

ORDINANCE No. 08-05.2

AN ORDINANCE IMPOSING LAND USE RESTRICTIONS
WITHIN THE CITY'S NORTH INDUSTRIAL PARK.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCELINE, MISSOURI
as follows:

1. Property Use: The property in said North Industrial Park shall be used only for commercial, warehouse, heavy manufacturing and industrial purposes, which terms shall include office buildings and office space.
2. Land to Building Ratio: To ensure attractiveness of said North Industrial Park for office and industrial uses and for the purpose of providing adequate off street parking and shipping areas, any building on any of said lots may cover only a maximum of seventy-five percent (75%) of said lot while maintaining at least 15 percent (15%) open space for landscaping.
4. Setbacks: All buildings are to be set back at least fifty (50) feet from any property line bordering dedicated roads, twenty (20) feet from side yard property lines, ten (10) feet from rear property lines, and thirty-five (35) feet from the front property line.
5. Building Exterior: To maintain a standard of quality the exterior walls of each building are to be finished with painted or enameled steel siding, approved tilt-up concrete or equivalent materials such as plastered concrete block or brick or other types of attractive masonry. Exposed concrete is to receive appropriate architectural treatment, be properly maintained, and is to be painted on as often as required to maintain outward appearance.
6. Landscaping: All open areas of any site, lot, tract, or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives or storage, shall be landscaped with trees, shrubs, or planted ground cover. Such landscaping shall conform with the planting plan approved at such time as the plan is approved by the City Planning Commission. It shall be the Owner's responsibility to ensure that this landscaping is maintained in an attractive and well-kept condition All adjacent vacant lots, tracts or parcels under the same ownership shall also be properly maintained. No trash shall be allowed to accumulate on any property.
7. Parking - General requirements: Parking and loading spaces shall be provided on the premises of every land parcel having a principal structure built thereon. Each parking lot shall contain a minimum area of not less than three hundred (300) square feet including access drives, a width of not less than nine (9) feet, and a depth of not less than fifteen (15) feet. The minimum number of required off-street parking spaces shall be one (1) parking space for each employee on the major shift or one (1) parking space for each one thousand (1,000) square feet of floor area, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept

on the premises.

8. Off-Street Loading Area Design and Maintenance: The following general requirements shall be observed:

A. Location: All required loading or unloading into or out of trucks in excess of 3/4 ton capacity shall be conducted at facilities specifically designed or designated for that purpose. Any loading areas consisting of more than one loading dock shall be separate from any off-street parking.

B. Access: Each required off-street loading dock shall be so designed as to avoid undue interference with other vehicular access or use of public streets, alleys, or other public transport systems.

C. Surfacing: All off-street loading facilities, including loading docks and maneuvering areas, shall be surfaced with a hard, all-weather, dust-free, durable surfacing material and shall be well-drained and landscaped and shall be maintained in a sightly and well-kept condition.

D. Design: All loading areas shall consist of a maneuvering area in addition to the dock and shall not use any of that portion of the site containing parking stalls. Maneuvering areas shall be of such size as to permit the backing of truck tractors and coupled trailers into a dock, without blocking the use of other docks, the drive or maneuvering areas.

E. Space for loading and unloading of goods, supplies, and services shall be provided in addition to required off-street parking spaces and shall be sufficient to meet the following requirements:

i. Light and Heavy Commercial: One (1) space for the first 10,000 square feet of gross floor area and one (1) space for each additional 50,000 square feet of gross floor space;

ii. Office Building and Professional Offices: One (1) space for buildings between 30,000 and 100,000 square feet of gross floor space.

iii. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is mentioned and to which said use is similar, as determined by the City Planning Commission, shall apply.

F. Lighting: Any lighting used to illuminate any off-street parking area, including any commercial parking, shall be arranged as to reflect the light away from adjoining businesses, premises or public trafficways.

9. Objectionable Uses: No open storage is permitted unless screened from view. Such screens may be in the form of walls or fences and shall be at least six (6) feet in height and shall be at least fifty percent (50%) opaque as viewed from any point along the public street right of way. No use is allowed which is objectionable by reason of noise, vibration or smoke because the same is of a hazardous nature to operation of offices and industry on said tract of land.

10. Uniform Sign Standards: To minimize any detractive affects upon building appearance and landscaping which may result from the erection of signs within said tract of land, the following standards are hereby established: signs shall only be located on building exterior walls, standing out from the walls' surface, lettering may not be larger than four (4) feet high except that logos and other business trademarks may be of the size not to exceed eight feet by eight feet (8'x8'). Flashing signs shall not be permitted but scrolling informational text signs shall be permitted. Signs may be illuminated by back or up lighting. This paragraph shall not apply to signs erected by the City of Marceline relating to the entire tract of land or advertising the businesses conducted on the said tract.

11. Plan Approval: In order to achieve an overall compatibility and continuity of architectural design, lot layout, and landscaping, signs and subsequent alterations are subject to prior approval by a majority of the members of the City Planning Commission. Approval of City Planning Commission shall not be required for any building already located within the North Industrial Park except for subsequent alterations.

12. Utilities: All electrical wires for lighting or other uses shall be at a height of no less than twenty (20) feet above any and all roadways or parking areas or shall otherwise be placed underground.

13. Waiver of Restrictions: Invalidation of any of the foregoing protective or restrictive covenants shall not affect the validity of any other said covenants, but the same shall remain in full force and effect.

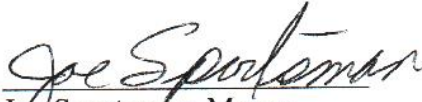
14. Covenants and Restrictions Run With the Land: The above restrictions shall be deemed covenants running with the land and shall inure to the benefit of and be enforceable against Owners of specific tracts within the North Industrial Park as well as its successors in title or assigns.

15. Enforcement of Covenants and Restrictions: If any owner or owners of any interest in property within said North Industrial Park or any of their grantees, lessees, agents, employees, licensees or their heirs, successors or assigns shall violate or attempt to violate or permit to be violated, any of the covenants or restrictions contained herein, the said City of Marceline, its successors in title, or assigns shall have the right to prosecute any proceedings in any court of competent jurisdiction, at law or equity, against any such person or persons violating or attempting to violate or permitting to be violated, any such restriction or covenant, to prevent and permanently enjoin such violation and to recover damages for such violation. The foregoing enforcement remedy shall be in addition to, and not in limitation of, any legal or equitable remedies available to the said City of Marceline, its successors in title or assigns under Missouri law. It is expressly understood and agreed that all costs, including reasonable attorney fees, incurred by the City of Marceline in any legal proceeding to enforce the provision of this ordinance shall be borne by the defendant in such proceeding.

16. Failure to Enforce Not a Waiver of Right: Failure of the City of Marceline to enforce any restriction, covenant, condition, or agreement herein contained shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to any breach occurring

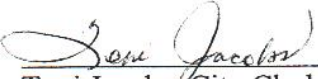
subsequent thereto.

Enacted this 20 day of May, 2008.



Joe Sportsman, Mayor

ATTEST:



Toni Jacobs, City Clerk