(ORD #4-97)
(ORD #2-99)
(ORD #6-99)
(ORD #4-00)
(ORD #10-01)
(ORD #11-01)
(ORD #14-01)
(ORD #02-02)
(ORD #01-22)
(ORD #22-22)
(ORD #14-23)
(ORD #30-24)
(ORD #16-25)
(ORD #22-26)

Chapter 42 - Zoning

Subchapter A - General

42.010. Purpose.

The zoning regulations set forth herein are enacted to implement the land use portion of the Comprehensive Development Plan for the City of Holden and to promote the health, safety, morals, and general welfare of the citizens of the City. These regulations are intended to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

42.020. Authority.

The provisions set forth in these regulations have been prepared in accordance with the authority granted by the Legislature of the State of Missouri as provided by the Municipal Planning Act of 1963, Section 89.000 to 89.380.

42.030. Jurisdiction.

The jurisdiction of these regulations shall include all land in the Holden corporate limits and shall also apply to any land annexed to the City of Holden.

42.040. Definitions.

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

1. The word shall is mandatory, the word may is permissive.
2. The word lot includes the words plot or parcel.

For the purposes of these regulations the following terms or words are defined as follows:

Accessory use. A use which is customarily incidental to the principal use of the lot, e.g., a garage for the storage of an automobile by the occupant.

Alley. A narrow service way providing a secondary means of access to abutting properties.

Area. This term refers to the amount of land surface in a lot, plot, or parcel.

Area requirements. The yard, lot area, lot width, lot coverage and parking requirements as set forth in a specific district.

Bed and Breakfast. Bed and Breakfast Inn refers to an establishment where the predominant relationship between the occupants is that of innkeeper and guest, and the existence of some other legal relationship is immaterial.

Boat. A recreational vehicle manufactured for use on waterways.

(ORD #22-26)Conex Box / Sea Container / ISO Container: A reusable steel shipping and storage container, originally developed by the U.S. military and short for "Container Express." Today, the term is often used interchangeably with "shipping container" or "ISO container" and refers to standardized metal boxes used globally for secure, weatherproof storage and for transporting goods via ship, train, and truck.

Duplex (two-family dwelling). A structure which contains complete housekeeping facilities for two families.

Dwelling unit. A structure or portion thereof which provides complete housekeeping facilities for one family.

Exterior Side Yard. A side yard of a structure adjacent to a platted street.

Exception. A special use of property, specifically authorized by a zoning ordinance, but not permitted unless certain stated conditions have been met.

Lot. A tract of land defined by metes and bounds or boundary lines in a recorded deed or in a recorded plat.

Lot, corner. A lot at the intersection of and bounded by two or more streets.

Lot of record. A lot which is part of a subdivision recorded in the office of the county recorder, or a lot, plot or parcel described by metes and bounds, the description of which had been so recorded before the effective date of these regulations.

(ORD #6-99) Manufactured/Mobile home. A manufactured home is built to Federal Standards 24 CFR and Missouri 4 CSR 240-120. A living unit that has the following general characteristics:

1. Designed for long-term occupancy containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
2. (ORD #6-99) Manufactured away from the building site, built on a permanent chassis, and designed to be transported over the road on its own chassis.
3. Recreational Equipment as defined in section 42.660, Paragraph 5 shall NOT be deemed a manufactured or mobile home.

(ORD #6-99) Manufactured/Mobile home, single wide. A manufactured/mobile home as defined above and consisting of one primary section with permanent sidewalks.

(ORD #6-99) Manufactured/Mobile home, double wide. A manufactured/mobile home as defined above and consisting of two primary sections which are designed to be fitted together on-site.

Mobile home park. A mobile home park is any plat of ground with the supporting elements of drives and utilities upon which ten or more manufactured/mobile homes, occupied for dwelling or sleeping purposes, are located.

Mobile home space. A mobile home space means ground within a mobile home park or approved lot designed for the accommodation of one manufactured/mobile home. A manufactured/mobile home shall be permanently fastened to a concrete slab or foundation and completely skirted.

(ORD #6-99) Modular home. A residential structure, not a mobile home, which is constructed in whole or part away from the building site and transported to the building site on a flatbed truck or flatbed trailer. A modular home is not a "manufactured home" as defined by federal law. A Modular home is built to the standards found in Holden City Ordinance Chapter 40-Building Permits and Codes.

Nonconforming use. A land use which does not meet the requirements of the zoning district in which it is located at the time of the effective date of these regulations.

Parking space. An on-lot space available for the parking of one motor vehicle and having an area of not less than 200 square feet, exclusive of space necessary to provide access to a street.

Property line. The line bounding a lot as defined herein.

Residential structure. A structure containing one or more dwelling units.

Recreational Vehicle (RV). A vehicle built on a single chassis that is 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for the use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, and seasonal use (also known as a travel trailer, camping, or pop-up camper).

Short-Term Rentals. A short-term rental is a furnished living space available for short periods, from a few days to one month. They are considered an alternative to motels or hotels.

Structure. Anything constructed or erected with a fixed location on the ground or attached to something with a fixed location on the ground. Among other things, structures include buildings, walks, fences, and billboards.

Trailer, house. Hereinafter referred to as a "manufactured/mobile home" and defined in accordance with the definition of "manufactured/mobile home" above.

Variance. A relief which may be granted by a zoning board of adjustment to permit the applicant to vary from the terms of the zoning ordinance because unique conditions of a particular piece of property would make compliance an unreasonable hardship. The variance is usually limited to the field of dimensional requirements.

Yard. A horizontal distance from a lot line to a designated building line. A yard is an open space extending the full distance of the lot between a building and the lot line upon which the building is located.

(ORD #14-23) Solar Panels. A panel designed to absorb the sun's rays as a source of energy for generating electricity or heating.

(ORD #14-23) Solar Array. A solar array is a group of solar panels wired together.

(ORD #14-23) Renewable Energy. Energy from a source that is not depleted when used, such as wind or solar power.

(ORD #14-23) Wind Energy. Energy obtained from harnessing the wind with windmills or wind turbines.

(ORD #14-23) Windmill. A building with sails or vanes that turn in the wind and generate power.

(ORD #14-23) Wind Turbines. A turbine having a large vaned wheel rotated by the wind to generate electricity.

42.050. Establishment of district.

For the purpose of promotion of the public health, safety, morals and general welfare, the City of Holden, Missouri, is hereby divided into the following types of districts:

1. R-1, Residential District
2. R-2, Residential District
3. R-3, Residential District
4. C-1, Retail Business District
5. I-1, Industrial District.
6. (ORD #11-01) AE, Adult Entertainment District

(ORD #10-01) I-1 and AE property zone description; A part of the Northeast quarter of Section 10, Township 45, Range 28, described as beginning at a point on the South right-of-way line of the Missouri Pacific Railroad Company 1222.35 feet Northwesterly along and said south right-of-way line from the East line of Section 10; thence N 62 30" 38" W a distance of 22.44 feet; thence W 90 a distance of 231.66 feet; thence S 0 distance of 297.59 feet; thence S 79 29' 25" E a distance of 255.85 feet; thence N 0 a distance of 533.90 feet, to the point of beginning. Containing 3.0 acres more or less. All in Johnson County, Missouri.

42.060. Zoning map.

1. The City is hereby divided into zoning districts as shown on the official zoning district map. The map, attached hereto as "Exhibit A", is hereby adopted by reference, and declared to be a part hereof.
2. The official zoning district map shall be identified by the signature of the mayor, attested by the city clerk, and bearing the seal of the City under the following words: "This is to certify that this is the official zoning map of the City of Holden" together with the date of adoption of the zoning ordinance.

42.070. Application of zoning district regulations.

1. The regulations pertaining to each zoning district establish the character of the zoning district, and the regulations shall be applied uniformly within the zoning district.
2. The uses permitted or prohibited in each zoning district shall include but shall not be limited to those uses enumerated as being permitted or prohibited within the respective zoning district.
3. No building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zoning district in which it is located.
4. No building or other structure shall hereafter be erected or altered
    a. to accommodate or house a greater number of families;
    b. to occupy a greater percentage of lot area;
    c. to have narrower or smaller rear yards, front yards, side yards, or other open spaces that herein required ; or
    d. in any manner contrary to the provisions of these regulations.

42.080. Interpretation of district boundaries.

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

1. District boundary lines are intended to be along or parallel to the center line of streets, alleys, easements, other rights-of-way, and creeks, streams, or other water channels.
2. District boundary lines are intended to be along or parallel to property lines or the lot lines of platted additions.
3. In the absence of specific distances, such dimensions shall be determined by the scale of the official map (1"=400')

4. When the street or property layout existing on the ground is at variance with that shown on the official zoning map, the city planning commission shall interpret the district boundaries of this ordinance.

Subchapter B - District Regulations for the R-1 Residential District

42.100. R-1, Residential District.

This district is intended to provide for residential development of moderately spacious character, together with such public buildings, schools, churches, public recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings.

42.110. (ORD #2-99) Permitted uses.

1. Single-family dwelling
2. Duplex (two-family dwelling) by special permit of the City Council
3. Churches and educational buildings
4. Public parks, playgrounds, recreation buildings
5. Existing farms, truck gardens, nurseries
6. Schools, elementary and secondary.

42.120. Area requirements.

1. Minimum lot area:
    a. Single-family: 14,000 sq. ft.
2. Minimum lot width: (measured at front yard line)
    a. All residential uses: 80 ft.
3. Minimum yard requirements:
    a. Front: 35 ft.
    b. Side: 10 ft.
    c. Side (exterior): 10 ft.
    d. Rear: 25 ft.

42.125. (ORD #2-99) Minimum Square Foot of Structure.

The following types of residences shall contain the listed minimum square footage of finished living space excluding garages and unfinished basements:

1. Single family dwelling-900 square feet.
2. Duplex-1,800 square feet.

All residences currently in existence which are in violation of this section shall be excluded from this section's provisions; however, this exception shall be forfeited if at any time the original structure is removed from the premises, is replaced with another structure, is destroyed, or the structure's primary use is changed from that of a residential dwelling.

42.130. Off-street parking.

1. One off-street parking space per each dwelling unit on the lot.

2. Churches: One (1) parking space for each five (5) seats provided in main sanctuary or meeting room.

Subchapter C - District Regulations for the R-2 Residential District

42.200. R-2 Residential District.

This district is intended to provide for residential development of moderately spacious character, together with such public buildings, schools, churches, public recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings.

42.210.(ORD #4-97) Permitted uses.

1. Single-family dwelling
2. Duplex (two-family dwelling)
3. Multi-family dwelling
4. Modular housing (by special permit of the City Council)
5. Mobile home park (by special permit of the City Council)
6. Churches and educational buildings
7. Public parks, playgrounds, recreation buildings
8. Existing farms, truck gardens, nurseries
9. Schools, elementary and secondary
10. Funeral homes

42.220. Area requirements.

1. Minimum lot area:
    a. Single-family: 7,000 sq. ft.
    b. For each additional unit per structure: 1,800 sq. ft.
2. Minimum lot width: (measured at front yard line.)
    a. All residential uses: 50 ft.
3. Minimum yard requirements:
    a. Front: 25 ft.
    b. Side: 7 ft.
    c. Side (exterior): 10 ft.
    d. Rear: 25 ft.

42.225. (ORD #4-97) Minimum Square Foot of Structure.

The following types of residences shall contain the listed minimum square footage of finished living space excluding garages and unfinished basements:

1. Single family dwelling-900 square feet.
2. Duplex-1,8000 square feet.
3. Multi-family dwelling-900 square feet per unit.
4. Modular housing-900 square feet.

All residences currently in existence which are in violation of this section shall be excluded from this section's provisions; however, this exception shall be forfeited if at any time the original structure is removed from the premises, is replaced with another structure, is destroyed, or the structure's primary use is changed from that of a residential dwelling.

42.230. Off-street parking

1. One off-street parking space per each dwelling unit, on the lot.
2. Churches: One (1) parking space for each five (5) seats provided in main sanctuary or meeting room.

Subchapter D - District Regulations for the R-3 Residential District

42.250. Purpose.

This district is intended to provide for residential development of moderately spacious character, together with such public buildings, schools, churches, public recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings.

42.260.(ORD #4-97)(ORD #22-26) Permitted uses.

1. Single-family dwellings
2. Duplex (two-family dwellings)
3. Multi-family dwellings
4. Modular housing (by special permit of the City Council)
5. Mobile home park (by special permit of the City Council)
   a. See paragraph 42.510 Mobile Home Parks for special Permitted Uses for Camp Valor Outdoors (CVO) Veteran's Village in the Mobile Home Park at 307 N. Mary
6. Churches and educational buildings
7. Public parks, playgrounds, recreational buildings
8. Existing farms, truck gardens, nurseries
9. Schools, elementary and secondary
10. Funeral homes.

42.270. Area requirements.

1. Minimum lot area:
   a. Single-family: 7,000 sq. ft.
   b. For each additional unit per structure: 1,800 sq. ft.
2. Minimum lot width: (measured at front yard line)
   a. All residential uses: 50 ft.
3. Minimum yard requirements:
   a. Front: 25 ft.
   b. Side: 7 ft.
   c. Side (exterior): 10 ft.
   d. Rear: 25 ft.

42.275.(ORD #4-97) Minimum Square Foot of Structure.

The following types of residences shall contain the listed minimum square footage of finished living space excluding garages and unfinished basements:

1. Single family dwelling-900 square feet.
2. Duplex-1,800 square feet.
3. (ORD# 12-98) Multi-family dwelling-500 square feet per unit.
4. Modular housing-900 square feet.

All residences currently in existence which are in violation of this section shall be excluded from this section's provisions; however, this exception shall be forfeited if at any time the original structure is removed from the premises is replaced with another structure, is destroyed, or the structure's primary use is changed from that of a residential dwelling.

42.280. Off-street parking.

1. One off-street parking space per each dwelling unit on the lot.
2. Churches: One (1) parking space for each five (5) seats provided in main sanctuary or meeting room.

Subchapter E - District Regulations for the C-1 Retail Business District

42.300. C-1, Retail Business District.

The retail business district is intended for retail and service uses that provide adequate off-street parking and unloading facilities.

42.310. (ORD #22-22) Permitted uses.

1. Retail establishments which sell such items as groceries, pharmaceuticals, variety merchandise, dry goods, automotive parts, hardware, feed and poultry supplies, home building supplies, farm equipment, marine equipment (boats, trailers etc.).
2. Service establishments including banks, savings and loan associations/offices, title companies, barber shops, motion picture theaters, new and used cars, utility offices and various public buildings.
3. Eating establishments (cafes, restaurants).
4. Offices for professional and service people, including doctors, dentists, lawyers, realtors, radio and television service and repair.
5. Dry cleaning and laundry establishments.
6. Automotive service stations.
7. Automotive repairs and sales (new and used).
8. Warehousing, commercial.
9. Commercial recreation, as bowling alleys, golf driving ranges, drive-in theaters, skating rinks, etc.

10. Automatic laundries (unattended).
11. Motels and motor hotels, transient rental housing less than 30 days
12. Resident units / apartments
13. Places of public assembly.
14. Printing offices and plants.

42.320. (ORD #22-22) Area requirements.

1. Minimum yard requirements.
    a. Front: 25 ft.
    b. Side (no side yard required, except for the street side of a corner lot): 10 ft.
    c. Rear (from property line or center of alley if one exists): 15 ft.
2. On-lot parking:
    a. Motels, hotels, other transient housing that rents for 30 days or less (one parking space per sleeping unit)
    b. Resident units, apartments (one parking spot per residence.)
    c. Places of public assembly (space per seating capacity: 1 per 5 seats.)
3. Maximum height.
    a. Stories: 2
    b. Not to exceed: 36 feet

42.330. Parking.

On-lot parking spaces shall be provided for each employee and one space per 500 square feet of floor area.

42.340. Special rule when adjoins residential district.

When a commercial zoning district abuts a residential zoning district, a minimum side yard and rear yard of 25 feet and a front yard of one-half the distance required for the residential district shall be required.

42.350 (ORD #22-22) Mixed Residential and Non-Residential.

Other provisions of this Chapter notwithstanding, residential use of parts or buildings housing commercial uses within the Retail Business District are approved if each of the following standards are met:

1. Each residential unit shall conform to building and other applicable codes and shall be afforded adequate natural light, ventilation, access, security, hazard detection for non-residential spaces in the same structure, and property means of fire escape. Each residential unit shall have a minimum of 600 square feet of usable living area, with its own kitchen and bath facilities. Each adult resident shall have 300 square feet of living space and an additional 250 square feet of living space per child.
2. Architectural character and physical integrity shall be protected in renovation, conversion, and mixed use of building spaces.

3. Ground floor spaces shall not be used for residential purposes in buildings with mixed residential and non-residential uses approved hereunder to protect the continuity of StreetSide commercial activity in the district.
4. Residential use shall not be allowed unless the ground floor space(s) meet(s) one of the following conditions:
    a. Currently occupied by an operating business with a current City business license: or
    b. If vacant, ground floor space shall be improved, at a minimum, to white box standard and satisfying all current City building codes, standards, and regulations. "White box" condition is defined to mean improvements made to a building resulting in a minimally finished interior, to include demising walls, ceilings, lighting, plumbing, heating, and cooling (HVAC), interior walls (painted or unpainted), electrical outlets, restrooms, and floor. A white shell is considered ready to lease and ready for tenant improvement.
5. Off-street parking shall be provided for each residential unit.

Subchapter F - District Regulations for the I-1 Industrial District

42.400. (ORD #22-26)Purpose.

The I-1, Industrial District is intended for general manufacturing and industrial activities normally associated with industrial operations. The district is intended to provide a location for industries involved in the general manufacturing; Wholesale Trade; Transportation and Warehousing; Administrative and Support and Waste Management and Remediation Disposal Services; Commercial and Industrial Machinery and Equipment Rental and Leasing; and/or fabrication of goods and materials.

42.420. Permitted uses.

1. (ORD #02-02)) All uses permitted in the zoning district described in this zoning ordinance.
2. All other uses not otherwise prohibited by law.
3. (ORD #02-02) Double-Wide manufactured/mobile homes are allowed in areas zoned I-1 by special permit of the City Council. Double wide manufactured/mobile homes in I-1 shall have the tongue and axels removed and have a height from lot grade level to base plate of no more than 20 inches.
4. Modular homes (by special permit of the City Council)
5. Single-Family dwellings (only as replacement of an existing Single-Family dwelling)
6. Double-Wide manufactured/mobile homes, modular homes, and single-family dwellings in I-1 shall have the following yard sizes.
    a. Front: 25 feet
    b. Rear: 25 feet
    c. Side: 7 feet
    d. Exterior Side: 10 feet

42.430. Uses prohibited.

All uses of land, building and structures or industrial processes that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibrations or similar substances or conditions; provided, however, that any such use may be permitted if approved by the City Council and subject to the securing of a special permit which specified such restrictions, conditions and safeguards as may be deemed necessary by said City Council for the purpose of protecting the health, safety, morals or the general welfare of the community.

42.440. Area requirements.

1. I-1, Industrial District.
2. Lot coverage: The entire lot may be covered, except as hereinafter specified.
   a. Yards:
      i. Front: 20 feet
      ii. Rear: 20 feet
      iii. Side: 5 feet
3. On-lot parking: adequate on-lot parking space shall be provided for all employees and visitors.
4. On-lot parking, loading, and unloading facilities: Each structure or use shall provide on-lot loading and unloading facilities which shall not block a street, alley, or other public way.

42.445 The following table of uses is adopted for uses allowed and disallowed as listed.

Zoning Use Chart

Legend

P=Permitted
C=Permitted with Conditions
NP - Not Permitted

**By Special permit of City Council
With restrictions
^^ Only as replacement of a current single-family dwelling
!! Only allowed in Mobile Home Parks

	Residential			Non-Residential		
USE TYPE	R-1	R-2	R-3	I-1	C-1	AE
Single-Family Dwelling	P	P	P	C		
Duplex**	P	P	P	NP		
Multi-Family Dwelling	NP	P	P	NP		
Modular House**	NP	C	C	C	NP	
Mobile Home Park **	NP	C	C	C		
Churches	P	P	P	NP		

Educational Buildings	P	P	P	NP		
Public Parks, Playgrounds	P	P	P	NP		
Recreational Buildings	P	P	P	NP		
Existing Farms	P	P	P	NP		
Plant Nurseries	P	P	P	NP		
Funeral Homes	NP	P	P	NP		
Retail Establishments	NP	NP	NP	NP	P	
Service Establishments (such as banks, title companies, hair salons/barber shops, public bldgs.)	NP	NP	NP	NP	P	
Eating Establishments	NP	NP	NP	NP	P	
Professional Offices (such as dentists, doctors, realtors, etc.).	NP	NP	NP	NP	P	
Dry Cleaning/Laundry	NP	NP	NP	NP	P	
Automotive Service Establishments	NP	NP	NP	NP	P	
Warehousing, commercial	NP	NP	NP	NP	P	
Recreation, such as bowling alleys, theaters)	NP	NP	NP	NP	P	
Motels, Hotels, Short-term rentals	NP	NP	NP	NP	P	
Resident Units/Apartments##	NP	NP	NP	NP	C	
Bed and Breakfast Inn	P	P	P	NP	NP	
Printing offices	NP	NP	NP	NP	P	
Single-wide mobile Homes!!	NP	NP	NP	NP	NP	
Double-Wide/Manufactured Homes **	NP	NP	NP	C	NP	
All industrial operations	NP	NP	NP	P	NP	

	Residential	Non-Residential

Lot, House Size and Type Restrictions by Zone- all sizes below are the minimum sizes allowed	R-1	R-2	R-3	I-1	C-1	AE
Minimum Lot Area	14000 sq ft	7000 sq ft	7000 sq ft			
(per each additional unit)		1800 sq ft	1800 sq ft			
Multi-Family (per unit)		900 sq ft				
Modular Homes		900 sq ft				
Minimum Lot Width	80 ft	50 ft	50			
Yard:						
Front	35 ft	25 ft	25	25	25	
Side	10 ft	7 ft 10 (ext)	7	10		
Rear	25 ft	25 ft	25	25	15	
House Size (single Family)	900 sq ft	900 sq ft	900 sq ft			
House Size total (Duplex)	1800 sq ft	1800 sq ft	1800 sq ft			
Multi-Family (per unit)		900 sq ft	500 sq ft			
Modular Homes		900 sq ft	900 sq ft			
# Of off-street parking spaces						
Single Family	1	1	1			
Duplex for Multi-family (per unit)		1	1			
Multi-Family (per unit)					1	
Motels, Hotels, Short-term rental					1	
Retail						
Per Employee					1	
Per 500 sq ft of floor area					1	
Churches (per every 5 seats in sanctuary)	1	1	1			
Maximum Height					2 stories (not to exceed 36')	

42.450.(ORD #02-02) Permit Procedures for Placing Double-Wide Manufactured/ Mobile Homes and Modular in Industrial Areas.

Anyone wishing to place a double-wide manufactured/mobile home or modular home within the City of Holden, not within a mobile home park, and on property zoned I-1, may make application to request the City Council to issue a permit for such placement, provided that the following procedures are complied with.

1. The City Clerk must be contacted so dates for the public meetings of the Planning & Zoning Commission followed by the City Council can be established. Such meeting shall not be scheduled for sooner than 15 days after contact is made with the City Clerk.
2. The applicant shall conspicuously place a sign on the property on which the manufactured/mobile home is sought to be placed setting forth the dates that the public meetings of the Planning & Zoning Commission and Holden City Council will take place to determine whether a manufactured/mobile home will be permitted to be placed upon the property. The sign must be placed so that it can easily be seen from a sidewalk or street passing by the property. Such signs will be available from the City Clerk.
3. A photograph, brochure, floor plan, and all other similar information pertaining to the manufactured/mobile home or modular home, including the purchase price and the name and address of the person or entity from whom the manufactured/mobile home is being purchased, shall be provided to the City Clerk at least three business days before the public meeting of the City Council.
4. The applicant shall send a certified letter to all property owners whose property is located within 185 feet of the property on which the manufactured/mobile home or modular is desired to be placed, stating the date, time, and place of the public meeting and the general purpose of such meeting. The letter shall request owners who cannot attend the public hearing reply with concurrence or nonconcurrence to the City Clerk before the date of the Planning & Zoning public meeting. If there is more than one property owner, the letter needs only to be sent to one of the owners. The names and addresses of the property owners should be obtained through the Johnson County Assessor's and Recorder's Office, and such names and addresses shall be presumed valid. The letter referenced herein must be mailed no later than ten days prior to the meeting. A list of all persons who were mailed a certified letter including the addresses to which the letters were mailed must be provided to the City Council. A return receipt corresponding to each letter mailed must also be provided to the City Council. A form letter containing all essential requirements will be available from the City Clerk.

42.455. Permit granted when.

The Planning and Zoning Commission shall make a report/recommendation on the applicant's request and the City Council shall grant an applicant permission

to place a manufactured/double-wide mobile home or Modular home within the City, outside a mobile home park, in an area zoned I-1, if the applicant complies with all requirements set forth in this chapter and all other applicable ordinances and after careful consideration of the following factors, the City Council believes that the granting of the permit is in the best interest of the City.

1. The size of the manufactured/double-wide mobile home or modular home.
2. The cost of the manufactured/double-wide mobile home or modular home.
3. The design, construction, material composition, and general appearance of the manufactured/double-wide mobile home or modular home.
4. The surrounding usage of the property where the manufactured/double-wide mobile home or modular is sought to be placed.
5. The effect the manufactured/double-wide mobile home or modular home will have on the surrounding property owners' property values and the use of their property.
6. The manufactured/double-wide mobile home or modular home's physical location on the property.
7. The impact the manufactured/double-wide mobile home or modular home's placement will have on the City's planning objectives.

Subchapter G - Mobile Homes

42.500.(ORD #02-02) Locations.

1. A manufactured/mobile home (single or double-wide) shall not be temporarily or permanently parked or located on any public street or alley.
2. All manufactured/mobile homes, both single and double wide, shall be placed only in an approved mobile home park, or for double-wide manufactured/mobile homes, after permission from the City Council, in an area zoned I-1.
3. Those double-wide manufactured/mobile homes located outside mobile home parks with approval of the City Council shall remain as situated and may not be relocated within the City, except to a mobile home park, or after permission from the City Council, in an area zoned I-1.
4. In the event a manufactured/mobile home located outside of a mobile park, is moved to another location, or is removed from the property for any reason, a subsequent manufactured/mobile home shall not be allowed to replace the previous manufactured/mobile home, unless the original manufactured/mobile home is on property zoned I-1, and permission from the City Council is obtained to place the subsequent manufactured/mobile home on the property.
5. There shall not be more than one manufactured/mobile home (single or double-wide) allowed on a single lot in the City, unless such lot is converted into a mobile home park.
6. A manufactured/mobile home may be permitted by the City Council after a public hearing, for purposes of temporary relief from a local disaster,

such as fire, wind, or flood damage, provided such manufactured/mobile home shall be removed from the premises within six months of its original placement.

7. A manufactured/mobile home (single or double-wide) shall not be temporarily or permanently placed on any lot containing a residential or business structure, except when in complete conformity with the zoning and other ordinances of the City of Holden.

42.505.(ORD #4-97) Skirting.

All manufactured/mobile homes located within the City of Holden must be skirted on all sides, and such skirting must be made of a material and so constructed that the skirting is harmonious with the manufactured/mobile home structure and the foundations of neighborhood structures.

42.510.(ORD #4-97)(ORD #22-26) Mobile Home Parks.

1. Minimum space size. Each mobile home park shall have dimensions of at least thirty-five (35) feet in width and no less than 2,450 square feet.
2. Stands and Skirts. Each mobile home space in a mobile home park shall contain a Portland cement or asphaltic concrete stand upon which the manufactured/mobile home will be situated, and each home shall be equipped with skirts on all sides, such skirts to be of material harmonious to the manufactured/mobile home structure.
3. Parking. At least one parking space for each manufactured/mobile home shall be provided within sixty (60) feet of the manufactured/mobile home. Such parking spaces shall be off the public street or private drive and shall be not less than ten feet by twenty feet (10' x 20') in size and shall be hard-surfaced to at least the standard set out above for drives.
4. Open space. Each manufactured/mobile home in a mobile home park shall be located on the manufactured/mobile home space so that no part of one manufactured/mobile home structure is closer than twelve (12) feet to another
5. manufactured/mobile home, or to the edge of the surface of an adjacent drive. No manufactured/mobile home shall be located closer than thirty (30) feet to the boundary line of the mobile home park or to a public street.
6. Special provisions for Camp Valor Outdoors (CVO) Mobile Home Park at 307 N. Mary
    a. Camp Valor Outdoors (CVO) is a Missouri Not for Profit Corporation created in 2013 for the purpose of recognizing and honoring wounded warriors and their families with the opportunity to participate in outdoor activities. In furtherance of its mission CVO has acquired the property located at 307 N.Mary in the city limits of Holden, MO. for the purpose of contracting and operating a Veteran’s Village.
    b. To support the CVO Veteran’s Village project the following provisions are in place for this mobile home park.

c. Special zoning and building code allowances have been made to place "tiny homes" at this address as part of the establishment of the Camp Valor Outdoors (CVO) Veteran's Village. The extent of the current Veteran's Village shall be up to thirty-two (32) "tiny homes" and one (1) Community Center and/or a combination of tiny homes and mobile homes. All structures shall be owned by CVO and controlled by its Board of Directors (The Board. The Board will be responsible for selecting and managing veterans to occupy the Veteran's Village houses and shall be solely responsible to ensure compliance with these regulations and all City, State and Federal laws. Individual parcels shall not be sold to other individuals nor shall permits be issued for building of "privately owned units".

d. Further expansion of the Veteran's Village in number of units, type and size of units or occupancy concepts shall require review by the Planning and Zoning Commission and approval by the Holden City Council.

e. Should CVO cease operation or at any time sell the mobile home park designated property at 307 N. Mary, all Veteran's Village specific considerations shall be voided. However, the new owner may seek a new mobile home park permit if desired.

42.520.(ORD #4-97) Procedure for City Council Approval of Modular Homes.

Anyone wishing to place a modular home within the City of Holden, not within a mobile home park, may request the City Council to issue a permit for such placement, provided that the following procedures are complied with.

1. The City Clerk must be contacted so a date for the public meeting of the Planning & Zoning Commission and the City Council can be established. Such meeting shall not be scheduled for sooner than 15 days after contact is made with the City Clerk.
2. The applicant must conspicuously place a sign on the property on which the modular home is sought to be placed setting forth the date that the public meeting of the Holden City Council will take place to determine whether a modular home will be placed so that it can easily be seen from a sidewalk or street passing by the property. Such signs will be available from the City Clerk.
3. A photograph, brochure, floor plan, and all other similar information pertaining to the modular home. including the purchase price and the name and address of the person or entity from whom the modular home is being purchased, shall be provided to the City Clerk at least three business days before the public meeting of the City Council. The City of Holden Building Inspector shall also review this material.
4. The applicant must send a certified letter to all property owners whose property is located within 185 feet of the property on which the modular home is desired to be placed, stating the date, time, and place of the public meeting and the general purpose of such meeting. If there is more than one property owner, the letter needs only to be sent to one of the owners. The names and addresses of the property owners should be obtained through the Johnson County Assessor's and Recorder's

Office, and such names and addresses shall be presumed valid. The letter referenced herein must be mailed no later than ten days prior to the Planning & Zoning Meeting. The letter shall request owners who cannot attend the public hearing reply with concurrence or non-concurrence to the City Clerk before the date of the Planning and Zoning public meeting. A list of all persons who were mailed a certified letter including the addresses to which the letters were mailed must be provided to the Planning and Zoning Commission and the City Council. A return receipt corresponding to each letter mailed must also be provided to the City Council. A form letter containing all essential requirements will be available from the City Clerk.

42.525.(ORD #4-97) Permit granted.

The Planning and Zoning Commission shall make a report/recommendation on the applicant's request and the City Council shall grant an applicant permission to place a modular home within the City if the applicant complies with all requirements set forth in this chapter and all other applicable ordinances and after careful consideration of the following factors, the City Council believes that the granting of the permit is in the best interest of the City.

1. The zoning district where the modular home is sought to be placed.
2. The size of the modular home.
3. The cost of the modular home.
4. The design, construction, material composition, and general appearance of the modular home.
5. The neighborhood where the modular home is sought to be placed.
6. The effect the modular home will have on the surrounding property owners' property values and the enjoyment of their property.
7. The modular home's physical location on the property.
8. The type of surrounding homes and their values.
9. The impact the modular home's placement will have on the City's planning objectives.

42.535.(ORD #6-99) Modular homes-exterior appearance requirements.

A modular home shall have exterior building materials and appearance similar to a traditional single-family dwelling in the neighborhood where the modular home is to be located.

42.550.(ORD #4-97) Inspection.

Any police officer, building inspector, or other authorized agent of the City may lawfully enter upon any property in order to inspect any manufactured/mobile or modular home within the City for compliance with this chapter.

Subchapter H - General Regulations

42.600. Annexed areas.
All territory which may hereafter be included within the zoning jurisdiction of Holden shall be subject to the requirements of the R-1, Residential District, or otherwise conform to the land use category shown on the comprehensive plan, until such time as the zoning district shall have been amended to zone such territory otherwise.

42.610. Completion of existing buildings.
Nothing herein contained shall require any change in plans, construction, or designated use of a building actually under construction at the time of effective date of these regulations.

42.620.(ORD #4-00) Accessory building.
An accessory building is any structure used for either storage or other accessory use. An accessory building must be constructed on site or be transported to its final location by flatbed truck. Any structure manufactured away from the building site, built on a permanent chassis, and designed to be transported over the road on its own chassis is prohibited from being placed on any property with the City of Holden, except as specifically permitted under Section 42.660, and may not under any circumstance be used as an accessory building. No recreational vehicles, commercial vehicles, motor vehicles, construction trailers, buses, vans, freight boxes, freight cars, transportation/shipping containers, or trailers shall be used as an accessory building. The provisions of this section shall not apply to structures used at construction sites for less than three months to store construction materials to be used on-site or to house an on-site construction office; however, this exception shall lapse after three months, and any extension of time must be obtained from the city council. In residential districts, an accessory building shall have a minimum side and rear yard of ten (10) feet. (Unless an exception is granted by the Planning and Zoning Commission and the City Council.) It is expressly prohibited to use accessory buildings, tiny homes, recreational vehicles, or shipping containers as residential dwellings within any zoning district within the city limits of Holden, MO unless the city council has approved the exception.

42.622. (ORD #14-23) Renewable Energy Systems.
Solar systems, to include solar panels and arrays, are to be installed where not visible from the street side of the front of the property. Roof mounted solar arrays mounted on the roof of buildings cannot be visible from the front of any property. Ground mounted solar arrays are to be considered within the same context as an accessory building with the same setbacks for side and rear yard minimums. The City's adopted building code requirements as set for in the current adopted International Building Code will be applicable for all solar arrays installed.

At this time (3/7/2023), wind renewable energy mechanisms and structures of any size are not allowed within the city limits of Holden, Missouri.

42.630. Occupations permitted in structures utilized for residential purposes. in a residential zone (home occupations).

An occupation may be carried on in a residential structure in a residential district only when it:

1. Does not require the use of more than two rooms otherwise normally considered as living space.
2. Does not require the use of an accessory building or yard space or an activity outside the main structures not normally associated with residential uses.
3. Does not have a sign in excess of four square feet in area to denote the business, occupation or profession and such sign must be attached to the structure.
4. Does not involve the display of goods and services outside the structure.
5. (ORD #4-96) No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation, and the number of residents engaged or employed on the premises in the home occupation shall not exceed two.
6. (ORD #4-96) There shall be no regular and steady visitation or concentrated coming and going of clients or off-site employees to or from the premises.
7. (ORD #4-96) The City Clerk may issue a home occupation permit for a home occupation that complies with the provisions of this section. Home occupation permits, once granted, may be revoked by the City Council for cause after a hearing before the City Council.

42.640. Lot of record.

On any lot of record in a residential district, a one-family structure may be erected even though the lot be of less area or width than required by the regulations of the residential area in which the lot is located, provided all other area requirements are met.

42.650. Non-conforming.

1. Non-conforming use of land or structures may be continued if the following are complied with:
    a. A non-conforming use of land shall not be changed to a conforming one.
    b. The area devoted to a non-conforming use of land cannot be extended beyond the lot area on which it is located.
    c. A non-conforming use of structure may be changed to another use in the same zoning classification as the original use provided the Planning and Zoning Commission finds that such change of use is as compatible for the area as the original nonconforming one.
2. A non-conforming structure may be enlarged with the approval of the Planning and Zoning Commission but in no event shall the enlargement of the structure be in violation of the existing area requirements for the zoning district in which the structure is located.

3. A non-conforming structure may not be rebuilt or reestablished if said structure is damaged in excess of two-thirds of its fair market value immediately prior to damage.

42.660. (ORD #22-26)Parking of recreational equipment and commercial vehicles prohibited: exceptions.

1. Recreational equipment: As used in this Chapter, recreational equipment is defined as and shall include the following:
    a. Travel trailers: a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.
    b. Pick-up camper: a structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
    c. Motorized home: a portable dwelling designed and constructed as an integral part of self-propelled vehicle.
    d. Folding tent trailer: a canvas folding structure, mounted on wheels and designed for travel and vacation use.
    e. Boats and boat trailers: shall include boats, floats, and rafts, plus the normal equipment to transport the same on the highway.
    f. Vehicles licensed by a state authority as recreational vehicles.
2. No one shall dwell in recreational equipment or commercial vehicles on any street or highway or public or private property within the City of Holden, Missouri, except as hereinafter provided.
    a. Short term dwelling in a recreational vehicle (RV) is permitted in the Holden City Park at the established location(s) with a rental agreement.
    b. Recreational vehicles visiting Holden residents may be parked and used for dwelling temporarily (less than two weeks), IF the vehicle is parked on an off-street driveway or parking area constructed of asphalt, gravel, or concrete. Such use shall be authorized after obtaining an RV dwelling permit from City Hall. The fee for such permit shall be set from time to time by City Council. Visiting recreational vehicles are restricted from parking on the city streets except as provided for in 42.660.5.

3. No one shall park or store recreational equipment or commercial vehicles on any street or highway or public or private property within the City of Holden, Missouri, except as hereinafter provided. Any owner or operator of recreational equipment not more than 40 feet in overall length, or any commercial vehicle of the pick-up variety having a weight in accordance with the following conditions shall comply with the following restrictions.

a. If the recreational equipment of commercial vehicle is parked or stored outside of a garage, it shall be parked or stored at the rear of the front building line of the lot on a prepared surface of gravel, blacktop or concrete. No part of such vehicle shall overhang the limits of such a prepared surface.

    i. If access by driveway or alley to the rear of the front building line is not available, such vehicle can be parked or stored in front of the front building line on an established driveway surfaced with blacktop, gravel, or concrete. No part of such vehicle shall overhang the limits of such an established driveway.

b. Short term parking of a recreational vehicle (RV) is permitted in the Holden City park at the established location(s) with a rental agreement.

4. Notwithstanding the provisions of this ordinance, recreational equipment, and commercial vehicles, for purposes of loading and unloading, may be parked on any public or private street immediately adjacent to property owned or occupied by the owner of such vehicle but such parking shall not block traffic flow or street intersections; nor exceed twenty-four (24) hours in any seven (7) day period.
5. Notwithstanding the provisions of this ordinance, recreational equipment, and commercial vehicles, for purposes of conducting business in the commercial area, may be parked on any public or private street in the commercial area, but such parking shall not block traffic flow or street intersections nor exceed a two (2) hour time period.
6. All recreational equipment and commercial vehicles must be kept in good repair, which is defined as undamaged, licensed, operable, registered with the state, and easily drivable (in the case of a motorhome) or towable by a pickup truck (in the case of towable recreation equipment).
7. Visiting recreational vehicles are prohibited from being connected to any city utility (such as water, sewer, or electricity). However, if the homeowner of the lot property has installed an outside electrical pole for the purpose of providing electricity to a recreational vehicle, it may be used for visiting RVs. With Permit authorized by the P&Z Commissioner a travel trailer or motorized home may be parked per the restrictions in this ordinance and used as a dwelling for a period of not more the six (6) months during construction or remodeling of a dwelling. Such permit will require an approved building permit for work on the same lot as the parking/dwelling is authorized. Connection of utilities shall be in a method approved by the Holden BPW and verified by the Holden Water and Sewer Department. Requests for permit extensions shall require approval by the Holden City Council before the initial permit expires and shall not be extended beyond three (3) months.
8. Any person, firm or corporation which violates the provisions of this ordinance shall be deemed guilty of a misdemeanor.

9. Any truck or semi-trailer tractor larger than 1 ton shall not be parked on the city street overnight.
10. Any vehicle transporting hazardous or toxic material shall not be parked on any city street overnight. Further, any such vehicle shall not be left unattended at any time for any reason except for a bona fide emergency.

42.662.(ORD #22-26)USE OF SEA CONTAINERS IN RESIDENTIAL ZONING DISTRICTS

Sea containers are prohibited as permanent or accessory structures in residential zoning districts (R-1, R-2, R-3), except under the following conditions:

a. A valid Sea Container Permit is obtained from the City of Holden;
   i. The application for the permit must include:
      1. A site plan showing proposed placement and screening method;
      2. Photographs and descriptions of the container;
      3. Description of intended use
      4. A non-refundable application fee shall be submitted with the application in an amount to be established by resolution of the City Council.
b. The container is placed behind the principal structure on the lot, and shall not be placed in front yards or visible forward of the primary dwelling;
c. The container is painted to remove or fully obscure all original transportation company logos, names, or identifying markings;
d. The container is maintained in good condition, free from rust, structural damage, graffiti, or other signs of deterioration;
e. All sea containers must be equipped with a secure locking mechanism at all times to ensure they are properly sealed and to prevent unauthorized access. This requirement is essential to protect children and any other individuals who are not permitted to enter, thereby maintaining safety and security.
f. No more than one (1) container per lot is permitted without approval from the Planning and Zoning Commission.
g. Containers shall not be stacked unless approved by Planning & Zoning
h. Colors shall be neutral earth tones or colors compatible with the primary structure
i. During active construction with a valid building permit, one container may be placed for construction storage for up to twelve months without meeting screening requirements.

42.664. (ORD #22-26)USE OF SEA CONTAINERS IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

In C-1 (Retail Business) and I-1 (Industrial) zoning districts, sea containers may be used only if the following conditions are met:

a) A valid Sea Container Permit is obtained from the City of Holden;

i) The application for the permit must include:
   (1) A site plan showing proposed placement and screening method;
   (2) Photographs and descriptions of the container;
   (3) Description of intended use
   (4) A non-refundable application fee shall be submitted with the application in an amount to be established by resolution of the City Council.

b) Containers shall be reasonably screened where adjacent to residential property whenever practical. Screening may be waived by the Planning and Zoning Commission;
c) Containers must be kept in a structurally sound and well-maintained condition at all times;
d) Containers shall not be stacked unless approved by Planning & Zoning
e) Colors shall be neutral earth tones or colors compatible with the primary structure
f) During active construction with a valid building permit, one container may be placed for construction storage for up to twelve months without meeting screening requirements.

42.666. (ORD #22-26)PERMIT REQUIREMENTS AND FEES

A. A Sea Container Permit is required prior to the placement, installation, or use of any sea container in any zoning district.

B. A non-refundable filing fee shall be submitted with the application in an amount to be established by resolution of the City Council.

C. Sea Container Permits shall run with the property and shall remain valid upon the sale or transfer of ownership of the property. If all permitted sea containers are permanently removed from the property, the permit shall automatically terminate. Any replacement or additional sea container shall require a new Sea Container Permit.

D. ENFORCEMENT AND PENALTIES

1. The City of Holden Code Enforcement Officer, Building Inspector, or designee is authorized to enforce this Ordinance.

2. New Installations: Any sea container placed or installed after the effective date of this Ordinance must comply immediately with all applicable requirements.

3. Existing Containers: Any sea container in existence as of the effective date of this Ordinance shall be granted a compliance period of twelve (12) months to conform to the standards outlined herein. During this grace period:

- Owners shall not be subject to fines;
- Notice of noncompliance may be issued with an expected compliance deadline;
- After twelve (12) months, any noncompliant container shall be subject to enforcement actions and penalties.

4. Any person who fails to bring a container into compliance after the applicable period shall be guilty of a misdemeanor and subject to a fine not exceeding $500.00 per day, with each day of noncompliance constituting a separate offense.

5. The City may order the removal or remediation of any sea container in violation and may pursue abatement, with all costs assessed to the property owner.

42.670. (REMOVED ORD #01-22) Zoning Compliance Permit.

42.680. (REMOVED ORD #14-23) Amendment to text of regulations.

Subchapter J - Modular Homes (ORD #4-97)

42.681. Locations.

1. A Modular home shall not be temporarily or permanently parked or located on any public street or alley.
2. Those modular homes located outside mobile home parks with approval of the City Council shall remain as situated and may not be relocated within the City, except to a mobile home park, without the permission of the City Council.
3. In the event a modular home is located outside of a mobile home park, is moved to another location, or is removed from the property for any reason, a subsequent modular home shall not be allowed to replace the previous modular home without the permission of the City Council.
4. There shall not be more than one modular home allowed on a single lot in the City.
5. A modular home shall not be temporarily or permanently placed on any lot containing a residential or business structure, except when in complete conformity with the zoning and other ordinances of the City of Holden.

42.685. Foundation and skirting.

All modular homes placed within the City and not within a mobile home park must be placed on a permanent foundation. The modular home must be skirted, or the foundation covered as in traditional housing construction.

Subchapter K- Administration (ORD #14-23)

42.700. (ORD #14-23) Initiation and procedures for change in zoning classification or amendment to regulations.

1. The City Council may recommend to the Planning and Zoning Commission amendments to the text of these regulations, or the Planning and Zoning Commission may on its own motion initiate amendments.

2. A proposed change in a zoning district classification may be initiated by a letter of request by one or more owners of a property within the area proposed to be changed. Such a letter shall be addressed to the Planning and Zoning Commission and shall be filed with the secretary of the Planning and Zoning Commission not less than forty-eight (48) hours prior to the regular monthly meeting.
3. The applicant for the change shall file an application for change in zoning classification on forms provided by the Planning and Zoning Commission.
4. The applicant must send a certified letter to all property owners whose property is located within 185 feet of the property on which zoning is to be changed, stating the date, time, and place of the public meeting and the general purpose of such meeting. If there is more than one property owner on a single property, the letter needs only to be sent to one of the owners. The names and addresses of the property owners should be obtained through the Johnson County Assessor's and Recorder's Office, and such names and addresses shall be presumed valid. The letter referenced herein must be mailed no later than ten days prior to the Planning & Zoning Meeting. The letter shall request owners who cannot attend the public hearing reply with concurrence or non-concurrence to the City Clerk before the date of the Planning and Zoning public meeting. A list of all persons who were mailed a certified letter including the addresses to which the letters were mailed must be provided to the Planning and Zoning Commission and the City Council. A return receipt or proof of certified mail corresponding to each letter mailed must also be provided to the City Council. A form letter containing all essential requirements will be available from the City Clerk.
5. The Commission shall schedule all changes in zoning classification or regulation amendment for a public hearing before the commission not less than thirty (30) days and not more than ninety (90) days from the date of filing. The commission shall publish a notice of the time and place of the public hearing on the proposed change in zoning district classification, which notice shall be published at least once not less than fifteen (15) days preceding the date of such hearing, in an official paper or a paper of general circulation in Holden; said notice shall contain a description of the property and change proposed.
6. The Planning and Zoning Commission shall conduct the public hearing on the proposed change in zoning classification or regulation.
7. Following the public hearing, the proposed change in zoning classification or regulation may be approved as presented or in modified form by a majority vote of the Planning and Zoning Commission and recommended for adoption by the City Council, with reasons for such recommendation stated in writing.
8. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning and Zoning Commission.
    a. If the City Council does not concur with the recommendation of the Planning and Zoning Commission, the City Council shall return

the recommendation to the Planning and Zoning Commission for further study and report. After resubmission of the recommendation, the City Council may, by majority vote, accept, reject, or modify the recommendation pertaining to the proposed change in zoning classification.

b. If a protest is presented to the City Council under Section 89.060 RSMo, no amendment or change to zoning classification shall be adopted except by two-thirds vote of the City Council.

9. If the Planning and Zoning Commission disapproves a proposed change in zoning classification, notice of disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the decision.

10. Following disapproval of a proposed change in zoning classification by the Planning and Zoning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the city clerk why he considers the Planning and Zoning Commission's findings and decision to be in error. Such appeal shall be filed with the city clerk within fifteen (15) days of receipt of notice of Planning and Zoning Commission action.

42.705. Short-Term Rentals and Bed & Breakfast Inns.

Definitions:

Bed and breakfast inn. A private, owner- or manager-occupied establishment offering overnight accommodation for 29 days or less to transient guests for a fee. Bed and breakfast inns shall provide a shared living space and may provide for one or more meals.

Hosted Rentals. The property owner resides on the property.

Non-Hosted Rentals. The property owner resides at a different location than the short-term rental.

Short-term rental. The rental of a dwelling unit in a residential or mixed-used structure where the owner is not residing on the premises during occupancy for 29 days or less.

1. Bed and breakfast inns and short-term rentals shall pay an annual business license fee as set by resolution of the Council from time to time.
2. For the purpose of ensuring the safety, health, and general welfare of the public, all bed and breakfast inns and short-term rentals, as those terms defined above, shall comply with the following performance standards and license requirements. A separate license is required for each individual Unit that contains a bed and breakfast inn or short-term rental.
    a. The City shall require proof from the applicant that the applicant has no delinquent real property taxes, personal property taxes, or state or local taxes, or local lodging tax (if applicable)

b. At the time of application, all applicants shall provide evidence that regular and sufficient refuse or trash collection service has been contracted for the premise for which the license is being sought.

c. An applicant seeking a business license for a bed and breakfast inn, or short-term rental shall permit the inspection of the premises covered by the license to verify compliance with the following requirements. Successful completion of an annual inspection of the premises being covered by the licenses issued under this chapter is required to renew the license annually.

   i. Local contact information for the owner or manager shall be provided in each guest room for a bed and breakfast, or each dwelling unit for a short-term rental.

   ii. A map identifying escape routes shall be posted in each guest room of a bed and breakfast in or dwelling unit of a short-term rental.

   iii. Smoke detectors shall be located on each habitable floor, inside each sleeping room, and immediately outside of each sleeping area.

   iv. Carbon monoxide detectors are required where a bed and breakfast or short-term rental has an attached garage that opens directly into the dwelling unit or contains any type of fuel-burning appliance. The detectors shall be located outside each sleeping area.

   v. Each dwelling unit shall have a minimum of one 2A:10BC fire extinguisher and otherwise meet requirements for the fire extinguisher number and placement in accordance with the city's adopted fire code.

   vi. At least one window in each sleeping room shall serve as an emergency escape and rescue opening, shall open directly to a public way and shall be in accordance with the city's adopted residential building code.

   vii. Fuel-fire appliances shall be provided with adequate combustion air for normal operation. Fuel-fire appliances shall be prohibited in sleeping rooms, bathrooms, toilet rooms, and storage closets or in areas that open into the same and shall operate in accordance with the manufacturer's installation instructions and the city's adopted mechanical and fuel gas code.

   viii. Compliance with the city's adopted building code, fire code, and other development codes is required for the general maintenance of all structural, mechanical, electric, and plumbing systems.

   ix. Compliance with the Code of City Ordinances including the requirements for Property Maintenance, Garbage and Trash, Nuisances, and Zoning.

d. Inspections for renewal applications of existing licensed locations shall be required to submit a request for inspection by the anniversary date of the initial application and be approved for renewal approval. The license fee shall include the first inspection, and one (1) follow up inspection, if necessary, if completed within 60 days of the anniversary of the initial application date for the upcoming license year for renewals, and the first inspection and one (1) follow up inspection if necessary for new license applications. Additional inspections required for license issuance beyond the initial inspection and one (1) follow up inspection will incur an additional inspection fee to be set from time to time by the resolution of the city. The property may be subjected to random surprise inspections. If the property does NOT pass the inspection, then a re-inspection will occur, and additional re-inspection fees may be incurred.

3. Any bed and breakfast or short-term rental operating as of October 17, 2024 shall obtain a license hereunder on or before December 1, 2024. Any bed and breakfast inn or short-term rental commencing operations after October 17, 2024 shall obtain a license hereunder before commencing operations. A copy of this license MUST be posted in a conspicuous place within the short-term rental unit.

    a. A copy of the city's rules MUST be posted in a conspicuous location in each unit. A copy of these rules will be issued to the property owner upon the issuance of the license.

    b. If the short-term rental is a non-hosted rental, the property owner MUST provide local contact names and phone numbers of any owner, agent, or representative of the property owner to the City of Holden and to the guests of the property in case of emergency.

42.710. (ORD #14-23) Resubmission of application.

No application for change of zoning for a given property may be resubmitted if denied, within twelve (12) months from date of action by the Planning and Zoning Commission, unless the Commission finds that a substantial reason exists for waiving this limitation.

42.720. (ORD #14-23) Fee.

Applications shall be accompanied by a filing fee to assist in defraying general expenses in connection with the application for a change in zoning. This fee shall be set from time to time by a resolution of the City Council.

42.730. (ORD #14-23) Planning and Zoning Commission Established.

1. A Commission to be known as "City Planning and Zoning Commission" is hereby created which shall consist of nine (9) members, including the Mayor, one Council Member selected by the City Council, and six (6) citizen members appointed by the Mayor and approved by the City Council.
2. The term of each citizen member of the City Planning and Zoning Commission shall be four (4) years, except that the terms of the citizen members first (1st) appointed shall be for varying periods so

that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The terms of the Mayor and Council Member shall be annual and determined each year in April.

3. The City Planning and Zoning Commission shall elect its Chairman and Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year with eligibility for reelection. The Commission shall hold regular meetings and special meetings as are provided by rule and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records.

42.740. (ORD #14-23) Board of Adjustment.

1. A Zoning Board of Adjustment is hereby established.
2. The Board of Adjustment shall consist of five (5) members, all of whom shall be residents appointed by the Mayor and approved by the City Council.
3. The term of office of the members of the Board of Adjustment shall be for five (5) years except that the membership of the first (1st) Board appointed shall serve respectively for terms of one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. Thereafter, members shall be appointed for terms of five (5) years each. Vacancies shall be filled for the unexpired term only.
4. The Board of Adjustment shall elect its own Chairman and Vice Chairman.
5. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for the purpose.

42.750. (ORD #14-23) Appeals to the Board of Adjustment.

1. Appeals to the Board of Adjustment on any matter over which the Board is herein specifically granted jurisdiction may be taken by any person aggrieved or affected by any decision of the City under this Chapter. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board of Adjustment by general rule, by filing with the City Clerk a notice of appeal specifying the grounds thereof. The City shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

2. An appeal stays all proceedings in furtherance of the action appealed from. The Board shall fix a reasonable time for the hearing of the appeal, give not less than fifteen (15) days' notice thereof in a newspaper of general circulation, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
3. A fee as set by the City Council from time to time shall be paid to the City Clerk at the time the notice of appeal is filed.

42.760. (ORD #14-23) Powers of the Board of Adjustment.

1. The Board of Adjustment shall have the following powers:
    a. Powers relative to errors. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter.
    b. Powers relating to variances. To authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured and substantial justice done. The applicant must show that his/her property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the district zoning regulations, or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the use of this property in the manner similar to that of other property in the zoning district where it is located.
    c. A request for a variance may be granted upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
        i. The variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.
        ii. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners.
        iii. The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

iv. The variance desired will not adversely affect the public health, safety, morals, order, convenience prosperity or general welfare.

v. The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

2. In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of these regulations.

3. Powers relative to exceptions. Upon appeal, the Board is hereby empowered to permit the following exceptions:

   a. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.

   b. To interpret the provisions of this Chapter where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which is on file in the City offices and made a part of this Chapter.

   c. To vary the parking regulations of this Chapter whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

4. Conditions of determination. In exercising the abovementioned powers, such Board may, in conformity with the provisions of this Chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals to this Chapter, the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the District Map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets, or increase the danger of or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City of Holden. Every change granted or denied by the Board shall be accompanied by a written finding of fact specifying the reason for granting or denying the variation.

5. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the City, or to decide in favor of the application on any matter upon which it is required to pass under this Chapter, or to effect any variation in this Chapter.

42.770. (ORD #14-23) Appeal.

Any person aggrieved by the decision of the Board of Adjustment may appeal such decision within thirty days of the adoption of the decision by the Board by filing a petition for review in the Circuit Court of Johnson County.

Subchapter L-Enforcement

42.800. Enforcement officer.

The provisions of this ordinance shall be administered by an enforcement officer approved by the City Council.

42.810. Penalty for violations.

Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than Five Hundred Dollars ($500.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinbefore provided.

Subchapter M-Adult Entertainment District (ORD #11-01)

42.830. Scope of Provisions.

This subchapter contains the regulations of the "AE" Adult Entertainment areas. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this section by reference.

42.840. Purpose and Intent.

In development and execution of this subchapter, it is recognized that there are some uses of property which, because of their very nature, and are recognized as having serious objectionable operational characteristics; are inconsistent with certain other property uses; are recognized as a special concern from a law enforcement and a public health and safety standpoint; thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulations of these uses are necessary to insure that these secondary effects will not contribute to the blighting or downgrading of the surrounding neighborhoods; will promote a more compatible use of all properties regulated; and will further the City's ability to provide proper

law enforcement and address public health and safety concerns. These special regulations are itemized in this section. The primary control or regulation is for the purpose of planning zoning area boundaries, law enforcement and public safety concerns, and to promote property usage in such a manner that all property owners benefit. Uses subject to these controls are as follows:

Adults-only bookstores
Adults-only motion picture theaters
Adult cabarets
Adult entertainment arcades
Adult entertainment centers
Massage parlors

42.850. Definitions.

Whenever used in this section, the following words or phrases shall have the meanings ascribed to them:

Adults-only bookstore. an establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale, or viewing on premises by use of picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal interests on matters depicting, describing or relating to lewdity, sexual conduct, sexual excitement or sadomasochistic abuse, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.

Adults-only motion picture theater. an enclosed building used regularly and routinely for presenting programs, films, or material distinguished or characterized by an emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement, or sadomasochistic abuse for observation by patrons therein.

Adult cabaret. an adult entertainment facility, or that part of an adult entertainment facility, which regularly features or otherwise offers to the public, customers, or members, in a viewing area which is designed for occupancy by more than five persons, any live exhibition, performance or dance by a person or persons whose exhibition, performance or dance is characterized by nudity, or by specified sexual activities.

Adult entertainment arcade. an adult entertainment facility, or that part of an adult entertainment facility, which regularly features or otherwise offers to the public, customers, or members, in a viewing area or viewing areas which is/are designed for occupancy by no more than five persons, any live exhibition, performance or dance of any type by a person or persons whose exhibition, performance or dance is characterized by nudity, or by specified sexual activities.

Adult entertainment center. any building, structure or facility which contains or is used for commercial entertainment, adults only bookstores, adults-only theaters, massage parlors, theaters used for presenting live presentations, or for presenting videotapes or films predominantly

distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities, adult cabaret facilities, and adult entertainment arcades (regardless of whether the theater, facility or arcade provides a live presentation, videotape, or film presentation), where the customers either (1) engage in personal contact with, or allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or (2) observe any live presentation, videotape or film presentation of persons wholly or partially nude with their genitals or pubic region exposed or covered only with transparent covering or, in the case of female persons, with the areola and nipple of the breast exposed or covered only with transparent covering, or observe specified sexual activities.

(ORD #14-01) Massage parlor. an establishment or place primarily in the business of providing massage services. However, a massage parlor shall not include any business wherein the person performing the massage service is licensed by the Missouri Board of Therapeutic Massage or is exempt from such licensure pursuant to the provisions of Chapter 324.240 to 324.275 RSMo or the regulations promulgated by the Missouri Board of Therapeutic Massage. Nudity: the showing of the male or female genitals, pubic area, or the female breast below the top of the areola, with less than a full opaque covering, or the depiction of covered male genitals in a discernibly turgid state.

Sadomasochistic abuse. flagellation or torture by or upon a person in the condition of being fettered, bound, or otherwise physically restrained. Sexual conduct: acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, or breasts. Sexual excitement: the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Specified sexual activities. sexual conduct, being actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification, as such terms are defined in the pornography and related offenses chapter of the Missouri Criminal Code.

42.860. Location restrictions.

1. No adults-only bookstore, adults-only motion picture theater, adult cabaret, adult entertainment arcade, adult entertainment center, or massage parlor, shall be operated or maintained except within the AE zoning district.
2. No adult-only bookstore, adults-only motion picture theater, adult cabaret, adult entertainment arcade, adult entertainment center, or massage parlor, shall be operated or maintained within 1000 feet of a residentially zoned district, or within 500 feet of a church, state

licensed daycare facility, public library, public park, or public school.

3. No owner, manager, or operator of any of the sexually oriented businesses as defined in Section 42.850 shall establish or allow the establishment or operation of any such business in an area zoned other than AE.
4. The distance limitations in Subsection (b) above shall be measured in a straight line from the main public entrance of the business premises or from the lot lines of property of a residentially zoned district.

42.870. Sign requirements.

All uses regulated hereunder shall comply with the following sign requirements:

1. All signs shall be flat wall signs.
2. The amount of allowable sign area shall be one square foot of sign area per foot of lot frontage on a street.
3. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the street or sidewalk.

42.880. Invalidity.

If any clause, section, or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby but shall remain in full force and effect.

42.890. Lot Area, Setback and Yard Requirements.

The minimum lot area requirements for land uses and developments in the AE District shall be as set out below:

1. Minimum Lot Area Requirements. Every lot or tract of land shall have an area sufficient to meet the setback requirements of this section.
2. Setback from Lot Boundary Lines. No structure is allowed within thirty feet of a front, side, or rear lot boundary line.

42.900. Height Restrictions.

No structure shall consist of more than 2 stories or at a height greater than 34 feet.

42.910. Off-Street Parking and Loading.

1. There shall be one off-street parking space for every three customer seats located in the structure, or one off-street parking space for each employee and one space for each 500 square feet of floor area, whichever is greater.
2. Each structure shall provide off-street loading and unloading facilities so that while materials are being loaded and unloaded, no part of a street or alley is obstructed.

42.920. Permitted Uses.

1. All uses, except residential, permitted in the zoning district described in this subchapter.
2. All other uses not otherwise prohibited by law.