirty (30) feet along said front and side lot lines, from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

- c. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
2. Paved Surface Required. All parking spaces required under the provisions of this Section shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from continued use.

**Section 400.350 Court Requirements For Multiple-Family Dwellings.  
[R.O. 1993 § 400.330; Ord. No. 85-1897 App. B § IV, 11-11-1985]**

- A. Whenever a multiple-family dwelling or group of multiple-family dwellings is designed with an inner or outer court, the following requirements shall be complied with:
  1. Outer Court Width. The width of an outer court upon which windows open shall be not less than ten (10) feet. Or equal to the height of the opposing wall, whichever is greater; and in no case shall an outer court be less than five (5) feet in width or equal to seventy percent (70%) of the height of the opposing wall, whichever is greater.
  2. Inner Court Width. The width of an inner court of a multiple-family dwelling shall be not less than two (2) times the height of the lowest wall forming the court, but in no case shall it be less than twenty (20) feet.
  3. Passageway For Inner Court. An open unobstructed passageway shall be provided at the grade of each inner court. Such passageway shall be not less than twelve (12) feet in height, and shall provide a straight and continuous passage from the inner court to a court or a yard or open space having a direct connection with a street.
  4. Accessory Buildings Prohibited. No accessory building shall be located in a court of a multiple-family dwelling.

**Section 400.360 Child Care Center.  
[R.O. 1993 § 400.340; Ord. No. 85-1897 App. B § IV, 11-11-1985]**

- A. Child care centers authorized under uses permitted on review in residential districts [see 400.150(B)] shall meet the following provisions:
  1. The center in an "R-1," "R-2," or "R-3" Zone shall be located in a single-family dwelling which is the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence.
  2. The dwelling shall contain not less than one thousand (1,000) square feet of gross floor area where three (3) children, not members of the family, are provided for; and the dwelling shall be increased by one hundred (100) square feet of gross floor area for each child more than three (3) provided for

within the dwelling. The floor area of an attached garage shall not be included in determining gross floor area of the dwelling.

3. Any center or dwelling shall meet City/County Health Department requirements as to safety, design, facilities, equipment and other features.
4. The dwelling shall be located on a lot having not less than twelve thousand (12,000) square feet of area, and all portions of said lot used for outdoor play space shall be fenced with an opaque, ornamental fence not less than forty-two (42) inches in height.
5. The center shall be operated in a manner that will not adversely affect other properties and uses in the area.

**Section 400.370 Group Home (Limited Or General).**

**[R.O. 1993 § 400.341; Ord. No. 2014-3001 § 1, 5-28-2014]**

- A. Group homes shall be subject to the following standards only when located in an A-1 or R-1 District:
  1. Spacing: A group home to be located within a residential zoning district shall not be located within five hundred (500) feet of another group home, measured as the shortest distance between any portion of the structure in which persons reside.
  2. Exterior appearance: There shall be no alteration of the exterior of the group home that shall change the character thereof as a single-family residence. There shall be no alteration of the property on which the group home is located that will change the character thereof as property within a single-family dwelling district.
  3. Neighborhood character: A group home constructed in an A-1 or R-1 District shall be constructed to be compatible with the architectural character of the neighborhood in which it is located.

**Section 400.380 Group Home, General.**

**[R.O. 1993 § 400.343; Ord. No. 2014-3001 § 1, 5-28-2014]**

A special use permit is required for a group home, general.

**Section 400.390 Transitional Living Facility.**

**[R.O. 1993 § 400.344; Ord. No. 2014-3001 § 1, 5-28-2014]**

A special use permit is required for a transitional living facility. This facility can only be located within a commercial zone.

**Section 400.400 Bed-And-Breakfast Establishments.**

**[R.O. 1993 § 400.345; Ord. No. 95-2172 § 2, 2-14-1995]**

- A. Bed-and-breakfast establishments shall be considered a special use under the Aurora City Code. Each individual or business entity operating a bed-and-breakfast shall be subject to all the ordinances and regulations as set forth in this Section or any other Section of the Aurora City Code, and shall be subject to such other conditions and requirements set forth by the Aurora City Council.
  1. Definition.

**BED-AND-BREAKFAST**



A single-family dwelling unit where guest rooms are provided for overnight stay for travelers for compensation with breakfast being the only meal served and where the host resides on the property. Said property will not be used for weekly or monthly rental of rooms.

2. Limited Use. Bed-and-breakfast establishments are permitted in the "A-1," "R-1," "R-2," "R-3," "PRD," "C-O," "C-1," and "C-2" Zoning Districts subject to the provisions of the districts. A bed-and-breakfast establishment shall be carried on entirely within the dwelling unit by a member of the family residing in the dwelling unit, shall clearly be incidental and secondary to the use of the dwelling unit for residential purposes, and shall conform to the following standards:
  - a. Bed-and-breakfast establishments shall be registered on or before January 1 of each year with the City Building Official on a form provided by the Building Official. Any necessary business licenses shall first be obtained.
  - b. No other type of occupation or profession shall be permitted within the building where the bed-and-breakfast establishment is located.
  - c. No more than fifty percent (50%) of the livable floor area of the building, may be used for the bed-and-breakfast establishment. The applicant shall provide, with the initial application, three (3) copies of a floor plan showing the specific location of the areas to be used for the bed-and-breakfast establishment.
  - d. No more than one (1) non-family member shall be employed by the bed-and-breakfast, except for special events.
  - e. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
  - f. There shall be no exterior display, no exterior sign, except as permitted herein, no exterior storage of materials, and no other exterior indication of the bed-and-breakfast establishment or variation from the residential character of the building.
  - g. One (1) sign shall be permitted which shall be an unanimated, non-illuminated, flat or window sign having an area of not more than four (4) square feet. The sign shall be attached flat to the building or displayed in a manner approved in writing by the Building Official.
  - h. No machinery or equipment shall be installed which interferes with radio or television reception and which is not customarily incidental to the bed-and-breakfast establishment. In no case shall any machine exceed one (1) rated horsepower (1 hp).
  - i. One (1) unobstructed off-street parking space shall be provided for each available bedroom in the bed-and-breakfast establishment. City staff can grant a variance if it can be shown that adequate parking already exists.
  - j. No additions shall be added to the residence to establish this use.
  - k. No lodger shall be rented a room longer than seven (7) consecutive days.
  - l. No meals may be served, except for breakfast, unless the establishment is in a zone which allows preparation of meals or a special event permit is obtained. Breakfast shall be provided at no extra costs

to the tenant.

- m. Meals may be served only to overnight guests, unless the establishment is in a zone which allows the preparation of meals or a special event permit is obtained.
  - n. The owner/occupant is required to maintain a guest register in which shall be recorded the name, driver's license number and permanent home address of the guest. Said register shall be available for inspection by the Building Official, Police Department or other law enforcement agency.
  - o. The bed-and-breakfast establishment shall conform to all Federal, State and local laws and regulations concerning health, safety, licensing and non-discrimination laws and regulations.
  - p. The bed-and-breakfast establishment shall have working smoke detectors in every sleeping room and the hallways leading to the sleeping rooms. A fire extinguisher, in proper working order shall be placed in a readily accessible place on each floor of the establishment.
3. Occupancy Requirements. All bed-and-breakfast establishments shall comply to size and occupancy and other applicable requirements of the City Building Code. In furtherance, and not in limitation thereof, operators shall abide by the following standards:
- a. Seventy (70) square feet per bedroom for one (1) person; and
  - b. One hundred (100) square feet per bedroom for two (2) persons.
4. Inspections. Each building licensed or proposed to be licensed as a bed-and-breakfast under the terms of this Section shall be inspected from time to time by the Building Official, Health Officer or designated Fire Official. If any inspections disclose a condition existing in the building tending to create a structural, health or fire hazard, and such condition is not corrected within thirty (30) days after notice in writing to the owner or operator of the business by the Building Official, Health Officer or Fire Official, the license of the owner or operator of the licensed business may be suspended or revoked by the City Clerk or the application for a license rejected.
5. Special Event Permit. If the property is rented for receptions and other social gatherings during the year, said rentals shall be limited to ten (10) rentals per year, provided that:
- a. A permit is obtained from the City at least seven (7) days prior to the event.
  - b. Food preparation must be by a licensed caterer and not prepared on the premises.
  - c. No alcoholic beverages are to be served unless an appropriate State license is obtained, and a copy of the same is provided to the City.
6. Should the owner of the premises violate any provisions under this Section, then the permit to operate the bed-and-breakfast shall be revoked.
- B. Applications For Bed-And-Breakfast Permits. The following application procedures shall apply to all individuals or business entities who desire to operate a bed-and-breakfast establishment within the City limits of Aurora, Missouri:

1. Licensing Of Bed-And-Breakfast Establishments. Except as otherwise provided in this Section, every individual, corporation, or other business entity desiring to operate a bed-and-breakfast, as herein defined, within the City is required to make written application for a license with the Aurora City Clerk. No person shall be permitted to operate a bed-and-breakfast within the City unless that person has been issued a license. Such license shall be kept on file at all times on the premises of the bed-and-breakfast.
2. Application For License And Business License Fees. Any person desiring to engage in operating a bed-and-breakfast in this City shall file, on a form supplied by the City Clerk, an application with the City Clerk, stating the following and shall pay a non-refundable business license fee:
  - a. Name of applicant;
  - b. Address of applicant;
  - c. Name and address of the individual(s), firm, corporation, organization, association or group represented, if other than an individual;
  - d. Zoning category and address of the structure where the bed-and-breakfast is to be located, accompanied by written permission of the property owner for use of the property, if other than the applicant;
  - e. The number of rooms within the structure to be used as bedrooms for sleeping by the paying guests;
  - f. The maximum number of paying guests proposed to occupy each room;
  - g. The date on which applicant desires to commence operating business;
  - h. Period of time for which a license is requested;
  - i. Place or places of residence of the applicant for the preceding three (3) years;
  - j. The names of other communities where the applicant has operated a bed-and-breakfast within the last two (2) years;
  - k. Names of other communities where the individual(s), firm, corporation, organization, association or group for which the applicant is working has operated a bed-and-breakfast or similar operation within the last two (2) years;
  - l. Whether or not the applicant has ever been convicted of a felony under the laws of the State of Missouri or any other State or of the United States;
  - m. Birth date, social security number and telephone number of the applicant;
  - n. Said application shall also be accompanied by a letter or other written statement from the individual(s), firm, corporation, organization, association or group for which the applicant will be operating a bed-and-breakfast certifying that the applicant is authorized to act as representative of said individual(s), firm, corporation, association or group;

- o. All statements made by the applicant upon the application or in connection therewith shall be under oath; and
  - p. A waiver must be signed and submitted with the application by the applicant, giving permission and authorization to the City Police Department to run the necessary checks to confirm information within the application.
- C. City Clerk Shall Process Application — Maintain Records. The City Clerk shall cause to be kept in the office of the Clerk, an accurate record of every application received, together with all other information and data received, together with all other information and data pertaining thereto and all licenses issued under the provisions of this Section and the denial of applications. Applications for licenses shall be numbered in consecutive order as filed, and every license issued, and any renewal thereof, shall be identified with a duplicate number of the application upon which it is issued. Within two (2) working days, (not including weekends or holidays) of the receipt of the application by the City Clerk, the original of such application shall be referred to the Chief of Police for investigation.
- D. Investigation And Approval Of The Application. The Chief of Police shall cause such investigation to be made of the applicant's business and moral character and the business and moral character of the individual(s), firm, corporation, organization, association or group for which the applicant will be operating a bed-and-breakfast as he/she deems necessary for the protection of the public good. The Chief of Police shall endorse on such application his/her approval and return the application to the City Clerk within ten (10) days from the date of receipt of the application by the Chief of Police, unless:
- 1. The individual requesting the license has, within ten (10) years of the date of the application:
    - a. Been convicted of the commission of a felony under the laws of the State of Missouri or any other state or of the United States, involving violence, fraud, arson, moral turpitude, stealing, sexual abuse of any type, or patient or resident abuse;
    - b. Been convicted of a violation of any provisions of this Section;
    - c. Lost his/her license to operate a bed-and-breakfast by revocation as herein provided;
    - d. Been convicted of a crime, misdemeanor or violation of any ordinance concerning operation of a bed-and-breakfast or similar room or boarding operation; or
    - e. Falsified any information required by this Section as a part of the application process; or
  - 2. The individual(s), firm, corporation, organization, association or group for which the applicant will be operating the bed-and-breakfast or similar room or boarding operation has, within ten (10) years of the date of the application, engaged in any of the activities or suffered any of the penalties specified in Subsection **(D)(1)** above; or
  - 3. The applicant refuses to consent to an investigation by the Chief of Police.
- E. Refusal Of Application. If, as a result of such investigation, the applicant is not entitled to receive a license under this Section for any of the reasons set forth in Subsection **(D)** above, the Chief of Police shall endorse on such application his/her disapproval and his/her reasons for the same and return the application to the City Clerk, who shall notify the applicant that his/her application is disapproved, the

reasons therefor, and that no license will be issued. Notification shall be hand delivered by the Chief of Police or his/her designee or sent by certified mail, return receipt requested, within three (3) days of the return of the application to the City Clerk. Any person aggrieved by the decision of the City Clerk to deny a license shall have a right to appeal to the City Council as provided in Subsection **(I)** below. The appeal shall be heard at the next regularly scheduled City Council meeting or at such other time agreeable to both parties, but in any event not later than thirty (30) days.

- F. **Issuance Of License To Operator.** The City Clerk, upon receipt of the signed approved application from the Chief of Police, shall, upon payment of all required license fees, deliver to the applicant his/her license. The license shall contain the signature and seal of the Mayor and City Clerk, and shall be countersigned by the City Treasurer or Finance Officer, and shall display the name and address of the person, individual(s), firm, corporation, organization, association or group the license is representing, the date of issuance of the license and the length of time the license shall be operative, as well as the license number and the address of the bed-and-breakfast. The Clerk shall keep a permanent record of all licenses issued and shall notify the Police Department of all licenses issued.
  - 1. An operator's license shall not authorize any person to operate a bed-and-breakfast in any other place than that location specified on the license.
  - 2. No license issued hereunder may be assigned or otherwise transferred to another location or person.
- G. **Term Of The License.** The license fees are imposed for the privilege of carrying on the activities authorized for the term specified in the license. Each license shall expire at the end of the term specified unless otherwise renewed upon payment of an additional license fee.
- H. **Suspension Or Revocation Of A License By The City Clerk.**
  - 1. Any license issued pursuant to this Section may be suspended or revoked by written order of the City Clerk because of any violation by the licensee of this Section; or if the premises cease to be fit for human habitation or constitute a structural, health or fire hazard; or whenever the licensee shall cease to possess the qualifications and character required in this Section for the original licensing. Notification shall be promptly hand delivered by the Chief of Police or his/her designee or sent by certified mail. The order of suspension or revocation shall be effective ten (10) days after the licensee receives notice thereof, unless appealed as provided below; in which case, the order shall be stayed until it becomes final pursuant to law.
  - 2. Any person aggrieved by the decision of the City Clerk to suspend or revoke a license shall have the right to appeal to the City Council under Subsection **(I)** below. The appeal shall be heard at the next regularly scheduled City Council meeting or at such other time agreeable to both parties, but in any event not later than thirty (30) days.
- I. **Denial, Suspension And Revocation Of License — Hearing Provisions.**
  - 1. If a license is denied, revoked or suspended by the City Clerk, the applicant or licensee may send a written appeal within ten (10) days of receipt of the notice of denial, revocation or suspension to the City Clerk for a hearing before the City Council. At least ten (10) days' notice of a hearing shall be mailed to the applicant's or licensee's last known address, which notice shall state the time and place for a hearing on the denial, suspension or revocation and shall set forth the grounds in a general manner. The applicant or licensee shall have the right during such hearing to be represented by an

attorney and present witnesses or other competent evidence. If the applicant or licensee requests a hearing, the hearing shall be held in accordance with the Administrative Procedure Act of the State of Missouri, and review from the decision may be had to the Circuit Court of Lawrence County, Missouri.

2. License Suspended Or Revoked — Fee Returned. Any license may be suspended or revoked in cases where it has been previously issued upon the determination that:
  - a. False or inaccurate statements or representations were contained in the application or made to a City official at the time of application;
  - b. The licensee has violated any provision of this Section;
  - c. The licensee has engaged in any behavior or suffered any penalties which would have originally disqualified the licensee for a license; or
  - d. The licensee fails or refuses to pay the applicable annual license fee.

In any event of the revocation of a license, license fees shall be refunded on a pro-rata basis.

## **Section 400.410 Small Houses**

### **Definitions.**

**Small House:** A structure not less than seven hundred (700) square feet and not to exceed one thousand forty (1,040) square feet and not exceeding two (2) stories in height. Intended for use as a permanent, single family residence. Structure must be connected to public utilities (electric, water and sewer). A manufactured home, mobile home or travel unit as defined in Section 525.010 is not considered a Small House.

**Small House Development:** Any development, site, parcel or tract of land designated, maintained, or intended to be used for the purpose, placement or construction of a Small House.

### **A. Uses Prohibited.**

1. Small House construction shall not be permitted in any existing Commercial or Manufacturing zones within the City.

Exception: Parcels within a Commercial zone where a residential structure was previously located shall be allowed to construct a small home, so long as the neighboring property uses align with Single Family Residential use. The determination of applicability of this exception shall be made by the Building Official.

2. Home Occupations shall be prohibited in Small Houses.
3. No lot splits will be approved that result in a residential lot of less than seven thousand five hundred (7,500) square feet.

### **B. New Developments.**

Requires platting or re-platting of the property under standard platting/re-platting guidelines for developments containing two (2) or more lots.

### **C. Height, setback, yard and area requirements.**

Minimum lot width:

Interior Lots: Forty (40) feet of street frontage.

Corner Lots: Forty (40) feet

Minimum lot depth: Fifty (50) feet.

Minimum lot area: Two thousand (2,000) square feet.

Maximum lot area: Seven thousand five hundred (7,500) square feet. In the event an existing "small house" is located on a lot larger than seven thousand five hundred (7,500) square feet, said small house shall be allowed to be replaced by structure of same size or larger.

Minimum yards:

Front yard: No building shall be located within twenty-five (25) feet of the front property line. No building shall be located in the front yard between the primary building and the front property line.

Side yard:

Interior Lots. No building shall be located within five (5) feet of any side property line. No portable or accessory building shall be located within five (5) feet of any side property line.

Corner Lots. No building or accessory building shall be located within twenty-five (25) feet of the side street right-of-way. No building shall be located within five (5) feet of the interior side property line. No portable or accessory building shall be located within five (5) feet of the interior side property line.

Rear yard:

No building shall be located within ten (10) feet of any rear property line. No portable or accessory building shall be located within ten (10) feet of any rear property line.

### **D. Garage area per lot.**

No private garages shall provide storage for more than one (1) vehicle for every two thousand (2,000) square feet of lot area.

### **E. Minimum Requirements.**

The following are minimum requirements for Small House construction and placement:

1. Height: Maximum structure height two (2) stories or thirty (30) feet.
2. Living Space: Maximum square footage including all floors one thousand forty (1,040).
3. Minimum square footage including all floors seven hundred (700).
4. Foundation: Must be frost proof concrete slab, crawl space or basement.
5. Anchor: House must be anchored to withstand min. ninety (90) mph wind load, and permanently affixed to the foundation.

6. Roof: Must be pitch roof constructed of metal roofing or composite shingles.
7. Building Code. House must meet current City adopted building code, utilizing minimum standard building materials unless constructed and sealed as HUD certified. Storage buildings, storage containers, and shipping containers converted to Small Houses are not accepted. Units must have characteristics of a typical home.
8. New: Small Houses not built on site, must be new (current year) and not previously lived in.
9. Building Permits. Building permits and inspections are required for site work, foundations and houses built off site (if not HUD certified).

Parking. Off street automobile and vehicular parking and loading areas shall be provided

**Section Two:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section Three:** This ordinance shall be in full force and effect upon passage by the City Council.

NOTE: Language that is highlighted has been added.

***PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AURORA, MISSOURI ON THIS 11<sup>th</sup> DAY OF MAY, 2021.***

APPROVED:

\_\_\_\_\_  
Dawn Oplinger, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Breedlove, City Clerk