

**CITY OF FARMINGTON**

**BILL 05012024**

**ORDINANCE 11-2I 188**

**AN ORDINANCE OF THE CITY OF FARMINGTON, MISSOURI APPROVING AN AMENDMENT TO THE MUNICIPAL CODE OF THE CITY OF FARMINGTON, TITLE IV: LAND USE, CHAPTER 405: ZONING REGULATIONS, SECTIONS 405.040 DEFINITIONS, 405.230 ACCESSORY BUILDINGS OR STRUCTURES, PERTAINING TO WHERE CERTAIN ACCESSORY STRUCTURES MAY BE LOCATED.**

**WHEREAS**, Planning and Zoning Commission have affirmatively recommended said amendment; and,

**WHEREAS**, a public hearing on said amendment was held by the City Council on January 11 2024 wherein all interested parties were afforded the opportunity to voice their opinion of said amendments; now therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMINGTON, MISSOURI, AS FOLLOWS:**

**SECTION 1.** Section 405.040 “Definitions” of the Code of Farmington, Missouri is amended to add the following definitions:

**Canopy, Free-standing.** A multisided overhead structure or architectural projection supported by columns, but not enclosed by walls, which may afford protection of shelter from the elements.

**Canopy, Attached.** A multisided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such a building or supported by columns at additional points.

**Kiosk.** A structure two hundred (200) square feet or smaller in area and affixed to a permanent foundation. A Kiosk is secondary to a main use found on the site but not necessarily related to the main use. Therefore, a kiosk does not require a separate lot. A Kiosk may be used for the purpose of giving information, retailing goods, or providing services.

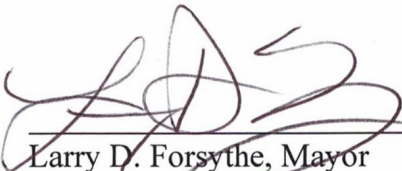
**SECTION 2.** Chapter 405.230 Subsection (B) is amended by adding the following: **Exceptions.** Notwithstanding sight obstruction considerations at approved entrance/exits from public ROW, private streets, and within an approved parking lot, (as determined by the City Engineer), the following are exceptions to the “rear yard” requirement for accessory structures:

1. A free-standing canopy constructed for the purpose of providing shelter from the elements for a “drive-through” lane at a bank, restaurant, or other similar use, an Automatic Teller Machine (ATM), so long it is part of an approved site plan and is not nearer than five (5) feet to any lot line, or the width of a recorded or unrecorded utility easement, whichever is greater.
2. A free-standing canopy used at “drive-in” restaurant shall be allowed in any yard, so long it is part of an approved site plan, upon approval of the Zoning Official It shall not nearer than five (5) feet to any lot line, or the width of a recorded or unrecorded utility easement, whichever is greater.
3. A kiosk, as part of an approved site plan and upon approval of the Zoning Official may be allowed in any yard. It may not be nearer than five (5) feet to any lot line, or the width of a recorded or unrecorded utility easement, whichever is greater.

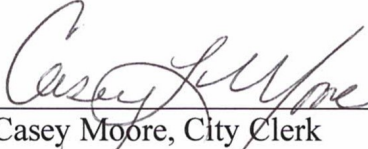
**SECTION 3.** The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (a) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones; and (b) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**SECTION 4.** This Ordinance shall be in full force and effect from and after the date of its passage.

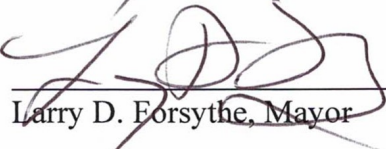
**DULY READ AND PASSED THIS 8TH DAY OF FEBRUARY, 2024.**

  
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Larry D. Forsythe, Mayor

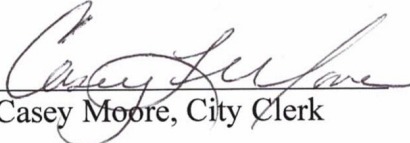
ATTEST:

  
\_\_\_\_\_  
Casey Moore, City Clerk


Approved this 8<sup>th</sup> day of February, 2024

  
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Larry D. Forsythe, Mayor

ATTEST:

  
Casey Moore, City Clerk

APPROVED AS TO FORM:

  
R. Scott Reid, City Counselor

